



## **Wendell Town Board of Commissioners**

### **Board Room**

**15 E. Fourth Street, Wendell, NC 27591**

### **Town Board Meeting Agenda**

**Monday, August 24, 2020 @ 7:00 PM**

### **SPECIAL NOTICE**

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Board of Commissioners while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and watch the business meeting on Facebook Live, or after it is posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall will be allowed.

Public Comment period for the August 24, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their written public comment to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, August 21<sup>st</sup> at 5 p.m.

### **CALL TO ORDER**

- Welcome – Mayor Virginia Gray
- Pledge of Allegiance – Police Chief Bill Carter
- Invocation – New Hope Missionary Baptist Church, Reverend Sarah Smith

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

### **2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the August 24, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) by Friday, August 21<sup>st</sup> at 5 p.m.



or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, August 21<sup>st</sup> at 5 p.m. The Clerk will provide the call-in phone number and provide three (3) minutes to speak on any non-public hearing item or topic.
- Questions or comments regarding specific agenda items may be directed to the contact person provided for the individual items on the agenda below for additional information before or after the meeting.

### **3. CONSENT AGENDA**

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

#### **3a. Resolution for the 2021 Town Board of Commissioners Meeting Schedule**

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)

#### **3b. Resolution for the 2021 Holiday Schedule**

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)

#### **3c. Adoption of the July 27, 2020 Town Board of Commissioners Meeting Minutes**

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)

#### **3d. Approval of the 2021 General Bus Operations Agreement between the Town of Wendell and GoTriangle**

Staff Contact: Planning Director Niki Jones  
[njones@townofwendell.com](mailto:njones@townofwendell.com)

#### **3e. Approval of the Agreement between the Town of Wendell and Gensler for Architectural and Engineering Services for the Town Hall Project.**

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)



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

- 4a. Presentation of new Planning Director Niki Jones

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

- 4b. Presentation of new Human Resources Administrator Debbie Cannady

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

- 4c. Recognition of the Certificate of Achievement from the Government Finance Officers Association (GFOA) for the Fiscal Year 2020 Comprehensive Annual Financial Report (CAFR)

Staff Contact: Finance Director Butch Kay and  
Senior Accountant Garrett Johnson  
[bkay@townofwendell.com](mailto:bkay@townofwendell.com) or [gjohnson@townofwendell.com](mailto:gjohnson@townofwendell.com)

- 4d. Presentation of the FY2022 to FY2023 Strategic Plan Process

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

#### **5. PUBLIC HEARINGS**

There are no public hearings scheduled for this meeting.

#### **6. ADMINISTRATIVE ITEMS**

- 6a. Motion for a non-contiguous annexation for a portion of a parcel totaling 10.272 acres located at 0 Eagle Rock Road as a part of PIN# 1774-55-1916

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

- 6b. Motion on a Zoning Map Amendment request to rezone 10.272 acres located within the parcel addressed as 0 Eagle Rock Road (off of Old Tarboro Road).

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)



- 6c. Consideration of a Neighborhood Speed Reduction Request for E. Haywood Street and Lake Drive


Staff Contact: Planning Director Niki Jones  
[njones@townofwendell.com](mailto:njones@townofwendell.com)

- 6d. Request to Amend Award of the Downtown Façade Grant for 5 N. Main Street.

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

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

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

 Capital Area Metropolitan Planning Organization (CAMPO) – Mayor Virginia Gray

 Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette

 Eastern Wake Senior Center – Commissioner Joe DeLoach

**8. COMMISSIONERS' REPORTS / COMMENTS**

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

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**



**Date:** August 24, 2020

**Item #3a**

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**Item Title:**

Resolution for the 2021 Town Board of Commissioners Meeting Schedule

**Board of Commissioners Meetings:**

August 24, 2020

**Specific Action Requested:**

Approve the 2021 Town Board of Commissioners Meeting Schedule

**Item Summary:**

Each year, the Wendell Town Board of Commissioners approves a Town Board Meeting Schedule for the coming year. Staff requests approving the attached Town Board of Commissioners Meeting Schedule for the year 2021.

**Attachments:**

A. Resolution for the 2021 Town Board of Commissioners Meeting Schedule



**TOWN OF WENDELL****NORTH CAROLINA**

**RESOLUTION – 2021 BOARD OF COMMISSIONERS MEETING SCHEDULE  
R-20-2020**

**WHEREAS**, the Wendell Board of Commissioners meetings are held the second and fourth Monday of the month at 7:00 PM in the Board Room of the Town hall, unless otherwise noted; and

**WHEREAS**, each meeting of the Wendell Board of Commissioners is open to the public, unless otherwise provided by NC GS 143-318.11; and

**WHEREAS**, the Wendell Board of Commissioners may amend the yearly meeting schedule in accordance with NC GS 143-318.12; and

**WHEREAS**, this resolution has been amended to include the Wendell Board of Commissioners Organizational and Budget Retreat dates:

**TOWN OF WENDELL  
2021 BOARD OF COMMISSIONERS MEETING CALENDAR**

<b>January 11, 2021 &amp; January 25, 2021</b>
<b>February 8, 2021 &amp; February 22, 2021</b>
<b>Saturday, February 27, 2021 – Budget Retreat</b>
<b>March 8, 2021 &amp; March 22, 2021</b>
<b>April 12, 2021 &amp; April 26, 2021</b>
<b>May 10, 2021 &amp; May 24, 2021</b>
<b>June 14, 2021 &amp; June 28, 2021</b>
<b>July 12, 2021 &amp; July 26, 2021</b>
<b>August 9, 2021 &amp; August 23, 2021</b>
<b>September 13, 2021 &amp; September 27, 2021</b>
<b>October 11, 2021 &amp; October 25, 2021</b>
<b>November 8, 2021 &amp; November 22, 2021</b>
<b>December 13, 2021 – One meeting in December</b>

**NOW THEREFORE BE IT RESOLVED** that the Board of Commissioners of the Town of Wendell adopts the 2020 Board of Commissioners meeting calendar as presented.

Duly adopted this 24 day of August 2020 while in regular session.

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

ATTEST:

\_\_\_\_\_  
Megan Howard; Town Clerk



**Date:** August 24, 2020

**Item #3b**

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**Item Title:**

Resolution for the 2021 Holiday Schedule

**Board of Commissioners Meetings:**

August 24, 2020

**Specific Action Requested:**

Approve the 2021 Holiday Schedule

**Item Summary:**

As set forth in *Article VII Holidays and Leaves of Absence* of the *Town of Wendell Personnel Policy*, the Board of Commissioners approves a Holiday Schedule for the coming year. Staff requests approving the attached Holiday Schedule for the year 2021 consistent with *Article VII, Section 2. Holidays*.

**Attachments:**

A. Resolution for the 2021 Holiday Schedule



**TOWN OF WENDELL****NORTH CAROLINA**

**RESOLUTION – 2021 HOLIDAY SCHEDULE  
R-21-2020**

**WHEREAS**, Article VII of the Town of Wendell Personnel Policy permits the Board of Commissioners to designate holidays with full pay for the employees of the Town; and

**WHEREAS**, the following 2021 Holiday Schedule is proposed for the Town of Wendell employees:

2021 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	1-Jan-21	Friday
Martin Luther King Jr. 's Birthday	18-Jan-21	Monday
Good Friday	2-Apr-21	Friday
Memorial Day	31-May-21	Monday
Independence Day	5-Jul-21	Monday
Labor Day	6-Sep-21	Monday
Veterans Day	11-Nov-21	Thursday
Thanksgiving	November 25 & 26, 2021	Thursday & Friday
Christmas	December 23, 24, & 27, 2021	Thursday, Friday & Monday

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of Commissioners of the Town of Wendell hereby adopts the 2021 Holiday Schedule as presented.

Duly adopted this 24<sup>th</sup> day of August 2020, while in regular session.

ATTEST:

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

\_\_\_\_\_  
Megan Howard; Town Clerk



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 27, 2020**

The Wendell Town Board of Commissioners held their virtual, regularly-scheduled meeting on Monday, July 27, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem John Boyette (virtually); Commissioners: Jason Joyner, Joe DeLoach, Jon Lutz, and Philip Tarnaski

**ABSENT:**

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Assistant Planning Director Bryan Coates, Assistant to the Manager Stephanie Smith and Police Chief Bill Carter.

**SPECIAL NOTICE**

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Board of Commissioners while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and watch the business meeting on Facebook Live, or after it is posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall will be allowed.

Public Comment period for the July 27, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their written public comment to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, July 24<sup>th</sup> at 5 p.m.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Asa Bell of Pleasant Grove Baptist Church provided the invocation. Pastor Bell also announced the following Pleasant Grove Baptist Church Announcements:

Beginning Wednesday, August 5, 2020 Pleasant Grove will begin COVID-19 drive-through testing in Wendell at the church. The exact hours will be known by Friday on the church's website, [www.pleasantgrovewendell.org](http://www.pleasantgrovewendell.org)

Pleasant Grove also holds virtual worship services on the same website at 10 a.m. on Sundays.



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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Each first and third Tuesday of the month, Pleasant Grove Baptist Church partners with the Food Bank of North Carolina to provide boxes of food and produce to families in the Wendell/East Wake Area. In June, they helped 100 families and over 200 individuals.

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

Commissioner Boyette asked to adjust the Agenda, with the adjustment that item 3f be removed from the Consent Agenda and added as Item 6e in Administrative Items.

### **ACTION**

**Mover:** Commissioner Jon Lutz made a motion to approve the agenda, with the adjustment that item 3f be removed from the Consent Agenda and added as Item 6e in Administrative Items.

**Ayes:** Commissioners Jason Joyner, Joe DeLoach, Jon Lutz, Philip Tarnaski, John Boyette

**Nays:** None.

**Vote:** 5-0

## **2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the July 27, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) by Friday, July 24<sup>th</sup> at 5 p.m.

or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, July 24<sup>th</sup> at 5 p.m. The Clerk will provide the call-in phone number and provide three (3) minutes to speak on any non-public hearing item or topic.
- Questions or comments regarding specific agenda items may be directed to the contact person provided for the individual items on the agenda below for additional information before or after the meeting.

The following call-in public comment was provided to the Board of Commissioners through the Uber Conference line:

Judy Arnold, 1429 S. Hollybrook Road, expressed her opposition to item 6d revised R4 Conditional District for 99.9872 acres (PIN#1783-83-7560, PIN#1783-92-1299, PIN#1783-94-6022, PIN#1793-02-0954, and PIN#1793-03-4587) located at 1201 S Hollybrook Road, 1320 S. Hollybrook Rd., 0 S Hollybrook Rd and 1425 S Hollybrook Rd.



**TOWN OF WENDELL  
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David Arnold, 1429 S. Hollybrook Road, expressed his opposition to item 6b, contiguous annexation petition A-19-08 for 7.45 acres located at 1425 S. Hollybrook Road and identified by PIN number 1793-03-4587 and item 6d revised R4 Conditional District for 99.9872 acres (PIN#1783-83-7560, PIN#1783-92-1299, PIN#1783-94-6022, PIN#1793-02-0954, and PIN#1793-03-4587) located at 1201 S Hollybrook Road, 1320 S. Hollybrook Rd., 0 S Hollybrook Rd and 1425 S Hollybrook Rd.

The following written public comment was provided to the clerk and read into the record:

**1. Jeanne Poole, 3501 Wendell Blvd., Wendell, NC, 27591**

Megan, I watched the town board meeting on Tuesday July 14 and was glad that another citizen of Wendell had addressed the change in services regarding collection of yard waste for the town. I have addressed this issue verbally with the town department as well as with one of the commissioners without much information about who changed the pickup policy and what could be done to alter it in such a way that citizens and town resources could be mutually satisfied.

I live at 3501 Wendell Blvd. and my lot is large with big old trees. One of the trees is a designated NC Champion Tree. When I moved to this location 8 years ago the town was very protective of this particular tree. Big old trees have lots of limbs and it is routine for me to have fallen limbs that have fallen due to wind, rain, etc. I keep my lot well manicured (myself) as I want it to reflect positively for our town. It's location is a very visual one. The trash cans can serve grass cuttings, weeds, Clippings etc. well and I have no problem with this; but a 10 ft limb would take much sawing and lifting of heavy weight to accomplish this.

The locations listed for citizens to haul their own yard waste are in Raleigh. Holly Springs and Apex and one would need to pay this site to dump the yard waste. I tend to think that the property taxes I am paying to live in this community should be covering such necessary services. The town has finally got the equipment needed to perform this service after several years where broken or absent equipment necessitated my hauling truck loads of leaves off myself.

I hope that this issue can be revisited and a more reasonable limb pick up recommendation can be made. Since I have been told that it takes a crew all week to collect this yard waste it should be evident that it is a service that is needed. Possibly limb pick up every other week would be a reasonable compromise and use of the trash cans would specialize this yard waste to large yard waste that would not fit into the cans.

Thank you for placing this support of revisiting this issue in the proper file. It was suggested at the end of the board meeting that comments from citizens were welcomed and would be viewed.



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**2. Les Pippin, 630 Whitley Way, Wendell, NC, 27591**

My name is Les Pippin and I live at 630 Whitley Way in Wendell. I am concerned about the changes in the Town of Wendell's changes in yard waste collection. My lot is almost an acre in size and it will be difficult to manage my yard waste with the new container that is provided. When I trim bushes or complete yard clean up it will take several weeks of using my weekly container to remove all of my yard waste.

I have always thought Wendell has done a great job managing the town's residential services. I am afraid myself and other residences will have a difficult time temporary storing and managing their extra yard waste until the container is emptied each week. I have already noticed that there are piles of yard debris stored on the curb around my neighborhood. This may cause yard debris left on the curbs for a long time period if the town is only going to offer curb collection twice a year plus two extra services per residence.

Thank you for your time and I will begin paying attention to the Town Board of Commissioners meeting to see if other residents have similar issues and hopefully a better plan can be put in place.

Thanks,

Les Pippin

**3. Alice Hall, 4330 Wendell Blvd., Wendell, NC, 27591**

Good morning. I have a question for our town board...

Although I appreciate the thoughtfulness of our town in providing bins for our smaller pieces of yard waste, I am curious about the larger branches that frequently fall during storms. Will the town still be picking those up on a regular basis?

I believe a large part of the charm of Wendell (aside from the pleasant people) is these big old beautiful trees. It is, however, quite a job to keep the yards beneath these trees looking neat and manicured. Wendell has always been very good about picking up these larger limbs on a timely basis to keep our town appearance as it is.



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I would hate to see piles of these branches sitting alongside the streets for extended periods of time. I have a neighbor who was in the hospital and received a threatening letter regarding his lawn much like one would receive if they lived in a neighborhood with an HOA. Surely if we are this concerned about our town's appearance, then we will not become slack in removing the larger yard waste from our roadsides.

I am wondering if there is a trade off with service because of these new yard waste bins?

I cannot help but notice that my taxes have not decreased and don't believe that what I get in return for them should either.

Thank you for your help in this matter,

Alice Hall

### **3. CONSENT AGENDA**

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3a. Wake County Tax Report

3b. Minutes for the Monday, June 22, 2020 Town Board Meeting

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)

3c. Minutes for the Monday, July 13, 2020 Town Board Meeting

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)

3d. Certification of Sufficiency and setting public hearing date for non-contiguous annexation petition A-20-03 for 10.272 acres located at 0 Eagle Rock Road and identified by PIN # 1774-55-1916.

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)



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3e. Wendell Falls Holiday Parking Reprieve Approval

Staff Contact: Assistant to the Manager Stephanie Smith  
[ssmith@townofwendell.com](mailto:ssmith@townofwendell.com)

~~3f. Selection of Architectural and Engineering Firm for the Design of a New Town Hall and Direct Town Manager to Negotiate Contract.~~

~~Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)~~

3g. Ranking and Qualification of Firms to provide Engineering Services for the Construction of a New Town Hall and Authorize the Town Manager to Negotiate Contracts.

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

**ACTION**

Mover: Commissioner Lutz made a motion to approve the consent agenda as amended.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette

Nays: None.

Vote: 5-0

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

4a. FY 2020 Snap Shot Report

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

Town Manager Marc Collins said that the report offered updates from March to the end of the fiscal year. He noted the changes that the COVID-19 pandemic made over the departments' statistics. He thanked the Board for their implementation of policy and offered to answer any questions the Board might have.

No questions were asked.

**5. PUBLIC HEARINGS**

**PLEASE NOTE:** Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public



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BOARD OF COMMISSIONER MEETING MINUTES  
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hearings, but no public attendance at Town Hall will be permitted. No Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued, and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

- Public participation for public hearing items on the agenda for the July 27<sup>th</sup>, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) up to 24 hours after the public hearing is held. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, July 24<sup>th</sup> at 5pm will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action and will be included in the minutes.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, July 24<sup>th</sup> at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.
- If you have questions regarding an agenda item, please email the staff contact directly in advance of the meeting. If preferred, you may call Town Hall at (919) 365-4450 to be directed to speak with the staff contact for the agenda item(s) of interest. Communications of this type will not be included in the meeting minutes.

Mayor Gray reminded the public that the Board would take action on these public hearing items at the August 10, 2020 Town Board meeting as is consistent with the statute providing for written public comment to be submitted within 24 hours of the public hearing.

\*Note: The following Public Hearings were public noticed in *The Wake Weekly* and are provided in appendix A at the end of these minutes.

- 5a. PUBLIC HEARING:** for a non-contiguous annexation for 4 parcels totaling 151.81 acres [12.28 for PIN #1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.



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Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

**Item Summary:**

*Chris Rurkowski had originally submitted an annexation request for 3 non-contiguous parcels totaling 119.6 acres [12.28- PIN #1765-85-2510, 50.16- PIN #1765-96-2276 and 57.16- PIN #1765-85-6251] located at 4501 Rolesville Rd, 0 Davistown Road and 1401 Davistown Road, respectively. In order to satisfy the 3-mile requirement for satellite annexation, another parcel totaling 32.21 acres [PIN #1775-04-2139] located at 6021 Yancey Drive has been added to the annexation request. All these parcels are located in Wake County and are currently in the Residential-40 (R-40) Zoning District.*

**Zoning District:**

*The properties are located within the Wake County R-40 zoning district. 129.59 acres are contained within a R4 Conditional District request. The remaining acreage has been requested to be rezoned Residential Agricultural (RA).*

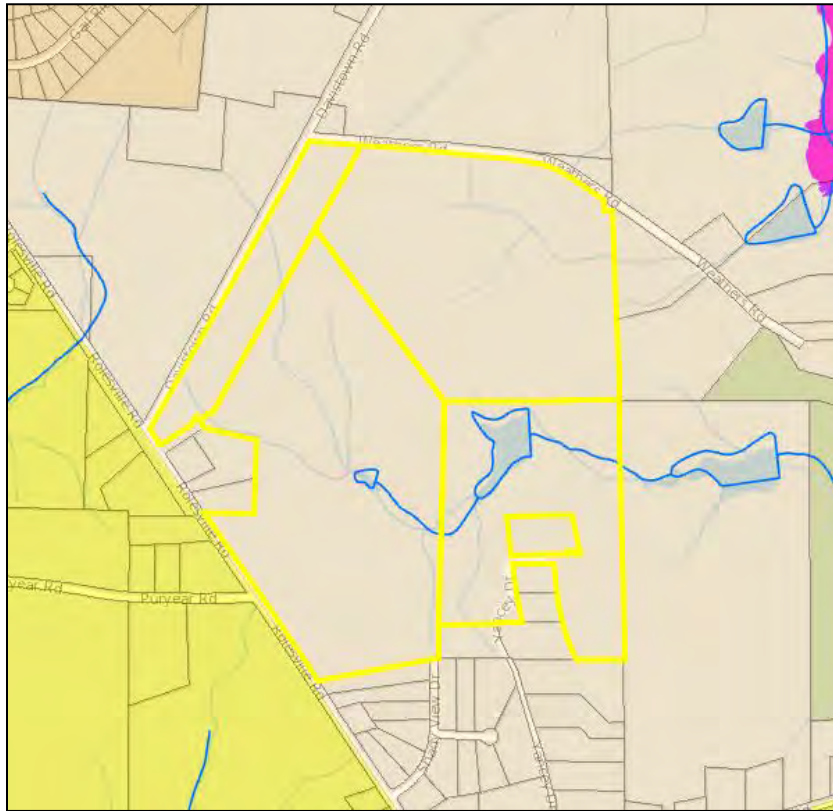
**Police & Public Works & Utility Service:**

*The proposed annexation area would require services from the Town's Police and Public Works departments if annexed. The closest service area for the Police is at Kioti Drive to the south. The closest residential area served by Public Works is Edgemont Landings and the recently approved Anderson Farm subdivision.*

**Location Map:**



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**Attachments:**

- A. *Ordinance for Adoption* –the Ordinance can be found on the Town’s website in the Agenda Packet from the July 27, 2020 Town Board Meeting.

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

No questions were asked. Mayor Gray opened the public hearing at 7:25 p.m. and asked to hear from the applicant.

Jamie Schwedler with Parker Poe on behalf of the applicant, 301 Fayetteville Street, Suite 1400, Raleigh, NC, 27601 said that the applicant team is also on the line, including Laura Goode, Bob Mishler, Raymond Rinker, Mike Reynolds, Kevin Dean, Chris Rurkowski and Don Sever. She noted that in addition to determining the area, signatures, and the validity of the petition meet the statutes required as Mr. Coates mentioned, they’re also called to determine the safety and welfare of residents in Wendell will be best-served by the annexation which is being submitted to support the accompanying rezoning request for the 339 single-family homes known as The Overlook. She said that three points support this annexation and that it’s beneficial to Wendell residents now and in the future. First, the extension of utilities is consistent with the long-range urban services classification adopted over two decades ago. She said



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that this was designated for land intended to be urbanized with extension of municipal services. This is the very area that the county plan anticipated to be annexed and the utilities extended, and the Town's Comprehensive Plan contemplated for this growth in this specific area. Second, Mrs. Schwedler said that the annexation to support the proposed CD-4 zoning will create approximately \$620,000.00 in additional revenue per year over what the Town's current zoning generates if the land were to remain un-annexed. She said that this is in addition to the roughly \$1 million-dollar park that the applicant is donating, and in the approximately \$1.1 million dollars in transportation improvements. She said that annexation of this parcel will be an immediate positive revenue generator, as well as a revenue generator over time in the Town's annual real property taxes. Third, Mrs. Schwedler said that fire and other emergency services will not suffer by the annexation of these parcels. She said that fire and emergency services are already servicing this area in the school, so it's not outside of the service area in general. She said it would be providing services to Wake Tech as that campus comes along. The project is also expected to generate about \$101,000 in fire services and emergency assessment per year to support the fire department, and that's included with the \$620,000 per year, but it's significant because it's dedicated exclusively to the types of services the citizens commonly wonder about being impacted by an annexation such as this. Finally, Mrs. Schwedler said that the 339 single-family homes are expected to generate over \$95 million worth of construction over the buildout of five years, so they're creating construction jobs and positive events in this growing area of Wendell right in the backyard of folks who want to be in this area. She said that they've already received some local contractors' inquiries and building supply companies have been reaching out to them inquiring whether they can be a part of this exciting project. Mrs. Schwedler said that she looks forward to answering any questions and she will reserve the rest of her time for any rebuttal.

Mayor Gray asked if there were any questions from the Board. No questions were asked. Mayor Gray said they would proceed to the citizens' public comment period, beginning with the Uber Conference call ins. Mayor Gray announced the following persons to provide their public comment:

1. **Frank Braswell**, 4116 Rolesville Road, Wendell, NC, 27591, said that this annexation has been going on for a long time, and expressed his opposition on the proposed development, asking the Board to vote no.
2. **David Cozart**, 6324 Weathers Road, Wendell, NC, 27591, shared the attached petition with his public comments. \*See appendix B for the attached petition. Mr. Cozart expressed is opposition to the annexation of this property and expressed issues with land development and fire and emergency services, asking the Board to vote no.
3. **Brandon Strickland**, 4428 Rolesville Road, Wendell, NC, 27591, expressed his opposition to the proposed development due to density, zoning and financial concerns and asked the Board to vote no.



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4. **Jimmy Parker**, 6317 Weathers Road, Wendell, NC, 27591, expressed his opposition the annexation due to wet land irrigation issues and the environmental impact of the development. He asked the Board to vote no on the annexation.
5. **Ben Weathers**, 1625 Davistown Road, Wendell, NC, 27591, expressed his opposition regarding the development and its effect on the neighborhood. He asked the Board to vote no.
6. **Greg Jones**, 6141 Robertson Pond Road, Wendell, NC, expressed his concerns regarding the annexation, stating his opposition due to quality of life and town resource issues. He asked the Board to deny the proposed annexation.
7. **Pat Shillington**, 133 Candlewick Dr., Wendell, NC, provided a PDF of Town policy with his public comment. \*See appendix C for the attached policy. Mr. Shillington expressed his opposition to the annexation based on the Town's policy 104 regarding economic impacts according to different kinds of zoning.
8. **Jason Righter**, 2409 Davistown Road, Wendell, NC, 27591, expressed his opposition to the annexation due to the three-mile requirement according to the annexation statue. He asked the Board to vote no to the annexation.
9. **Robert/Bob Gallagher**, 105 Forest Lane, Wendell, NC, 27591, expressed his opposition to the annexation due to density, traffic, and resource concerns.

Mayor Gray said that the Town received one written public comment from a citizen that the Town Clerk will read to the Board:

**10. Joseph Caughlan, 136 Winchester Drive, Wendell, NC, 27591.**

Dear Board of Commissioners,

I would like to comment on the Public Hearing for 5a) for non-contiguous annexation petition A-19-04 and 5b) to consider a request by Chris Rurkowski of TMTLA Associates to rezone approximately 129.59 acres of property along Rolesville Rd within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139 to an R4 Conditional District.

I live within 2 miles of the aforementioned property but outside of Wendell's planning jurisdiction. My address is 136 Winchester Dr., Wendell.

I see local opposition to this project so I have researched the original plans for the property, the Town of Wendell's response to public comments and the change in plans. It's my opinion that these are good plans and the Town of Wendell would be wise to agree to the annexation and rezoning for several reasons.



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First, growth is coming our way and we should welcome it with strong planning parameters to ensure development is not chaotic. I see the Town of Wendell doing that.

Second, the opposition is still hung up on a R7 rezoning which is not true. And the modified plans show the density to actually be 2.5 du/ac with 39% open space. Also the plan calls for water and sewage instead of well and septic. And with the addition of a park the plans are good for the environment and healthy living for the residents.

Third, the Town of Wendell desperately needs to increase its tax base. This would help tremendously.

Fourth, as a senior and a volunteer at the Eastern Wake Senior Center increased tax revenues will help fund programs needed for seniors in our community.

I trust the Board will make the smart decision. Thank you for your time.

Sincerely,

Joseph Caughlan

136 Winchester Dr.

Wendell, NC 27591

Mayor Gray asked if there were any additional questions from the Board regarding the annexation.

Commissioner Jason Joyner asked if the Town's Attorney has reviewed the legality of the certification requirements for the annexation.

Town Attorney Jim Cauley said that the legal aspects of it has been reviewed.

Commissioner Jon Lutz asked if Mr. Braswell could submit his public comments via email, as he couldn't hear what he had to say.

Mayor Gray asked if Mr. Braswell was still on the line and if he could say his comments again.

**Frank Braswell**, 4116 Rolesville Road, Wendell, NC, 27591, said that this annexation has been going on for a long time, and expressed his opposition on the proposed development and rezoning, asking the Board to vote no.

Jamie Schwedler with Parker Poe on behalf of the applicant, 301 Fayetteville Street, Suite 1400, Raleigh, NC, 27601, thanked Town staff for clarification on the legality of the annexation, pointing out that there had been a lot of comments about turning down residential development wouldn't send the signal to other developers, but she said that



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it will. She said she's heard comments regarding citizens wanting residential development in the area, but that people would prefer commercial development for economic reasons to the Town, but that they couldn't get revenue increase due to its close proximity to Knightdale. Mrs. Schwedler expressed that it would deter other developers from investing in an area that is projected to grow according to the Town's Master Plan if this development is denied. She asked the Board to approve the annexation to bring this commercial growth that is similar to Wendell Falls.

- 5b. PUBLIC HEARING:** for a request by Chris Rurkowski of TMTLA Associates to rezone approximately 129.59 acres of property along Rolesville Rd within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139 to an R4 Conditional District.

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

**Item Title:**

*Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.*

**Report to the Board of Commissioners:**

- *Monday, July 27, 2020*
- *Monday, February 10, 2020*

**Report to the Planning Board:**

- *Monday, May 18, 2020 (Single Family Only)*
- *Monday, November 18, 2019 (Expanded Boundary & Revised)*
- *Monday, August 19, 2019*
- *Monday, July 15, 2019*
- *Monday, May 20, 2019 (Introduction – No Action)*

**Specific Action Requested:**

*Hold a public hearing on the proposed R4 Conditional District request and consider adopting the attached ordinance to rezone the described area subject to conditions and in conformance with the associated Master Plan.*

**Applicant:**



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Chris Rurkowski of TMTLA Associates

**Petition:**

*Due to the determination that a condition of a conditional district cannot allow a use that is not permitted in the base zoning district in some fashion, and since the R4 district does not allow townhomes, the applicant decided to revise the project to remove all townhomes and add single family homes in their place (rather than reclassify their conditional district request to R7).*

*The applicant has requested to create a R4 conditional district for approximately 129.59 acres of property within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139. The proposed conditional district consists of 324 single family homes with associated open space, amenities, and infrastructure.*

**Item Summary:**

*The applicant's proposed conditional district has single-family homes, with an overall density of 2.50 dwellings units per acre. The 2.50 DUA figure only includes 10 acres of the 32-acre Yancey property within the Conditional District. The 2.50 DUA figure does not account for an additional 22 acres of open space within the Yancey property, which is now offered to the Town in its entirety as public open space. The remainder of the Yancey Property would be rezoned to Residential Agricultural (RA) at a subsequent meeting if the Conditional District is approved.*

*This project is located just northwest of East Wake High School, along Rolesville Road.*

*The applicant has made the following amendments in response to comments received from the Planning Board, Town Board and broader community:*

- 1. Total unit count was reduced initially to 326 (originally 427 and later 374) and the overall density decreased from 2.88 to 2.50 DUA.*
- 2. Developer changed from Starlight Homes to Ashton Woods.*
- 3. Townhomes were removed from the proposal, single family homes are only permitted use.*
- 4. The developer is dedicating approximately 32 acres to the Town for a future Town park.*
- 5. The developer increased the number of conditions from 11 to 24, with only 1 condition considered a concession.*
  - a. These conditions include several architectural design standards, schedules for installation of amenities, and increased landscaping.*



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*Amenities include a clubhouse, a 6-lane Jr. Olympic pool, picnic and grill area, dog park, a small playground, a 9-hole disc golf course, and 32 acres within the Yancey Property offered to the Town as dedicated parkland.*

*The Overall Site Plan is included as Attachment A (with a link to the full Master Plan for download).*

*Based on comments received at the Planning Board Introduction meeting, the applicant voluntarily conducted a Neighborhood Meeting with adjacent property owners.*

**Purpose of a Conditional District:**

*The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.*

*A CD may depart from the strict application of the requirements of the town's general zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.*

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

*The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in the UDO which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.*

**Location and History:**



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*This property is currently located outside in Wake County's jurisdiction and is zoned Residential-40 (R-40). Annexation must be approved by the Wendell Board of Commissioners for the conditional district to take effect.*

**Project Profile:**

*PROPERTY LOCATIONS: 4501 Rolesville Rd, 0 Davistown Rd, 1401 Davistown Rd and 6021 Yancey Drive (portion)*

*WAKE COUNTY PINS: 1765852510, 1765962276, 1765856251, & 1775042139 (portion)*

*CURRENT ZONING DISTRICT: Wake County R-40*

*CROSS REFERENCES: N/A*

*PROPERTY OWNERS: Amy Weathers Nuttall & John J Nuttall III*

*4501 Rolesville Rd*

*Wendell, NC 27591*

*Eva Weathers Herring*

*1800 Eastwood Rd, Apt 219*

*Wilmington, NC 28403*

*George Yancey*

*3632 Willow Bluff Drive*

*Raleigh, NC 27604*

*APPLICANT: Chris Rurkowski*

*5011 Southpark Dr, Ste 200*

*Durham, NC 27713*

*PROPERTY SIZE: 129.59 acres*



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CURRENT LAND USE: Vacant

PROPOSED LAND USE: Residential

**Project Setting – Surrounding Districts and Land uses:**

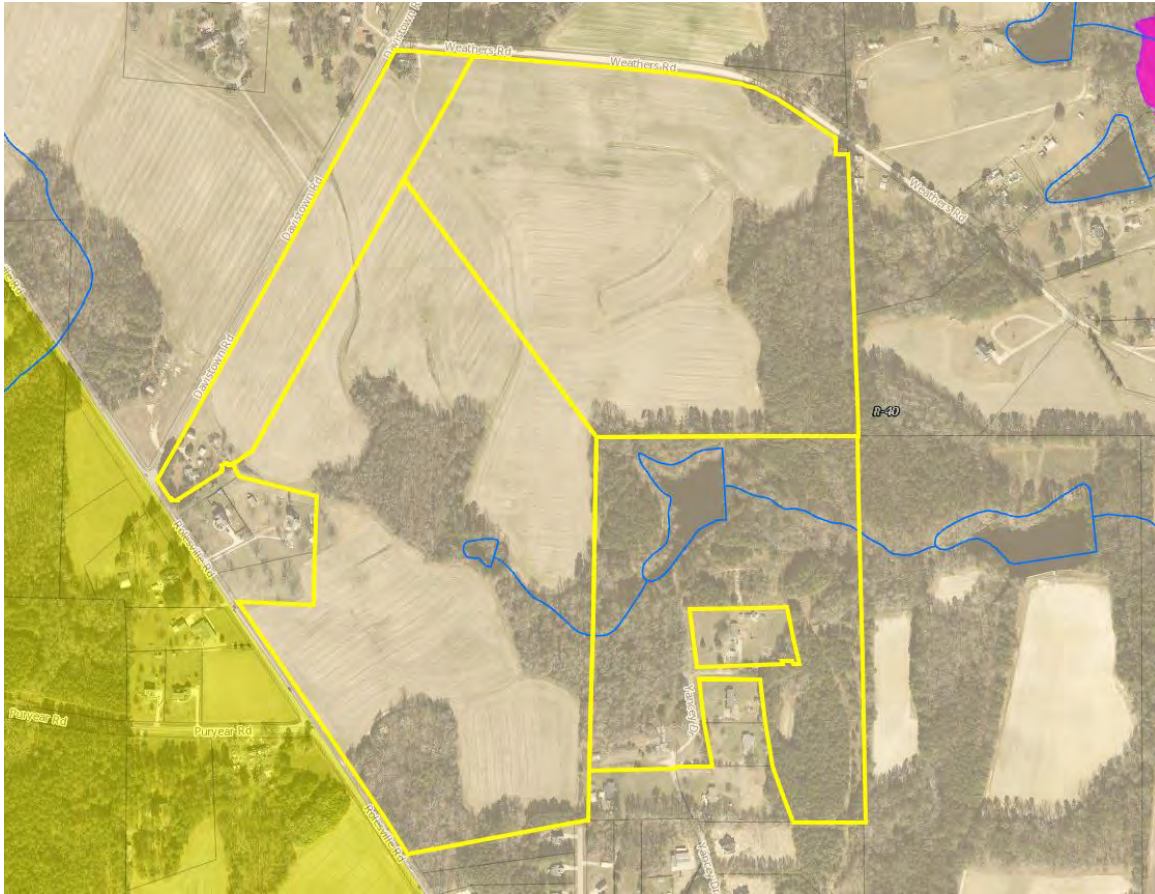
<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential/Agricultural	R-40
South	Residential/Agricultural	R-30/R-40
East	Residential/Agricultural	R-40
West	Residential/Agricultural	R-30

The area along Rolesville Road is within the Town of Wendell's urban services area. It was designated Long Range Urban Services by Wake County in 2000. Long Range Urban Services Areas are expected to be urbanized beyond 10 years. Municipal utilities are nearby at East Wake High School.

**Current Zoning Map:**



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**Proposed Conditional District Conditions:**

The applicant is proposing 24 conditions for the proposed CD, as detailed below. Only 1 of the 24 conditions represent concessions. The remaining 23 conditions are clarifications or represent improvements beyond what the UDO requires. Conditions added following the last Planning Board action meeting are underlined.

1. **[Clarification] R4-CD Zoning Conditions: The maximum number of units allowed shall be 339 units**
  - **Staff Note: This is to allow for flexibility during the construction document phase to allow for a maximum of 339 (The master plan shows 324).**
2. **[Improvement] The developer shall preserve a minimum of 35 acres as open space. The development shall exceed all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance (UDO).**
3. **[Improvement] The developer shall dedicate approximately 32 contiguous acres of land (PIN 1775042139) to the Town for a future Town park prior to the recording of the plat for Phase 1. This dedication brings the total open space and dedicated**



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land to approximately 65 acres. This dedication will include a minimum of 2 access points to public streets.

4. **[Improvement]** The use of vinyl siding shall be prohibited. Trim Elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.
5. **[Improvement]** All units shall be designed to provide for a combination of at least two of the following materials on the front/primary façade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten, unless the front elevation is entirely brick or cultured stone.
6. **[Improvement]** Roof eaves shall have a minimum 10" overhang.
7. **[Improvement]** Front-loaded garage doors shall either contain windows or carriage style adornments.
8. **[Improvement]** All residential lots shall have Bermuda sod on the front, sides, and up to 25' beyond the rear line of the primary structure.
9. **[Clarification]** The neighborhood shall be governed by a Homeowner's Association (HOA) that shall maintain all open space that has been dedicated to the HOA.
10. **[Clarification]** The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.
11. **[Clarification]** Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, parking, and maintenance.
12. **[Improvement]** The developer shall complete the amenity area to include a 6 lane Jr. Olympic pool, poolhouse, bathrooms, covered seating area, and grilling area prior to the issuance of the 75th CO of Phase 1.
13. **[Improvement]** The developer shall construct a playground to include a central play structure and benches prior to the issuance of the 75th CO of Phase 1.
14. **[Improvement]** The developer shall complete the dog park to include a fenced mulch area, benches, and water station prior to the issuance of the 25th CO of Phase 2.
15. **[Improvement]** The developer shall complete a gravel walking trail connecting the dog park area and Phase 2 to the amenity center and Phase 1 prior to the 25th CO of Phase 2.
16. **[Improvement]** The developer shall construct an approximately 200 yard by 30 yard common green area to include a seating area, gazebo, walkway, and plantings in the median area of Avenue 'I' prior to the issuance of the 25th CO of Phase 3.
17. **[Improvement]** The developer shall construct a 9-hole disc golf course in the northeast open space area prior to the issuance of the 25th CO of Phase 3.
18. **[Improvement]** The developer shall construct a 35' wide Type 'B' perimeter buffer along the southern project boundary between Rolesville Rd and Shady View Dr.
19. **[Improvement]** The developer shall construct a 40' wide Type 'B' perimeter buffer along the project boundary bordering the N/F K&J Construction (PIN 1765-74-8520), N/F Oliver Winslow (PIN 1765-84-0581), and N/F Efren Castro (PIN 1765-84-0246) properties.



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20. **[Improvement]** The developer shall construct a 6' privacy fence along the back of the project lots bordering with properties N/F Oliver Winslow (Wake County PIN 1765-84-0581) and N/F Efren Castro (Wake County PIN 1765-84-0246).
21. **[Clarification]** The developer shall provide a 10' landscape easement along the rear property line of lots along Davistown Road and shall be planted as a Type 'B' buffer as describe in the UDO (4 trees and 16 shrubs per 100 LF).
22. **[Clarification]** The developer shall pay a fee in lieu for ½ of improvements to Weathers Road for the rural road cross section as described on MP-4 of the Master Plan.
23. **[Concession]** There shall be one (1) cul de sac at a length greater than 300' but not longer than 425'.
  - **Staff note – Environmental site conditions warrant this deviation.**
24. **[Clarification]** The developer shall complete Rolesville Road improvements for ½ of the ultimate 110' cross section of Rolesville Rd prior to the 1<sup>st</sup> CO for the project.
  - **Staff note – a bond would also be required by staff in order to approve the final plat. This note is for clarification. This is an existing requirement and does not have to be included within their condition language.**

**Applicant's Justification:**

Applicants Justification Statement added as Attachment B.

**Parking:**

Off-street parking shall be required for any active open space areas. The applicant is showing a total of 71 off-street parking spaces to serve their Pool/Amenity Center, Dog Park, and Disc Golf course.

**Open Space:**

The applicant is required to provide 9.76 acres of passive open space and 3.25 acres of park space (with 1.08 acres of the park space being fully active). The applicant is providing well above the total amount of open space required (50.59 acres of open space is being provided within the conditional district boundary and ~20 more acres within the remainder of the Yancey Property offered to the Town), as well as much more improved open space than what is required. The applicant is providing 2.54 acres of fully active open space (1.08 acres required), comprised of a junior Olympic pool and clubhouse, playground, and 9-hole disc golf course. Additionally, the applicant is providing 4 acres of Park Space (2.5 acres required).

Approximately 5 acres of the passive open space falls within wetlands or riparian buffers.



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**Public Utilities:**

*Development of this site will require extension of utilities along Rolesville Road from the High School site.*

**Streets:**

*The Town's Arterial and Collector Street Plan calls for widening and improvements to Rolesville Rd (4-lane divided), and Davistown Road (2-lane undivided). The applicant is showing additional ROW dedication for Weathers road per Capital Area Metropolitan Planning Organization (CAMPO) 's transportation plans, but plans on requesting the Town Board to pay a fee in lieu of building their portion of a rural road cross-section, which is what is required by the Town.*

*The applicant's typical street sections are included on page 6 of their Master Plan. These sections include an 'Urban Street' with a center median, as well as a one-way street section. Both of these sections are not typical sections included within the Town's cross-sections and would be specific to this development.*

*The applicant is also showing a different alley cross-section, which has a 16' paved drive within a 20 ft easement.*

**Traffic Impact Assessment (TIA)**

*The number of proposed dwelling units required the developer to prepare a Traffic Impact Assessment (TIA) report. This report is reviewed by NC-DOT, as well as the Town contracted engineer. Since all impacted roads are DOT maintained, they would determine what if any improvements are required, based on the additional traffic being generated by this site. These improvements typically involve the addition of turn lanes, striping improvements, or signal improvements (when applicable).*

*Recommended improvements for this project include:*

- *A dedicated Right-Turn lane on Rolesville Rd into the new site's entrance.*
- *A dedicated Right-Turn lane on Rolesville Rd to turn onto Davistown Rd*
- *Striping Improvements at the intersection of Keiths Rd and Business 64.*

*The applicant's plans also show a dedicated left turn lane on Rolesville Rd into the new site's entrance.*



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**Landscaping:**

*All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan, unless otherwise specified through the approved Master Plan. The applicant has included 4 conditions (#18-21) improving the site's landscaping beyond what is required.*

**Phasing:**

*The applicant has identified 3 phases of development. The clubhouse and pool are included in Phase 1. The applicant's conditions detail when each amenity would be completed.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject properties as being completely within the S-3 "Restricted Growth Sector".*

*The Comprehensive Plan states that "although not a formal open space sector, S-3 is intended for very limited development under tightly controlled conditions." This sector is generally classified as lands that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities. Generally, the S-3 areas are outside of the short range urban service area for water and sewer service and are close to S-1 and S-2 areas."*

*The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: low density cluster developments or hamlets (a clustering of buildings around a rural crossroad), single family residential development, very limited convenience retail uses, civic uses (parks, schools, religious and government uses), and some industrial uses.*

*The proposed development on the site consists of single-family detached homes, with an overall density of 2.50 DUA. The S-2 sector to the east is buffered from the proposed development with the inclusion of the disc golf course.*



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**TRC Review:**

*The Technical Review Committee has completed their review of the applicant's Master Plan and the applicant has made corrections based on their comments. Additional review would occur upon submittal of construction drawings (final development plan for conditional districts).*

**Planning Board Recommendation:**

*At their May 18, 2020 meeting, the Planning Board voted 6-3 in favor of the requested Conditional District.*

***Voting in Favor:*** Jonathan Olson, Brett Hennington, Ryan Zakany, Jimmena Huffman-Hall, Deans Eatman and Levin Jones

***Voting Against:*** Michael Firstbrook, Allen Swaim and Victoria Curtis

***Absent:*** None

**Statement of Plan Consistency and Reasonableness**

*The proposed Conditional District is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and reasonable due to its location along Rolesville Road and its proximity to I-*



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87. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

- Principle Number 6: “Provide for a range of housing opportunities including upscale housing, senior housing and downtown living choices.”

**Staff Recommendation:**

- Staff recommends approval of the proposed Weathers Property Master Plan.
  - The applicant has included numerous conditions improving buffers, open space, public park land, and architectural standards. In exchange, they are seeking 1 concession related to cul-de-sac length.
  - Proposed lot size is notably smaller than surrounding properties (which are served by well and septic), but overall project density is 2.50 dwelling units per acre, which is less than what would normally be allowed in the R4 zoning district.
  - This site is located less than a mile from an Interstate, on a future 4-lane thoroughfare, near an existing high school, with access to municipal water and sewer. All of these factors support a growth pattern other than ‘rural’.

**Attachments:** the following attachments can be found in the July 27, 2020 Agenda Packet on the Town’s website.

A. Overall Site Plan (Weathers Property)

a. Full Master Plan Link:

<https://nmcdn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/2020-6-2-Weathers-Property-Master-Plan.pdf>

B. Applicant’s Justification Statement

C. Ordinance for Adoption

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

Commissioner Boyette asked about condition #9 regarding the HOA maintaining all open space that has been dedicated to the HOA. Concerning water runoff and catchment basins, he asked if the HOA was responsible for the ongoing maintenance and upkeep of the catchment basins, and if the catchment basins were to fill up with sediment or fail completely, would the HOA be financially responsible for those repairs.

Mr. Coates said that if the streets were to become Town-owned streets, the Town would maintain the stormwater ponds, after they are inspected. He said that the Town conducts a thorough inspection before they become a Town responsibility. Mr. Coates said that the Town has a guarantee that they’re functioning properly and are maintained before taking them over.



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Commissioner Boyette asked how often the Town has to perform maintenance on stormwater retention ponds around Town.

Mr. Coates said that he didn't know but would check with Public Works and provide that information for Commissioner Boyette via email.

Commissioner Jason Joyner said the description of the turn lanes and the fee in lieu and asked if the fee in lieu was for the turn lanes. He asked Mr. Coates to describe the turn lanes and where they're to be located.

Mr. Coates said that there will be a right turn lane on Rolesville Road into the main entrance of the development. There would be a right turn lane on Rolesville Road into Davistown Road. He said there would also be a left turn lane into the development on Rolesville Road. Mr. Coates said that they're asking for the fee in lieu for Weathers Road at the northern end, which is currently a dirt road. To bring that road up to future street standards, they are requesting fee in lieu to have it improved.

Commissioner DeLoach referred to the 50-foot gas utility easement on Davistown Road and a street yard easement. He asked if that is part of what is clarified in #21.

Mr. Coates said that in the full set of plans, MP page 3 shows the temporary construction easement of 25 feet, shows the full easement of 50 feet for PSNC Energy, and the 10-foot street yard landscaping between the backyards and those easements before you get to Davistown Road. Mr. Coates said that there is 85 feet before you get to backyards. For the 10-foot street yard, there will be canopy trees, four understory trees, and eight shrubs per 100 linear feet. Mr. Coates said that it varies based on the width of those buffers. He said that trees will be evenly distributed along the street frontage, but they're not required to be at exactly equal intervals, allowing for some flexibility. No more than 20% of the street yard may be used for walkways or signs. He said that all trees will be no closer than four feet from public right-of-way.

Mayor Gray opened the public hearing at 8:40 p.m. and asked to hear from the applicant.

Jamie Schwedler with Parker Poe on behalf of the applicant, 301 Fayetteville Street, Suite 1400, Raleigh, NC, 27601, shared the following PowerPoint Presentation with the Board:



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Mrs. Schwedler said she will reserve her time to address questions after the presentation. She said that the entire team is available to answer those questions, as well. She said The Overlook fulfills the vision of the Town's Comprehensive Plan and adds high-quality, single-family homes, needed transportation improvements, and a significant tax base to a growing part of Wendell. She said that after coming before the Board in February, they removed the townhomes from the master plan and the developer became Ashton Woods. Their team has worked extensively for over a year to add significant conditions and make meaningful changes to the master plan based on community feedback.



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## Overview

Rezoning 129.59 acres from County R-40 to Town of Wendell R-4-CD



Mrs. Schwedler said that this development consists of 129 acres off of Rolesville Road, north of the 64 and 87 interchange area shown in yellow. She said they're requesting the change from county R40 to Wendell R4 CD and to the south of the property, they are donating 32 acres for a future Town park, which is shown on the right of slide 2, and potentially qualifies the Town for a grant. She said that the abundance of park land in the area has become such an important aspect of existing and future residents of the Town.



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### Application History

Date	Action
March 22, 2019	Application Submission
May 20, 2019	Planning Board Review
June 6, 2019	Voluntary Neighborhood Meeting
July 15, 2019	Planning Board Review
August 19, 2019	Planning Board Review
November 18, 2019	Planning Board Recommends Approval
February 10, 2020	Board of Commissioners Public Hearing – Decision Tabled
May 18, 2020	Planning Board Recommends Approval
July 27, 2020	<b>Board of Commissioners Public Hearing</b>

Throughout process, made multiple changes to the Master Plan based on feedback from the community. Town staff, Planning Board and Board of Commissioners



Mrs. Schwedler said this shows the case history, including the changes made over time to adjust to community input and multiple reviews held with staff. Changes that have been made since the February 10<sup>th</sup> meeting before the Board are shown on slide 4.

### Changes Since February Board of Commissioners Hearing

- Removed townhomes from Master Plan after feedback at February 10, 2020 Public Hearing
  - As a result, the application was sent back through the review process
  - Planning Board voted 6-3 to recommend approval of the application with the revised Master Plan
- Developer changed from Starlight Homes to Ashton Woods



Mrs. Schwedler said that the changes since the February 10 Board of Commissioners meeting include removing the townhomes from the master plan, receiving additional feedback through the review process at a May Planning Board meeting. She thanked



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Town staff for making the virtual meetings work throughout this process. After thorough discussion, the Planning Board voted in favor 6-3 to recommend approval of the application with the revised master plan. She said that they also heard concerns about construction amidst the COVID-19 pandemic, including the possibility of a lack of home sales if the community slips into a recession. The actual home sales and metrics beyond this pandemic are much different than they were in 2008, with the home buying industry is still increasing in the Triangle area, higher than the national average.



Mrs. Schwedler described the revised master plan, citing where they replaced the townhomes with single-family homes. She said the blue area on the map is where the townhomes were in the prior plan, now being replaced with single-family homes. The light green area shows the open space and buffers around the entire plan.



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## Response to Neighbor Comments Over Case History

Neighbor Comments	Proposed Condition
Concerned about inclusion of townhomes in the development	Limit to single family homes.
Concerned about density	Reduced maximum number of units by ~ 90 units (less than 3 u/a)
Adjacent neighbors concerned about screening for their properties.	Buffering and fencing conditions.
Concerned about housing materials including the use of vinyl siding.	Architectural conditions, including the prohibition of vinyl siding.
Concerned about lack of maintenance and upkeep for the development.	Development will be governed by an HOA with restrictive covenants, including architectural guidelines.
Concerned about amount of open space.	32 acre parcel will be dedicated for a Town park.



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Mrs. Schwedler said that during the course of the rezoning, they added numerous conditions to address neighbors' concerns, reducing the density to 339 homes, allowing for 2.5 units per acre. She said that the 10-foot easement along the boundary of Davistown Road will be planted as a Type B buffer. She said that HOA governance is similar to the declaration in Wendell Falls where there will be active maintenance and obligations by these future residents to maintain quality.

## Reasons for Approval

1. Consistent with Town Framework Plan Designation
2. Meets the purposes of a Conditional District
3. Designed to minimize impact on adjacent properties and provide numerous benefits to the community



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Mrs. Schwedler said that with these changes the case is recommended for approval by the Town planning staff and Planning Board because of the reasons listed in the slide.

### Consistency with Town Framework Plan

- S-3 Restricted Growth Sector Designation
  - Proposed uses appropriate for this Growth Sector
    - Single family residential development
    - Dedication of 32 acre public park
  - Consistent with S-3 Intention: “very limited development under tightly controlled conditions”



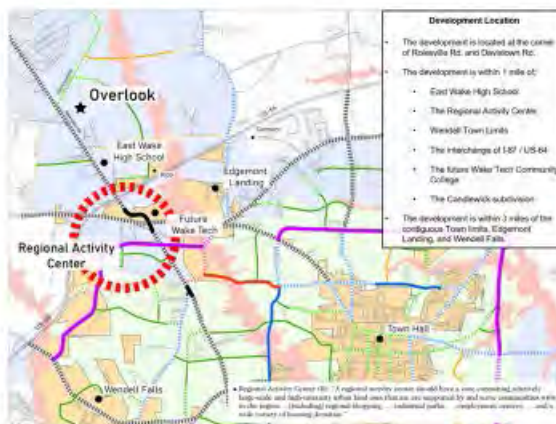
Mrs. Schwedler said the plan is consistent with the S-3 Restricted Growth Sector Designation. She said they're designating 2.5 housing units per acre of density, which is less than what the R-4 allows, which is generally 7 housing units per acre. The lot size average is around 8,000 square feet, which is above the minimum that is required for this area. She said that they're offering 24 total conditions, with 17 of those exceeding the UDO requirements.



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## Consistency with Surrounding Area

- Surrounding factors support a growth pattern other than “rural”
  - Proximity to Interstate
  - Abut Rolesville Road - designated future 4-lane thoroughfare
  - Proximity to existing East Wake High School
  - Access to municipal water and sewer
- Consistency with Wake County Long-Range Urban Services Area Classification
  - Land expected and intended to be urbanized and served by municipal services



Mrs. Schwedler said that this slide shows the consistency with the surrounding area as growth and transportation facilities have located closer to the area, making this portion of Wendell ideal for continued growth. She said that the property shown on the map with the star in Overlook is less than 1 mile from the 87/64 interchange, a future Wake Tech campus, and a regional activity center. She said that these factors support a growth pattern other than rural.

## Standard for Approval

- UDO 15.13(a) Conditional District Purpose: Establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design
- A conditional district should provide:
  - A variety of natural features and scenic areas;
  - Efficient and economical land use;
  - Improved amenities;
  - Orderly and economic development; and
  - Protection of existing and future adjacent development.



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## Open Space & Amenities

- Variety of natural features and scenic areas
- Improved amenities
  - Junior Olympic pool, pool house, covered seating and grilling area
  - Dog Park
  - Walking trails
  - Disc golf course
  - Common Green



Mrs. Schwedler listed the amenities being offered in the development, highlighting the amount of open space these amenities will provide.

## Master Plan: Minimize Impacts to Adjacent Properties

- Reduction of total unit count from 427 to 339
- Buffering, landscaping, privacy fencing
- Increase to average lot size to about 7,800 sq. ft. from original application
  - This is comparable to typical Wendell Falls lots
- Efficient and economical land use and orderly and economic development
  - Additional housing supply for anticipated surrounding growth
  - Lower density and larger lot sizes than UDO requirements, but still efficient and economical



Mrs. Schwedler said that this slide highlights the conditions reducing the impact on adjacent properties, including unit reduction of almost 90 units. She said that these conditions were made in direct response to citizen concerns.



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## Master Plan: Benefits to Community

- Road Improvements
  - Town's Arterial and Collector Street Plan calls for Rolesville Road to be 4 lanes
  - Will complete Rolesville Road improvements for ½ of the ultimate 110 feet cross section
  - Fee in lieu of improvements to Weathers Road



Mrs. Schwedler said that they heard comments made by citizens at the Planning Board meeting concerning increased traffic and infrastructure sufficiency. She said that this project benefits the community by sending utilities and completing several road improvements.

## Master Plan: Benefits to Community Public Park Dedication ~ 32 Acres

- Protection of existing and future development
  - Buffering between adjacent properties
  - Provision of open space
  - 32 acres dedicated for public park



Mrs. Schwedler noted the dedication of a public park on 32 acres and concluded that this development is consistent with the Town's Comprehensive Plan. She said that



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change has been slated in this area for 20 years with the surge and demand for homes, which will be met with road and infrastructure improvements because of this project. Concerning the petition that was submitted with public comment, Mrs. Schwedler addressed the economic benefits and jobs that the development would create, the 32-acre park, reduction of density, revenues that the project will generate and service extension that the development would facilitate. She said that only 50% of capacity of the road will be used with their traffic improvements in place. Mrs. Schwedler clarified that the density is 2.5 units per acre, rather than 7 units per acre as the petition says. She offered to answer any questions that the Board might have.

Assistant Planning Director Bryan Coates said that he does have a clarification on Commissioner Boyette's question. He said that normally, for the first year or two, the stormwater ponds are inspected once a year. He said that it could be up to four times per year thereafter.

Mrs. Schwedler said that the applicant is willing to cover that in their HOA covenants, as it is typical to deal with stormwater pond maintenance and inspection throughout time.

Mayor Gray asked said they would go into public comment period to hear from citizens signed up to speak at 9:02 p.m.

1. **Frank Braswell**, 4116 Rolesville Road, Wendell, NC, 27591, expressed his opposition on the proposed development, asking the Board to vote no.
2. **David Cozart**, 6324 Weathers Road, Wendell, NC, 27591, expressed his opposition to the proposed development and rezoning, reiterating the petition that he submitted to the Board with his Public Comment, which can be found in Appendix B.
3. **Brandon Strickland**, 4428 Rolesville Road, Wendell, NC, 27591, expressed his opposition with the rezoning request citing density issues and open space concerns.

Commissioner Joyner reiterated a point of order not to allow members of the public to address Town staff by name in their public comment.

4. **Amy Weathers Nuttall**, 4501 Rolesville Road, Wendell, NC, 27591, expressed her support for the rezoning and the development, citing the many concessions that the developer made based on citizen concerns.
5. **Jimmy Parker**, 6317 Weathers Road, Wendell, NC, 27591, expressed his opposition with the development based on density and stormwater concerns.
6. **Robert/Bob Gallagher**, 105 Forest Lane, Wendell, NC, 27591, was no longer on the Uber Conference line and therefore did not provide any public comment for item 5b.



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7. **John Nuttall**, 4501 Rolesville Road, Wendell, NC, 27591, thanked the Board for all that they do and expressed his support for the development and rezoning, citing growth benefits and affordability of homeownership.
8. **Ben Weathers**, 1625 Davistown Road, Wendell, NC, 27591, expressed his opposition with the rezoning and development.
9. **Greg Jones**, 6141 Robertson Pond Road, Wendell, NC, 27591, expressed his opposition to the rezoning request and its associated annexation, citing traffic concerns.
10. **Angela Haas**, 226 Lynwood Lane, Wendell, NC, 27591, was not on the Uber Conference line and therefore did not provide any public comment for item 5b.
11. **Pat Shillington**, 133 Candlewick Dr., Wendell, NC, 27591, reiterated his reference to Town Policy 104, citing his economic and environmental concerns. See appendix C for the attached policy.
12. **Jason Righter**, 2409 Davistown Road, Wendell, NC, 27591, expressed his opposition to the rezoning, reiterating density and economic concerns.

Mayor Gray asked the Clerk to read the Written Public Comments that were submitted for item 5b into the record:

**1. Dave and Teresa Harper, 5920 Shady View Drive, Wendell, NC, 27591**

Dear Council,

My name is Dave Harper and live at 5920 Shady View Dr. I writing to express my strong opposition to the proposed rezoning of the Weathers property at the corner of Rolesville Rd and Davidson Rd. While the local community may be unable to prevent development, that in itself will be detrimental to the area. Nearly all residents in the area are completely opposed to the addition of the 324 single family homes that will cause traffic and safety problems, create even more problems with schools that are already over-capacity and potentially lower the property values of the existing community.

The local neighborhood traffic will disproportionately surge during morning and evening rush hours, causing traffic issues during critical times for the existing neighborhoods. In general, the area traffic is continuing to increase, and heavy traffic is already common at times on Rolesville Rd. On a more personal note we bought this property because of the secluded nature of the neighborhood and Shady View Dr is a dead-end street with no through traffic that services less than 20 homes. If this passes and we get 324 new neighbors, most homes have at least 2 cars this day and time, that is a LOT of traffic. It is my understanding you plan to cut our road through and using our neighborhood as one of the 3 egress/ingress points for 324 to 600+ cars. So now this impacts our way of life. We left Raleigh 12 months ago to get away from that. More traffic equals more litter and more crime.

It looks like most of these 324 homes will be on about .16 acres and on slabs. Property values are likely to go down in the area if they are built. These size dwellings are inconsistent with the houses and neighborhoods developed in the area. I was also



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disappointed that I think this has been going on for about a year and this is the only notice I have received other than the no R7 signs everywhere.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many.

Thank you for your continued service and support of our communities.

Best regards,

Dave & Teresa Harper

**2. Joseph Caughlan, 136 Winchester Drive, Wendell, NC, 27591.**

Dear Board of Commissioners,

I would like to comment on the Public Hearing for 5a) for non-contiguous annexation petition A-19-04 and 5b) to consider a request by Chris Rurkowski of TMTLA Associates to rezone approximately 129.59 acres of property along Rolesville Rd within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139 to an R4 Conditional District.

I live within 2 miles of the aforementioned property but outside of Wendell's planning jurisdiction. My address is 136 Winchester Dr., Wendell.

I see local opposition to this project so I have researched the original plans for the property, the Town of Wendell's response to public comments and the change in plans. It's my opinion that these are good plans and the Town of Wendell would be wise to agree to the annexation and rezoning for several reasons.

First, growth is coming our way and we should welcome it with strong planning parameters to ensure development is not chaotic. I see the Town of Wendell doing that.

Second, the opposition is still hung up on a R7 rezoning which is not true. And the modified plans show the density to actually be 2.5 du/ac with 39% open space. Also the plan calls for water and sewage instead of well and septic. And with the addition of a park the plans are good for the environment and healthy living for the residents.

Third, the Town of Wendell desperately needs to increase its tax base. This would help tremendously.

Fourth, as a senior and a volunteer at the Eastern Wake Senior Center increased tax revenues will help fund programs needed for seniors in our community.

I trust the Board will make the smart decision. Thank you for your time.

Sincerely,

Joseph Caughlan



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136 Winchester Dr.

Wendell, NC 27591

**3. Stan Yancey, 3632 Willow Bluff Drive, Raleigh, NC, 27609**  
CD019-03

July 23, 2020

Re: Public Hearing Notice of 129.59 acres of property along Rolesville Road

Dear Wendell Board of Commissioners,

I am one of the property owners within the 129.59 acres. I grew up on the land and lived there until leaving for college. Wendell was a wonderful place to grow up. My wife and I fully support the rezoning. We both know how precious owning a home can be. My work as a chaplain at a nonprofit that provides food and medical care for the poor; has caused me to be all the more aware of how fortunate my wife and I have been all of lives, to live in homes owned by our parents and then ourselves.

We attended the meeting where a presentation about the development was given, and many community persons voiced their opposition. It is my personal opinion that many reasons given were a cover for the actual concern. That of smaller homes being built and thus not increasing the value of existing homes as much as if a development the size of Wendell Falls was built. Smaller homes outside of Raleigh in the proposed development might afford some families the opportunity to have a home of their own. Yes, the homes may be smaller, but everyone cannot afford large homes. The Yancey Drive property, named after my parents, I believe would be a wonderful spot for a small park. The pond and trees could offer a place to enjoy nature. Community members voiced concerns that persons "would drown, and do drugs," at the park. Having lived in Raleigh for nearly 30 years, I don't recall drownings occurring at the parks I have enjoyed, such as Shelly Lake and Lake Johnson. As far as drugs, it is a sad part of our country and every community that persons are drawn to drugs for various reasons. I worked in the addiction field for ten years as chaplain and administrator. I doubt a small park as part of the proposed development is going to be a hotbed for illegal drug activity. I believe the park could be a place the persons in the development could be proud of, a place to walk with their kids and dogs, and maybe fish in the pond.

One last point and I am aware this might be unpleasant to consider. I would guess with smaller homes, populations that struggle more to own homes, ones that did not grow up with the advantages my wife and I did might purchase the homes. Persons of color could benefit from the opportunity to purchase homes this size. Are community members concerned about this? The faith that is important to me calls



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me to reach out to those that are different, or left out at times. I hope the rezoning occurs and folks that can afford the homes come to love calling Wendell home. Thank you for the opportunity to offer comments.

Regards,

Stan Yancey (and Elaine Rohlik)

Mayor Gray asked if the Nuttalls were still on the Uber Conference Line. Town Clerk Megan Howard said that John Nuttall was still on the call and unmuted him.

John Nuttall, 4501 Rolesville Road, Wendell, NC, 27591, thanked the Board for being able to finish his public comment. He reiterated his support for item 5b and urged the Board to vote yes.

Commissioner Joe DeLoach reminded the public that there is a 24-hour period to provide written public comment after the Town Board Meeting.

Mayor Gray said she heard someone mention something about matching grant funds for the Town park and asked for that to be explained.

Town Manager Marc Collins said that the person who mentioned that was referring to Parks and Recreation Trust Funds that Parks and Recreation Director Jeff Polaski presented to the Board in an earlier version that the property, in consultation with recreation resource services would be an eligible match for a grant. He said that that value of the property could be used as a match. Mr. Collins said that that isn't state tax money or county tax money for that particular grant. He said that it is collected through a deed stamp or another form of taxation on transfer of property.

Mayor Gray asked about Shady Brook Drive as a point of ~~Ingress~~-ingress and Egressegress.

Mr. Coates said that it is and it is located at the southernmost end of the property, near where the proposed future park would be. He said the entrance would be to both the park and the development.

Mayor Gray asked to hear from the applicant.

Jamie Schwedler with Parker Poe on behalf of the applicant, 301 Fayetteville Street, Suite 1400, Raleigh, NC, 27601, said she had several points she wanted to clarify. Regarding the annexation statute, Mrs. Schwedler said that it states the closest point of the proposed satellite corporate limits must be no more than three miles, which does not require each parcel to be included in that—just the outer edge of the proposed satellite corporate limits. She said that there was another comment about the annexation putting the cart before the horse—that the annexation and the zoning should be separate, with the annexation coming first. Mrs. Schwedler said that is exactly what they're doing here



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with two public hearings on the two separate items, which is how the Town processes these applications, as well as how they're processed throughout North Carolina. Regarding the density and the gentleman who commented earlier referring to county zoning and what would be permitted or illegal, Mrs. Schwedler said that they're calculating the density per the Wendell UDO, which is what they're required to do. She said that they're asking to be annexed into Wendell rather than county zoning. Regarding a comment on not wanting high-density, but rather ¼-acre or ½ - acre lots, she said that that is equal to 2-4 units per acre, which is what they're proposing as 2.5 units per acre. Mrs. Schwedler said that it isn't radical to approve density in an area that is close to an interchange and in a place where growth is anticipated by the county. She said that, regarding the concern of people going to Knightdale for the commercial, how would that ever change if the Town doesn't approve enough rooftops to bring commercial to the area. Mrs. Schwedler said that stormwater devices do have to be checked, and she noted that the Town's UDO, Section 6.507, requires the developer to maintain the stormwater pond which is standard in their declaration. She said that the developer will maintain the ponds until the HOA is set up and the property is turned over to the HOA, at which point the HOA will maintain the ponds through a system of assessments that they'll charge the future residents for, and the future residents will make sure that their responsibilities for that residence meet the state's and town's code. Regarding a comment that the traffic will be immediately filled by Rolesville, she said that the TIA is meant to take into account approved developments that are already approved and on the books elsewhere, so they were already being included in background traffic. She said that the 55% number that she gave the Board on the resulting capacity of the road is the full buildout condition including all of the other approved developments, so it will not be close to the capacity that is feared. She said that it would also not be close to the capacity that is required for DOT to commit the funds to build these types of improvements. Mrs. Schwedler said that the DOT budget has been slashed due to the freezing of North Carolina's budget in the General Assembly. She said that there will not be the funds allocated out there until the traffic reaches a level of capacity that generates that concern. Concerning the comment that was made that the project was "not about your neighbors," she said that the zoning decision before the Board does not call for them to follow the desires of what the adjacent property owners want. Mrs. Schwedler said that it calls for a broader look at the Town's vision and to the property rights of these individual property owners who have the right to use their property as they see fit. She said that she doesn't live in Wendell, but that she grew up in a small rural farming area and is no stranger to change. She said she's seen people leaving rural areas for jobs and services that refuse to be able to locate to small towns. She said that the growing towns in North Carolina have struggled with these decisions before, and now the Town Board has to make the same decision with this development. Mrs. Schwedler asked the Board to look at the broader vision for all of Wendell's residents of today and in the future. She challenged the Board to find another developer that would find 24 conditions and redo the plans 8 times over the course of a year to appease neighbors. She said that this wasn't something that is dragging out because the developer wants it to—they're making concessions and are trying to get through the process. Mrs. Schwedler asked



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the Board to approve the annexation and rezoning request. She offered to answer any additional questions that the Board might have.

Commissioner Jason Joyner asked Mrs. Schwedler to discuss how the homes would look to potential buyers and what process they would have to go through.

Mrs. Schwedler said that the best way to paint the picture is to look at the experience of that homebuyer in selecting the product. When Starlight Homes was envisioned as the product, they were envisioning homes that were already built where the engineer might choose the features with less architectural detail and variety of choice. She said that with Ashton Woods, it is a completely different homebuying experience. She said that the homebuyers are more sophisticated in that they get to choose architectural details, finishes, the look of the exterior, and the interior of their home. She said these would not be first-time home buyers, but rather repeat-purchasers who are looking for the next step up. Mrs. Schwedler said that the price points are generally higher with the Ashton Woods product than they would be with Starlight Homes.

Commissioner Jason Joyner asked if Mrs. Schwedler or the applicant had been approached about a landscape buffer and if any had been denied for any reason.

Mrs. Schwedler said that they had been approached and none of the buffer requests have been denied for any reason. She said added and increased buffers have been included and Mr. Coates presented those in his presentation. She said that there are at least 4 or 5 groupings of those included in the Board's Agenda Packet.

Commissioner Joe DeLoach said he had had the same question regarding how the developer had met those requests.

Mrs. Schwedler said that they added a 35-foot type B buffer along Rolesville Road and Shady View, a 40-foot type B buffer along the Boundary of K&J Construction, a 6-foot fence along the Oliver Winslow property, and a 10-foot land easement along the boundary of Davistown Road, planted as a type B buffer. She said that all of those were a part of the discussion with the development team and landowners.

Mayor Gray asked if there were any other questions from the Board. No other questions were asked.

Town Attorney Jim Cauley asked if the Board was inclined to close out these public hearings subject to the 24-hour public comment period.

Mayor Gray said that the public hearing was closed subject to the 24-hour public comment period.

<b>ACTION</b> Mayor Gray called for a 10-minute recess at 10:15 p.m.
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<b>ACTION</b> Mayor Gray reconvened the meeting at 10:24 p.m.
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- 5c. PUBLIC HEARING:** to consider a request by Brian Duncan of the Spaulding Group, PA to rezone approximately 68.55 acres of property along Old Zebulon Rd within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233 to an R7 Conditional District.

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

**Item Title:**

*CD19-08 – Public hearing on an R7 Conditional District for properties located at 815 Old Zebulon Road.*

**Report to the Board of Commissioners:**

- *Monday, July 27, 2020*

**Report to the Planning Board:**

- *Monday, June 1, 2020*
- *Tuesday, January 21, 2020*

**Specific Action Requested:**

*Holds a public hearing on the proposed R7 Conditional District request and consider adopting the attached ordinance to rezone the described area subject to conditions and in conformance with the associated Master Plan.*

**Applicant:**

*Brian Duncan, The Spaulding Group, PA*

**Petition:**

*The applicant has requested to create an R7 Conditional District for 68.55 acres of property within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233. The proposed conditional district consists of a mix of both single-family and townhome dwelling units.*

**Item Summary:**

*The applicant's proposed R7 conditional district will feature 174 single family homes and 146 townhomes. Based on their application, the applicant is proposing the R7 Conditional District in order to be consistent with one of the general principles in the Comprehensive*



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*Plan that says, "Provide for a range of housing opportunities." The applicant also references the Town's Framework Plan that identifies the area as located in the S-4 sector, where both single-family and multi-family development are considered appropriate.*

*Amenities include a pool, cabana, beach volleyball court, tot lot, dog park in a central location in Phase 1A and a playground located in Phase 1B. The amenities are being proposed in the early phases of development. The proposed plan requires 10.34 acres of open space, the applicant is providing 19.87 acres of open space. The amenities and open space would be maintained by a homeowners association (HOA).*

*The Overall Site Plan is included as Attachment A (Along with a link to the full Master Plan for download).*

*The applicant provided additional buffers as well as a wooden privacy fence bordering all existing residential properties based on feedback from neighbors.*

**Purpose of a Conditional District:**

*The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.*

*A CD may depart from the strict application of the requirements of the town's general zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.*

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

*The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in the UDO which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to the UDO and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.*

**Location and History:**



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*Four of the included properties are currently located in the corporate limits of the Town of Wendell and are zoned R3. The remaining two properties are in the Town's extraterritorial jurisdiction and are zoned Rural Agricultural (RA).*

**Project Profile:**

PROPERTY LOCATION: 815 Old Zebulon Road  
 WAKE COUNTY PINS: 1794157657, 1794056758, 1794256786,  
 1794161410, 1794052762 & 1794066233  
 CURRENT ZONING DISTRICT: R3/RA  
 CROSS REFERENCES: N/A  
 PROPERTY OWNERS: Aubrey Sidney Baynes & Ann Knott Baynes  
 PO Box 968  
 Wendell, NC 27591  
 Olde Heritage Builders & Realty, Inc.  
 PO Box 40  
 Zebulon, NC 27597  
 APPLICANT: Brian Duncan, The Spaulding Group, PA  
 1611 Jones Franklin Road, Suite 101  
 Raleigh, NC 27606  
 PROPERTY SIZE: 68.55 acres  
 CURRENT LAND USE: Vacant  
 PROPOSED LAND USE: Residential

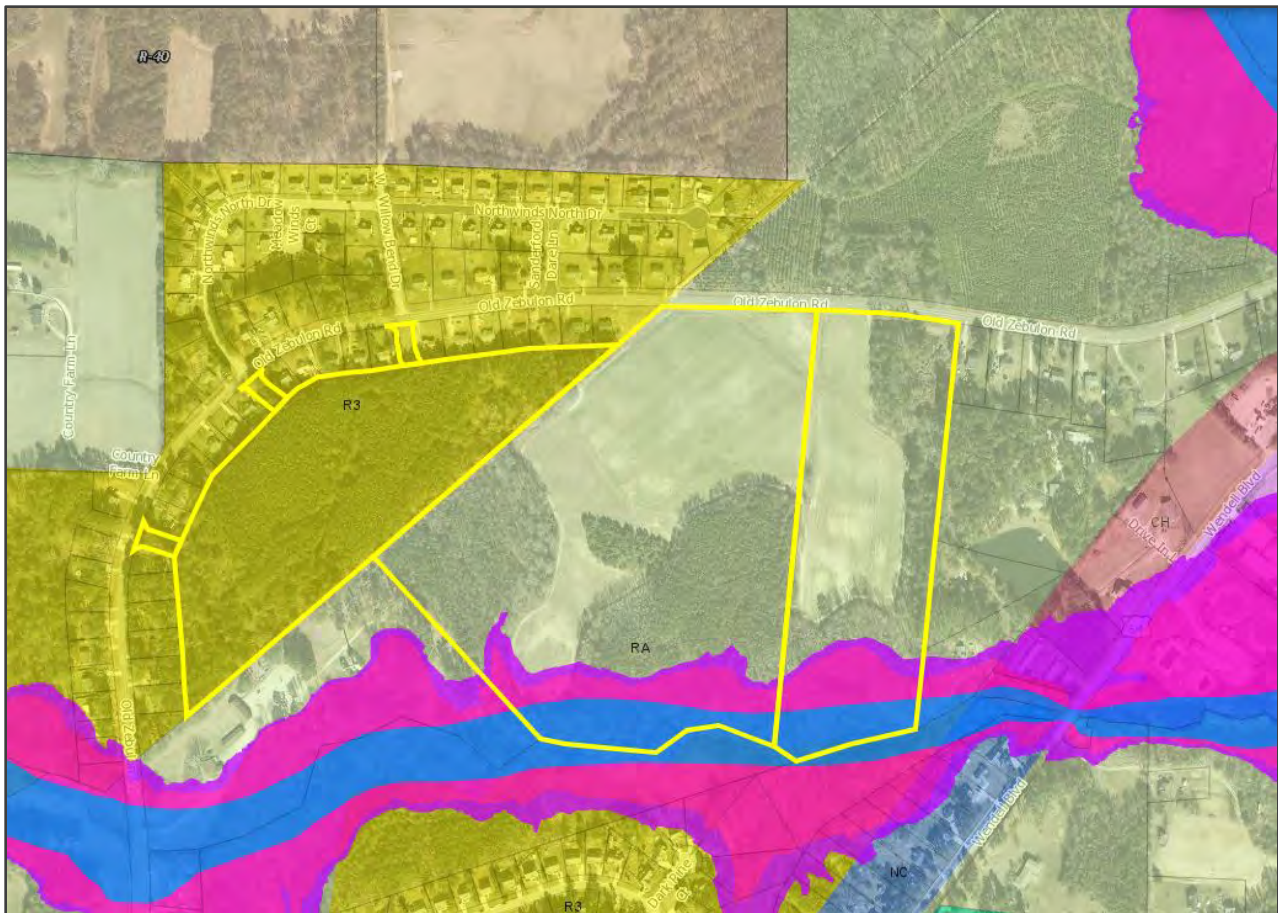
**Project Setting – Surrounding Districts and Land uses:**

<b><i>DIRECTION</i></b>	<b><i>LANDUSE</i></b>	<b><i>ZONING</i></b>
<b><i>North</i></b>	<i>Residential/Agricultural</i>	<i>R3/RA</i>
<b><i>South</i></b>	<i>Residential/Agricultural</i>	<i>R3RA</i>
<b><i>East</i></b>	<i>Residential</i>	<i>RA</i>
<b><i>West</i></b>	<i>Residential</i>	<i>R3</i>



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**Current Zoning Map (Subject Properties Outlined in Yellow:**



**Proposed Conditional District Conditions:**

The applicant is proposing 13 conditions for the proposed CD, as follows:

1. *UDO Section 2.3 A. - Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7-CD and shall not exceed 45% of the total number of units - UDO 2.7 B.*
  - a. *Such multifamily dwellings may be front-loaded - UDO 5.10 B.*
2. *UDO Section 9.7.E.4.- Maximum block length shall exceed 800' on Street 'C' as necessary to preserve environmental features.*
3. *In order to promote variation in home appearance, no single-family home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it, to provide an anti-monotony development.*



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4. *Garage doors shall either contain windows or carriage style adornments.*
5. *The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
6. *UDO Section 2.7 B. 1.-The minimum lot size for single-family shall be 4,600 sq. ft.*
7. *UDO Section 5 - Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*
8. *Adjacent to all existing single-family lots, a six-foot tall wooden privacy fence shall be installed, at the developer's expense. This fence will be maintained in perpetuity by the Homeowners' Association.*
9. *A Type 'B' landscape buffer shall be installed along the eastern property line, more specifically adjacent to the following Wake County PIN(s): 1794352900; 1794350547; and 1794350314. This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be thirty feet in width.*
10. *A Type 'B' landscape buffer shall be installed adjacent to all existing single-family residences that face Old Zebulon Road. This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be twenty feet in width.*
11. *UDO Section 9.7.E.4- Maximum cul-de-sac length shall exceed 300' on street 'B' as necessary to preserve environmental and topographic features.*
12. *McKenzie Ridge will have a Home Owners Association. The HOA will be responsible for the townhome's roofs, yard maintenance, and pest control.*
13. *The Town requires, pursuant to N.C.G.S § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Wendell Transportation Plan and Wendell Pedestrian Plan, to create conditions essential to public health, safety, and the general welfare. The developer recognizes this and would like to voluntarily offer a one-time contribution of \$100,000 to the Town of Wendell to be used in accordance with recommended improvements as outlined in the aforementioned Wendell Transportation Plan and Wendell Pedestrian Plan.*

**Applicant's Justification:**

*Applicants Justification Statement added as Attachment B.*

**Parking**



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*Off-street parking shall be required for any active open space areas. The applicant is showing a total of 45 off-street parking spaces to serve their Pool/Cabana Center, Dog Park, Tot Lot, and Playground. They are also providing 44 off-street parking spaces within the townhome section of the proposed master plan.*

**Open Space**

*The applicant is required to provide 10.34 acres of open space, they are providing 19.87 acres of open space. The applicant is providing a full range of active open space comprised of a pool, cabana, beach volleyball court, tot lot, dog park and playground.*

**Public Utilities:**

*Development of this site will require connection to city water and sewer which is available nearby. The parcels that are not already in the city limits will need to be annexed.*

**Streets:**

*The applicant will be responsible for making the required road improvements to Old Zebulon Road which include sidewalk, bike lanes, landscape area and curb and gutter.*

**Traffic Impact Assessment (TIA)**

*The number of proposed dwelling units required the developer to prepare a Transportation Impact Assessment (TIA) report. This report is reviewed by NCDOT, as well as the Town contracted engineer. Since all impacted roads are DOT maintained, they would determine what if any improvements are required, based on the additional traffic being generated by this site. These improvements typically involve the addition of turn lanes, striping improvements, or signal improvements when applicable.*

*Recommended improvements for this project include:*

- *A dedicated 100' Left-Turn lane from Wendell Boulevard onto Old Zebulon Road.*

**Landscaping:**

*All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan, unless otherwise specified through the approved Master Plan. The applicant has included 3 conditions (#8-10) improving the site's landscaping beyond what is required.*

**Phasing:**

*The applicant has indicated that there will be phasing on this project, the current plan shows four phases. Phases 1A-1B include the amenities planned for the neighborhood.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Sector.*



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

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

*The proposed development on the site meets the appropriate uses.*



**Technical Review Committee (TRC) Comments:**

*The Technical Review Committee has completed their review of the applicant’s Master Plan and the applicant has made corrections based on their comments. Additional review would occur upon submittal of construction drawings (final development plan for conditional districts).*

**Planning Board Recommendation:**

*At their June 1, 2020 meeting, the Planning Board voted 4-1-1 in favor of the requested Conditional District.*

***Voting in Favor:*** Ryan Zakany, Jonathan Olson, Brett Hennington and Deans Eatman

***Voting Against:*** Michael Firstbrook

***Abstained from Voting:*** Allen Swaim

***Absent:*** Victoria Curtis, Jimmena Huffman-Hall and Levin Jones



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**Statement of Plan Consistency and Reasonableness:**

The proposed Conditional District is found to be generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable as it is consistent with the following principle of the Comprehensive Plan:

- Principle Number 6: "Provide for a range of housing opportunities including upscale housing, senior housing and downtown living choices."

**Staff Comments:**

- Staff recommends approval of the proposed McKenzie Meadows Master Plan.
  - The applicant has included numerous conditions improving buffers and landscaping, open space and architectural standards. In exchange, they are seeking the ability to permit front loading townhomes and exceed the length related to cul-de-sac length.
  - The applicant is proposing a master plan that contains a strong amenity package that rivals many more suburban locations but is within 1.3 miles from the heart of downtown Wendell.

**Attachments:** the following attachments can be found in the July 27, 2020 Town Board Agenda Packet on the Town's website.

D. Overall Site Plan

a. Full Master Plan Link:

<https://nmcdn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/2020-03-06---McKenzie-Meadows-Subdivision---Master-Plan.pdf>

E. Applicant's Justification Statement

F. TIA – Congestion management report

G. Ordinance for Adoption



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Mr. Coates offered to answer any questions that the Board might have and said that the applicant had a short ~~powerpoint~~[PowerPoint](#) presentation to present.

Commissioner Jon Lutz referred to the right side of the master plan map where the 30-foot buffer was to be. He asked if that buffer was from the neighboring property line to the fence and where the 30 feet of buffer would be located.

Mr. Coates said he would ask the applicant where the fence is going.

Mayor Gray asked to hear from the applicant.

Brian Duncan said that the fence would be incorporated into the 30-foot buffer and would likely be on the side of the new residential units with landscaping on the exterior to soften the appearance for the neighbors.

Commissioner Jon Lutz asked what the distance was from the fence to the property line.

Mr. Duncan said it would be at least 20 feet and presented the following presentation to the Board:

**McKenzie Meadows**



Carolina Land Group, LLC

Town of Wendell, North Carolina  
Town Board Meeting  
July 27, 2020





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Spaulding Group representative Brian Duncan thanked the Board for their time and said that he represents Carolina Land Group. He said that the project is on the northeastern side of Wendell along Old Zebulon Road, encompassing three parcels. Two of those parcels are owned by Sid Baynes. Mr. Duncan said that one of the parcels is behind the existing Northwind Subdivision. He said that there were three right-of-ways granted when that subdivision was plated and they would only be using one of those for their future development. Mr. Duncan said that this project was included in the S-4 Controlled Growth Sector and they've made their plan consistent with the current land use plan.



Mr. Duncan said that the site offers numerous amenities for residents including a pool, cabana volleyball court, 2 playgrounds, various open space areas, and almost 20 acres of open space that they're dedicating to the HOA and the enjoyment of the residents. He said that there is an expansive preservation of the wetlands and the streams to the south. There will be three entrances, one of which was added due to a Planning Board member's comment and concern for safety. Mr. Duncan said that they have enhanced buffers, especially to adjacent single-family residents. He said they have a 20-foot type B along Old Zebulon Road with a minimum 6-foot shadowbox privacy fence. Mr. Duncan said that they have a 30-foot buffer to the east, adjacent to the larger single-family lots and this buffer was expanded based on conversations with the property owners and town staff. He said that there were some concerns brought up by the Planning Board about parking and that they have 381 parking spaces provided which means 2 spaces per unit, including townhomes. Mr. Duncan said that they also have 89 visitor spaces, which were added based upon feedback received from the Planning Board. He said that the open space areas, the amenities, the townhome exteriors and landscaping will be maintained by the HOA.




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**Rezone to R-7 Conditional District  
with the following Conditions**

- 1) UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall not exceed 45% of the total number of units – UDO 2.7 B.  
1. Such multifamily dwellings may be front-loaded – UDO 5.10 B.
- 2) In order to promote variation in home appearance, no single-family home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it, to provide an **anti-monotony development**.
- 3) Garage doors shall either contain windows or carriage style adornments.
- 4) The use of **vinyl-siding shall be prohibited**, except for trim elements of the dwelling unit façade.
- 5) UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,600 sq. ft.
- 6) UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.
- 7) Adjacent to all existing single-family lots, **a six-foot tall wooden privacy fence shall be installed, at the developer's expense**. This fence will be maintained in perpetuity by the Homeowners' Association.
- 8) A Type 'B' landscape buffer shall be installed along the eastern property line, more specifically adjacent to the following Wake County PIN(s): 1794352900; 1794350547; and 1794350314. This **buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be thirty feet in width**.
- 9) A Type 'B' landscape buffer shall be installed adjacent to all existing single family residences that face Old Zebulon Road. **This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be twenty feet in width**.
- 10) UDO Section 9.7. E. 4. – Maximum cul-de-sac length shall exceed 300' on Street 'B' as necessary to preserve environmental and topographic features.
- 11) McKenzie Meadows will have a Home Owners' Association. **The HOA will be responsible for the townhome(s) maintenance, which will include roof, yard, and pest control.**


Mr. Duncan said he wanted to highlight that they are providing high-quality materials, with vinyl siding being prohibited except for the trim elements. He said they have a 6-foot tall privacy fence against adjacent single-family residences and the buffer will be owned and maintained by the HOA.



## Townhome Demographics

<p><b>Typical Buyer</b></p> <ul style="list-style-type: none"> <li>First-Time Homebuyers (Largest Group Entering the Housing Market)</li> <li>Empty Nesters</li> <li>Single</li> <li>Owners who prefer lower maintenance living</li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>Great locations and easy access to urban living</li> <li>Typically more affordable</li> <li>Lower renovation costs</li> <li>Lower utility bills and insurance costs</li> <li>Low maintenance living and shared amenities</li> <li>A strong sense of community</li> <li>Safer living environment</li> </ul> <p><small>Date Source: newhomesource.com</small></p>	<p><b>\$252,900- Median List Price of Townhomes in Wake County (April 2020)</b></p> <p><small>Data Source: Realtor.com</small></p> <p><small>*Household income between \$86,736-\$103,596 depending on down payment.</small></p> <div style="text-align: center;">  </div> <p><small>2 In order to promote variation in home appearance, no single family home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it, to provide an <b>anti-monotony development</b>.</small></p> <p><small>3 Garage doors shall either contain windows or carriage style adornments.</small></p> <p><small>4 The use of vinyl siding shall be prohibited, except for trim elements of the dwelling unit façade.</small></p>
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Carolina Land Group, LLC



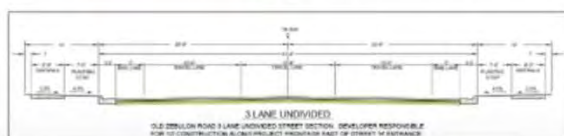
Mr. Duncan said that there was a lot of discussion at the Planning Board meeting surrounding townhomes and their place in Wendell. He said that a lot of this information



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was generated based on those discussions, with the typical buyer of a townhome being first-time homebuyers, empty nesters, single individuals, and some who prefer lower maintenance living. He said that townhomes have a lot of benefits and is accessible to town, with lower renovation costs and lower utility bills. Mr. Duncan said that there is a strong sense of community and that a lot of people feel safer in this type of housing.

## Transportation Improvements



>1,000 LF ALONG OLD ZEBULON RD

**\$100,000 Contribution**



Carolina Land Group, LLC

**S**  
THE SPAULDING GROUP, PA  
planning • civil engineering

Mr. Duncan said that they are responsible for constructing half of a three-lane, undivided road section along Old Zebulon Road. He said that there would be more than 1,000 linear feet of improvements constructed along the road and that includes a bike lane, planting strip, and sidewalks. Additionally, the developer has offered a one-time, \$100,000 contribution to the town to be reserved for future transportation projects as they see fit. Mr. Duncan offered to answer any questions that the Board might have.

Commissioner Joe DeLoach asked about the HOA being responsible for townhomes' roofs, yard maintenance and pest control. He asked if it was limited to those items only, or does it include exterior maintenance such as siding and power washing.

Mr. Duncan said that it would include all of those items.

Commissioner Jason Joyner asked about buffers and if they've been approached by residents requesting buffers that have been denied during the process.

Mr. Duncan said they have not and that they have only expanded their buffers based on discussions had.

Commissioner Jon Lutz asked if they had a builder over their project yet.



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Mr. Duncan said that they didn't have one yet, but that any builder they chose would be held to the high standards that the development requires, both for the site and architecturally.

Commissioner Philip Tarnaski asked about the road width size from curb to curb is still 27 feet and not 30 feet.

Mr. Coates said that it is 27 feet back to back, but that there is no on-street parking.

Mayor Gray said that they had one person signed up for public comment and opened the public hearing at 10:46 p.m.

Sid Baynes, 3900 Wendell Blvd, Wendell, NC, 27591, spoke in support of the development, explaining his ownership of two of the parcels and his support for the growth of Wendell.

Sid Baynes, 3900 Wendell Blvd, Wendell, NC, 27591, also submitted the following written public comment:

Mayor and Commissioners  
Town of Wendell  
15 E. Fourth Street  
Wendell, NC 27591

Dear Mayor and Commissioners:

My name is Aubrey Sidney (Sid) Baynes, and I am submitting these comments in support of Agenda Item #5c of your July 27, 2020 meeting. My wife Ann and I live at 3900 Wendell Boulevard and own two of the tracts that are included in the proposed McKenzie Meadows development addressed by this item. As background for your discussion and decision, I thought that it would be helpful to explain why we decided to sell our property for the purpose of development and why we chose Carolina Land Group and their proposal. Please note that this letter is basically the same as one I sent to the Planning Board on May 29, but since the facts are still the facts, I hereby submit it for your consideration and use.

This property has been in Ann's family for about eighty years. She and I grew up in Wendell, have spent between six and seven decades living here, and do not plan to leave. For many years my dream was to build a large home on a large lot in the middle of this property and surround it by other such homes and lots. My life experiences, education, and studies of development patterns have led me to understand that this dream is in many ways impractical and not in the best interest of Wendell, the town I love. I am now a firm believer in compact, sustainable development where appropriate rather than the unsustainable sprawl associated with my early dream.



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Compact and sustainable developments are simply those that allow growth in general to continue for long periods of time. They benefit all aspects of the economy and population, are much more environmentally sound, and do not fill up the landscape with disjointed sprawl that cannot be sustained. Sprawl on the other hand is less well planned across the community, eats up much more living space per person, is more dependent on automobiles and travel, creates more traffic problems, destroys more natural habitat and farmland, takes potential customers away from downtowns, and greatly increases costs to homeowners and municipalities.

I have had these facts verified through my studies to obtain three degrees in various areas of natural resources conservation and over thirty years as a professional natural resources researcher, manager, educator, and administrator. Also, I was elected to the Wendell Town Board on a platform of sustainable development. Among other involvements, I served as chair of the UDO revision committee which expanded sustainable growth regulations, served on the Wake County Stormwater Management Task Force which developed the ordinance that we now use, served on the Wake County Rural Traffic Study Group which looked at the area's future traffic needs, and served on the Wendell Housing Diversity Task Force which concluded that the town needs more developments like the one being proposed by Carolina Land Group.

After having been contacted by a surprisingly large number of developers over the past few years and eighteen months ago finding three serious proposals on my desk at one time, Ann and I felt that we should consider a sale of the property. (We continue to get offers even though the property is under contract.) Also, we knew that this land is now infill because it has been surrounded by development; that with its being zoned RA, the UDO indicates that it is really in a holding pattern for future development because it no longer exists on a perimeter of the town; that the infrastructure already exists to connect the property to the town; and that adjacent properties have already been approved for development and annexed into the town. Therefore, the question was no longer whether or not our lands would be developed, but when and how. We chose to move forward while we had some control over the process and had an excellent plan before us.

Carolina Land Group became our developer of choice. We chose them because their proposal meets our desire to see a new type of family and environmentally friendly neighborhood. Elements we considered were the company's interest in compact and sustainable development; the fact that they are a local company with local control, local funding, and a commitment to local subcontractors; and that they are willing to promise quality homes that will be above Wendell's current per capita home value. Additionally, they promise buffers and fencing to protect existing property owners, protections for open space and natural areas, and numerous amenities. Also, Kirby LaForce, a partner with this group and the individual handling this development, proves to know our area well and be honest in his dealings regarding this matter.



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While I sincerely appreciate any concerns regarding Mckenzie Meadows as they relate to the personal and individual interests of neighboring homeowners, I am just as sincere in my conviction that the proposed development of this property reflects a positive and natural growth pattern that is appropriate for this infill property and that the project will be very good for Wendell. As planned, Mckenzie Meadows meets, and in many instances exceeds, the expectations and requirements of Wendell's UDO and other planning documents. To require more would go against the intent that these documents have for providing fairness and equality to citizens, landowners, and developers. In addition, such actions could shut the door on future development and progress here. As you study this proposal in view of the location of this property, the surrounding developments, the many positive elements of the project, the project's large increase to Wendell's tax base, and the value of compact and sustainable development, I believe you will agree. Also, Wendell must continue to grow the historic portion of the town in addition to outlying areas or we could easily reach a situation where both the tax base and political base of the town become geographically out of balance. Without continued balance the town could realize citizen rivalries and dissatisfactions which lead to the fracturing of the town into "two or more Wendells" rather than one strong town.

In conclusion, those who chose to clear land and develop or move into an area, attempt to halt continued development, and then depend on the benevolence and undeveloped lands of their neighbors to supply their buffers and personal recreation must consider this situation as unrealistic and temporary and should not be surprised or overly upset when the development they began eventually comes to their neighbor's lands. I understand the desire for a place of solitude and "get away". We began to lose ours thirty some years ago when we suddenly found our granite outcroppings, small pond, woods, and beaver pond in the backyards of our new neighbors whose cleared yards extended right up to our boundaries. We welcomed these new neighbors graciously, considered them friends, and have shared our lands with them. Our best option now is to let our lands be developed by Carolina Land Group in the manner proposed, hope that our neighbors will extend friendship and hospitality to their new neighbors to come, and trust you to help us by approving this project. This new neighborhood will not only benefit my children and grandchildren, but also the entire future of Wendell.

Thank you for your favorable consideration,

Sid  
Aubrey Sidney (Sid) Baynes

Mayor Gray asked if there was anything that the applicant would like to add. Nothing was added and Mayor Gray closed the Public Hearing at 11:00 p.m. subject to the 24-hour public comment period.

## **6. ADMINISTRATIVE ITEMS**

6a. Approval of the Mural Design for E Campen Street



**TOWN OF WENDELL  
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Staff Contact: Assistant to the Manager Stephanie Smith  
[ssmith@townofwendell.com](mailto:ssmith@townofwendell.com)

Assistant to the Manager Stephanie Smith presented the following staff report, below in italics:

**Item Title:**

*Town of Wendell Downtown Mural Concept Design*

**Board of Commissioners Meeting:**

*July 27, 2020*

**Specific Action Requested:**

*Approve the mural concept design provided by Matthew Wiley Murals, Inc.*

**Item Summary:**

*On January 13, 2020, the Board of Commissioners approved the selection of Matthew Wiley Murals, Inc. to provide a mural located on the side of the Perry building, along East Campen Street. Matthew Wiley was selected to create an original, one-of-a-kind, hand-painted mural featuring honeybees and other pollinators on the wall of the Perry building in Wendell, NC. This piece will forever be considered a part of the 50,000 bees that Matthew is creating as a part of his global project titled The Good of the Hive. Once the mural is completed, the Town of Wendell NC will have a presence on TheGoodoftheHive.com describing the project.*

*Mr. Wiley has provided a concept design for review and has indicated the concept for the sketch is to bring a diversity of pollinators together in a whimsical procession. The art will go across the entire wall selected for the mural.*

*The mural concept was presented to the Appearance Commission at their July 22 meeting. The comments and recommendation of the Appearance Commission will be provided at the meeting.*

*Work is scheduled to begin on or around July 31, in conjunction with substantial completion of the E Campen Row project.*

**Attachments:** the following attachment can be found in the July 27, 2020 Agenda Packet on the Town's website:

A. *Downtown Mural Concept Design Sketch*



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Ms. Smith offered to answer any questions that the Board might have. No questions were asked.

**ACTION**

Mover: Commissioner Lutz made a motion to approve the mural concept design provided by Matthew Whiley Murals, Inc.  
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.  
Nays: None.  
Vote: 5-0

6b. Motion on a contiguous annexation petition A-19-08 for 7.45 acres located at 1425 S. Hollybrook Road and identified by PIN number 1793-03-4587

Staff contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

**Item Title:**

*Motion on a contiguous annexation for 1 parcel totaling 7.45 acres [PIN #1793-03-4587] located at 1425 S. Hollybrook Road.*

**Report to the Board of Commissioners:**

*July 27, 2020 – Item for Decision*

*July 13, 2020 – Public Hearing*

*June 22, 2020 - Receive Certificate of Sufficiency and set Public Hearing*

*January 13, 2020 - Direct the Clerk to Investigate Sufficiency of the Annexation*

**Specific Action Requested:**

*Make a motion on the annexation for 7.45 acres located at 1425 S Hollybrook Road and consider adopting the attached ordinance. The public hearing was held for this item on Monday July 13, 2020.*

**Item Summary:**

*Franceline H Price has submitted an annexation request for 1 contiguous parcel totaling 7.45 acres located at 1425 S. Hollybrook Road and identified by PIN Number 1793-03-4587. The purpose of this annexation is to accommodate planned changes to the residential Conditional District previously submitted by Fred Smith on S. Hollybrook Rd, to include this land.*

**Zoning District:**

*The property is currently located within the RA zoning district.*

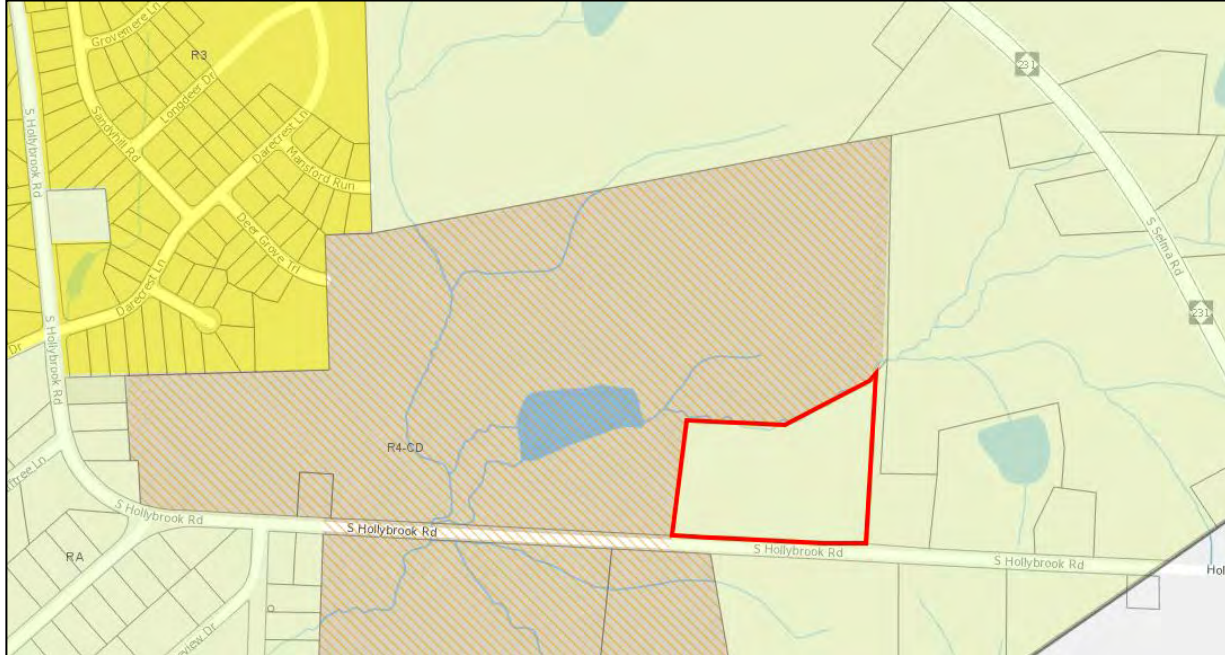
**Police & Public Works & Utility Service:**



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*The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.*

**Location Map:**



**Staff Recommendation:**

*Staff recommends approval of the request.*

**Attachments:** the following can be found in the July 27, 2020 Agenda Packet on the Town's website.

*A. Ordinance for Adoption*

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

Commissioner Jon Lutz asked about the property boundaries between the adjacent property owners.

Mr. Coates said he would be addressing that in the Conditional District Rezoning Item later on in the agenda.

**ACTION**

**Mover:** Commissioner Joyner made a motion to approve the contiguous annexation petition A-19-08 for 7.45 acres located at 1425 S. Hollybrook Road and identified by PIN number 1793-03-4587

**Ayes:** Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

**Nays:** None.

**Vote:** 5-0



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BOARD OF COMMISSIONER MEETING MINUTES  
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- 6c. Motion on a contiguous annexation petition A-20-02 for 15.79 acres located at 941 Wendell Falls Parkway and identified by PIN number 1783-17-8750

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

**Item Title:**

*Motion on a contiguous annexation petition for 1 parcel totaling 15.79 acres [PIN #1783-17-8750] located at 941 Wendell Falls Parkway.*

**Report to the Board of Commissioners:**

*July 27, 2020 – Item for Decision*

*July 13, 2020- Public Hearing*

*June 8, 2020 - Receive Certificate of Sufficiency and set Public Hearing*

*April 27, 2020 - Direct Clerk to Certify Annexation Request*

**Specific Action Requested:**

*Make a motion on the annexation petition for 15.79 acres located at 941 Wendell Falls Parkway and consider adopting the attached ordinance. The public hearing was held for this item on Monday July 13, 2020.*

**Item Summary:**

*Jackie Smith has submitted an annexation request for 1 contiguous parcel totaling 15.79 acres [PIN #1783-17-8750] located at 941 Wendell Falls Parkway. Plans have been approved to build a Townhome residential community as part of an NC Conditional District but in order to gain access to needed utilities, annexation is required.*

**Zoning District:**

*The property is currently located within the Town of Wendell extraterritorial jurisdiction and is zoned Neighborhood Center (NC) Conditional District.*

**Police & Public Works & Utility Service:**

*The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.*



**TOWN OF WENDELL  
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**Location Map:**



**Staff Recommendation:**

*Staff recommends approval of the request*

**Attachments:** the following attachments can be found in the July 27, 2020 Agenda Packet on the Town's website:

A. *Ordinance for Adoption*

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

**ACTION**

Mover: Commissioner Lutz made a motion to approve the contiguous annexation petition A-20-02 for 15.79 acres located at 941 Wendell Falls Parkway and identified by PIN number 1783-17-8750

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette

Nays: None.

Vote: 5-0

- 6d. Motion on a revised R4 Conditional District for 99.9872 acres (PIN#1783-83-7560, PIN#1783-92-1299, PIN#1783-94-6022, PIN#1793-02-0954, and PIN#1793-03-4587) located at 1201 S Hollybrook Road, 1320 S. Hollybrook Rd., 0 S Hollybrook Rd and 1425 S Hollybrook Rd.

Staff Contact:

Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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Assistant Planning Director Bryan Coates presented the following staff report, below in italics:

**Item Title:**

*Motion on a revised R4 Conditional District for properties located at 0, 1320 & 1425 S. Hollybrook Road.*

**Report to the Board of Commissioners:**

*Monday, July 27, 2020 – Item for Decision*

*Monday, July 13, 2020 – Public Hearing*

**Report to the Planning Board:**

*Monday, June 15, 2020*

*Monday, June 1, 2020*

*Monday, May 4, 2020*

**Specific Action Requested:**

*Make a motion on the proposed R4 Conditional District request and consider adopting the attached ordinance to rezone the described area subject to conditions and in conformance with the associated Master Plan. The public hearing was held for this item on Monday, July 13, 2020.*

**Applicant:**

*Smith Edwards, LLC*

**Petition:**

*The applicant has requested to create an R4 Conditional District for 99.9872 acres of property within the parcels identified by PIN #1783-92-3310, PIN #1783-94-9191, and PIN #1793-03-4587. The proposed conditional district consists of a 290 single-family home subdivision, including club, pool and associated improvements, to be known as The Glen and The Meadows.*

**Item Summary:**

*On November 26, 2018, the Wendell Board of Commissioners approved a Conditional District Master Plan submitted by Fred Smith along S. Hollybrook Rd, for up to 310 single family homes. Following Master Plan approval, the project engineers (John A. Edwards And Company) began preparing Construction Drawings. However, based upon various factors including but not limited to wetland impacts, the developer chose to approach the town with a revised Master Plan rather than continuing with the existing one.*

*The revised Master Plan would remove approximately 23 acres of property from the western portion of the project and add an additional 7.45-acre parcel and connecting drive on the eastern side of the project. As proposed, the applicant's revised R4 conditional district would feature 290 single family homes (instead of 310). The change eliminates a road crossing that would impact wetland and riparian buffers. The portion of the*



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*development north of S. Hollybrook Rd would gain an additional access point to Hollybrook but would lose the connection to Groves of Deerfield (this connection required a stream crossing). Outside of these changes, the development proposal is substantially similar to the approved master plan.*

*If the revised plan is approved, the applicant would seek to rezone the 23-acre portion that has been removed from the conditional district application to Residential-3 (R3) zoning district.*

*The Overall Site Plan is included as Attachment A (Along with a link to the full Master Plan for download).*

**Purpose of a Conditional District:**

*The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.*

*A CD may depart from the strict application of the requirements of the town's general zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.*

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

*The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in the UDO which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to the UDO and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.*

**Location and History:**

*Two of these properties are currently located in the corporate limits of the Town of Wendell and are zoned R4-CD, with the remaining 1 property located in the Town's extraterritorial jurisdiction and is zoned Rural Agricultural (RA). An annexation request for the property in the ETJ has been submitted.*



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**Project Profile:**

PROPERTY LOCATIONS: 0, 1320 & 1425 S. Hollybrook Rd  
 WAKE COUNTY PINS: 1783923310, 1783949191, 1793034587  
 CURRENT ZONING DISTRICT: R4-CD/RA  
 CROSS REFERENCES: N/A  
 PROPERTY OWNERS: Smith-Edwards LLC  
 2505 Wendell Road  
 Wendell, NC 27591  
 Franceline Price  
 1425 S. Hollybrook Road  
 Wendell, NC 27591  
 APPLICANT: Smith-Edwards, LLC  
 2505 Wendell Road  
 Wendell, NC 27591  
 PROPERTY SIZE: 99.9872 acres  
 CURRENT LAND USE: Residential/Agricultural  
 PROPOSED LAND USE: Residential

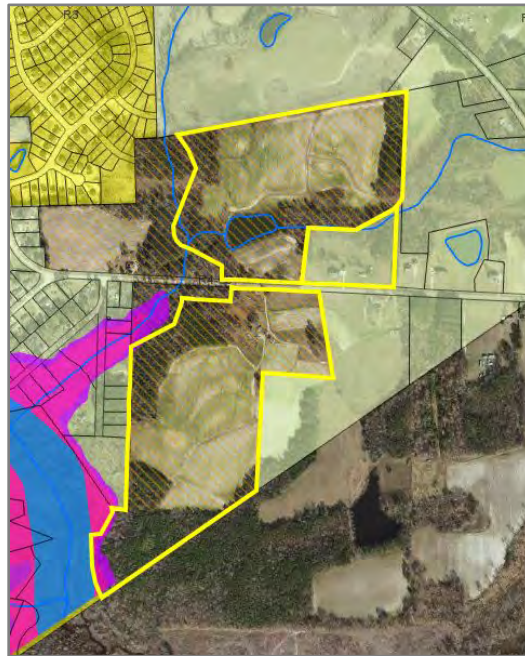
**Project Setting – Surrounding Districts and Land uses:**

<i><b>DIRECTION</b></i>	<i><b>LANDUSE</b></i>	<i><b>ZONING</b></i>
<b>North</b>	<i>Residential/Agricultural</i>	<i>R3/RA</i>
<b>South</b>	<i>Residential/Agricultural</i>	<i>RA</i>
<b>East</b>	<i>Residential/Agricultural</i>	<i>RA</i>
<b>West</b>	<i>Residential</i>	<i>R3/RA</i>

**Current Zoning Map (Subject Properties Outlined in Yellow:**



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**Proposed Conditional District Conditions:**

The applicant is proposing to keep the approved zoning conditions 1-9 with new lot number references added. Zoning condition 10 was removed and replaced with a maximum lot count of 300 in keeping with the intent of the original approval. The 10 conditions for the proposed CD are as follows:

14. All single-family dwellings shall have a 5 ft. minimum side setback.
15. A parking ratio shall be applied to the club house amenity site of 1/1,000 SF + 1/75 SF of water surface for the pool.
16. Approval of the subject Conditional District is contingent upon formal acceptance and annexation of the subject parcels into the Town of Wendell. Absent annexation acceptance the Conditional District application will not be approved.
17. All interior lot single-family dwellings shall have a 54 ft. minimum lot width and all corner lots shall have a minimum 60ft. lot width (rather than 50 ft.).
18. The development shall provide a minimum of 2,500 sq. ft. of open space per dwelling (rather than 1,750 sq. ft. of open space)
19. That the club house lot amenities be completed prior to Phase 3 of the development plan.
20. That the proposed Pump Station be screened from view from lot 229 and 230 with a Type A buffer (with the exception of an access drive). Existing vegetation may be counted towards this requirement.



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21. *That a high visibility crosswalk and pedestrian crossing signs be installed to allow pedestrians to safely cross Hollybrook Rd, in adherence with any required DOT standards for the crossing design.*
22. *That the subdivision planting requirement for abutting rear yards (described in Section 8.7 of the UDO) be applied to lots 242 through 250, which abut that 3.76 acre tract identified by PIN 1783816842.*
23. *There shall be a maximum lot count of 300.*

**Applicant's Justification:**

*Applicants Justification Statement added as Attachment B.*

**Public Utilities:**

*Development of this site will require connection to city water and sewer which is available nearby. The parcel that is not already in the city limits will need to be annexed.*

**Streets:**

*The applicant will be responsible for making the required road improvements which include sidewalk, bike lanes, landscape area and curb and gutter. The completed Transportation Impact Analysis requires a left turn lane be constructed from NC 231 to S Hollybrook Road.*

**Phasing:**

*The applicant has indicated that there will be 5 phases on this project. Phasing timelines will need to be updated.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Sector.*

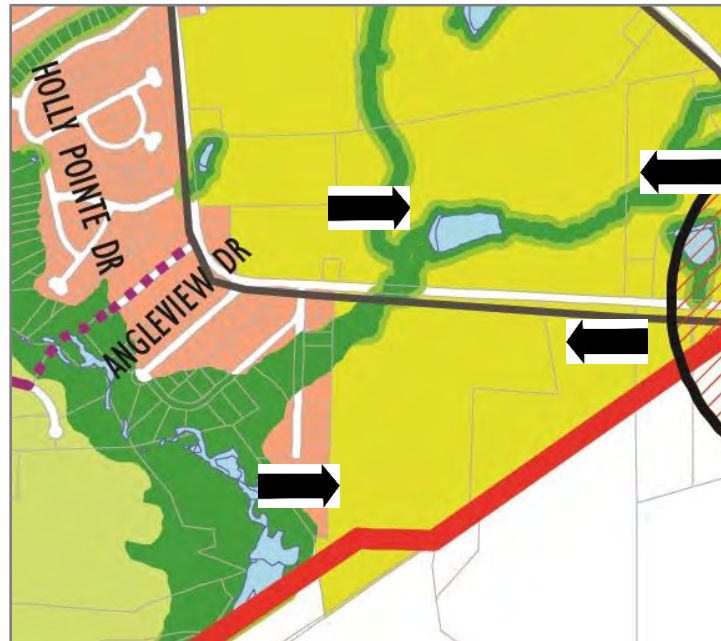
*The Comprehensive Plan states that S-4 areas "are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community's new growth should occur. The typically envisioned community type for S-4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

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

*The proposed development on the site meets the appropriate uses.*



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**Technical Review Committee (TRC) Comments:**

*The Technical Review Committee has completed their review of the applicant's Master Plan and the applicant has made corrections based on their comments. Additional review would occur upon submittal of construction drawings (final development plan for conditional districts).*

**Planning Board Recommendation:**

*At their June 15, 2020 meeting, the Planning Board voted 5-2 in favor of the requested Conditional District.*

***Voting in Favor:*** Jimmena Huffman-Hall, Levin Jones, Brett Hennington, Deans Eatman and Ryan Zakany.

***Voting Against:*** Victoria Curtis and Allen Swaim

***Absent:*** Michael Firstbrook and Jonathan Olsen

**Statement of Plan Consistency and Reasonableness:**

*The proposed Conditional District is found to be generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable due to its consistency with the surrounding residential zoning districts and with the following principle of the Comprehensive Plan:*

- *Principle Number 6: "Provide for a range of housing opportunities including upscale housing, senior housing and downtown living choices."*

**Staff Comments:**

*Staff supports the proposed conditional district.*



**TOWN OF WENDELL  
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**Attachments:** the following can be found in the July 27, 2020 Agenda Packet on the Town's website:

- A. *Written Public Comment within 24-hour period of 7/13*
- B. *Ordinance for Adoption*

Mr. Coates said that Condition #9 on the plan was amended, with a rear buffer being provided in addition to lots 110-116 and 251-252 being added to condition 9 so that the western side would also have a buffer. He offered to answer any questions that the Town [Board](#) might have.

Commissioner Jon Lutz asked about the northern half of the project with the larger buffering space between the Arnold property and the proposed development. He said he understood they had to rework some things for feasibility and that they now have 5 homes that back up right to the Arnold property. He asked about buffering issues and if any discussion has been had between the two parties on that buffer.

Mr. Coates said that he would leave the response to the applicant and that he understood discussions have been had over email.

Mr. Clyde Holt, speaking on behalf of the applicant, said he had reached out several times to the Arnolds to suggest that they design for the buffer including a privacy fence and landscaping that the developer would pay for. He said that they indicated that they weren't interested in doing that and that they had other concerns besides the buffer. He said the developer would like to go back to condition 9 and add that the buffer will exist along lots 22-27, adjacent to the Arnold property, and would include a 6-foot privacy fence to be constructed by the developer in the initial phase of the project and to be maintained thereafter by the HOA.

Commissioner Lutz asked for clarification that they are proposing that they have a vegetative buffer, a 6-foot high fence, both of which would be maintained by the HOA and not the family.

Mr. Holt confirmed that was correct.

Commissioner Lutz asked for clarification that the vegetative buffer would be on the development's side of the property.

Mr. Holt confirmed that was correct.

Commissioner Lutz asked Mr. Holt to speak to the traffic on the turn lane into Hollybrook Road.

Mr. Holt said that the traffic study that was conducted by their professional traffic engineer had a scope that was set by the town. He said that the study was submitted to



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NCDOT and was approved by them, with the left-turn lane was suggested as a requirement by NCDOT because it is needed whether the property develops or not and should be provided by the developer, which has agreed to complete it.

Commissioner Joyner said he appreciates the developer addressing the concerns and encouraged the developer to involve the Arnolds in working towards an agreement, moving forward.

Mr. Holt said that they would continue that effort.

**ACTION**

Mover: Commissioner Joyner made a motion to approve the revised R4 Conditional District for 99.9872 acres (PIN#1783-83-7560, PIN#1783-92-1299, PIN#1783-94-6022, PIN#1793-02-0954, and PIN#1793-03-4587) located at 1201 S Hollybrook Road, 1320 S. Hollybrook Rd., 0 S Hollybrook Rd and 1425 S Hollybrook Rd with the concessions to Condition Number 9 and the builder's concessions to buffering as discussed.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

- 6e. Selection of Architectural and Engineering Firm for the Design of a New Town Hall and Direct Town Manager to Negotiate Contract.

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

Town Manager Marc Collins said that he's available to answer any questions and would let Commissioner Boyette present as he moved to move this item from the Consent Agenda to Administrative Items for presentation.

Commissioner Boyette said that he moved item 6e from the Consent Agenda because he thought it was important to discuss moving forward as a town project. He said the selection was for Ginsler Architectural Firm for designing the new town hall and that he was very happy to be a part of this process. Mr. Boyette said that they received a lot of good proposals both on the initial RFQ and 4 excellent presentations in the second round. He said that he looks forward to sitting down with the Board, town staff and Ginsler to begin the design process. He said it will allow the town to showcase a lot of their strengths and provide a well-designed workspace for town staff that will provide for growth. He thanked town staff for their time and efforts in this process.



**TOWN OF WENDELL  
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**ACTION**

Mover: Commissioner Boyette moved to approve Ginsler Architectural Firm as the firm to design the new town hall and authorize the Town Manager to negotiate that contract.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.

Nays: None.

Vote: 5-0

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

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



Capital Area Metropolitan Planning Organization (CAMPO) – Mayor Virginia Gray

Mayor Gray said she attended CAMPO virtually to hold a public hearing on the proposed 2022 LAPP proposed changes and target modal investment mix. She said they received an update on the Wake Transit Vision Plan and the fiscal year 21 workplan reassessment. She said they received various budget information, project updates, public engagement updates, and staff reports.



Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette

Mayor Pro Tem Boyette said there was some discussion on the Treelight Dining Plan regarding technical concerns that would come back up at the next meeting for further discussion.

**8. COMMISSIONERS' REPORTS / COMMENTS**

Commissioner Joyner encouraged people to visit the Town's social media for information on town communications. He also wished his wife a happy 8-year anniversary.

Commissioner DeLoach, Lutz, Tarnaski, and Boyette had no comments.

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

Mayor Gray had no comments.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JULY 27, 2020**

**ACTION:**

Mover: Mayor Gray moved to adjourn at 11:28 p.m.

Vote: 5-0

Duly adopted this 24 day August of 2020, while in regular session.

**ATTEST:**

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

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

Appendix A: Public Notice Publications in *The Wake Weekly* for Public Hearings 5a through 5c.

Appendix B: Petition submitted for items 5a and 5b by David Cozart, 6324 Weathers Road, Wendell, NC, 27591

Appendix C: Policy 104 Submitted for items 5a and 5b by Pat Shillington, 133 Candlewick Dr., Wendell, NC, 27591



July 27, 2020 Public Notices, The Wake Weekly

Item 3c

**Public Notice**

Pursuant to NC GS 160A-58.2, the public will take notice that the Wendell Town Board of Commissioners has scheduled a VIRTUAL public hearing on Monday, July 27, 2020 at 7:00 PM in the Wendell Town Hall, 15 East Fourth St. The purpose of the public hearing is to consider an annexation for the Town of Wendell for the following described territory:

A 12.28-acre tract located off Rolesville Road addressed as 4501 Rolesville Road, PIN # 1765-85-2510 and is available in Deed Book 09086, Pages 2064-2066, Wake County Registry;

A 50.16-acre tract located off Davistown Road addressed as 0 Davistown Road, PIN # 1765-96-2276 and is available in Deed Book 16037, Pages 1579-1582, Wake County Registry;

A 57.16-acre tract located on Davistown Road addressed as 1401 Davistown Road, PIN # 1765-85-6251 and is available in Deed Book 16037, Pages 1587-1590, Wake County Registry;

A 32.21-acre tract located on Yancey Drive addressed as 6021 Yancey Drive, PIN # 1775-04-2139 and is available in Deed Book 11017, Pages 981-985, Wake County Registry;

Citizens may speak and may obtain additional information from the Town of Wendell Zoning Administrator, 15 E. Fourth Street, Wendell, North Carolina 27591.

Megan Howard

Town Clerk

Wake Weekly

July 16, 2020

**Public Notice**

The public will take notice that the Wendell Board of Commissioners has scheduled two public hearings on Monday, July 27, 2020 at 7:00 p.m. in the Wendell Town Hall for the following purposes:

1. The first public hearing is to consider a request by Chris Rurkowski of TMTLA Associates to rezone approximately 129.59 acres of property along Rolesville Rd within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139 to an R4 Conditional District. The described properties are currently zoned Wake County R-40.

2. The second public hearing is to consider a request by Brian Duncan of the Spaulding Group, PA to rezone approximately 68.55 acres of property along Old Zebulon Rd within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233 to an R7 Conditional District. The described properties are currently zoned R3 and Rural Agricultural (RA).

Interested parties and citizens shall have opportunity to speak and may obtain additional information on request from the Town of Wendell Zoning Administrator, 15 E. Fourth Street, Wendell, North Carolina 27591. Please go to [www.townofwendell.com](http://www.townofwendell.com) and refer to the meeting agenda for public input options.

Megan Howard

Town Clerk

The Wake Weekly:

7/16/20; 7/23/20

**Public Notices****Public Notice**

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Megan Howard

Town Clerk

The Wake Weekly:

7/16/20; 7/23/20



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

Ashton Woods Homes, a subsidiary of Great Gulf Group Limited, a multi-billion dollar Toronto, Ontario real estate development company is seeking approval to develop and build 324 Single Family Homes on the Weathers Property bordering Rolesville and Davistown Roads. The proposed project benefits the developer to the detriment of existing neighbors.

The proposed project is inconsistent with neighboring rural properties and puts at risk adjacent wetlands including the Robertson Millpond Preserve (Identified by the N. C. Natural Heritage Program as a significant natural area). The Preserve is the only bald cypress blackwater swamp in Wake County.

Under the proposed project, The Weathers Farm would be annexed into the Wendell City limits, creating another satellite annexation for the Town, further stretching the Town's Fire, Ambulance and Police resources.

The proposed project is too dense for the area and puts at risk the lives of thousands of parents and students traveling to East Wake High School daily. The developer projects a 98% increase in traffic along Rolesville Road.

We call on the Town Board to refuse Ashton Woods Homes application to zone the Weathers Farm property as an R-4 Conditional District (resulting in a density of 7 houses per buildable acre) and deny the related annexation request.

We stand with concerned citizens in opposition of the proposed Ashton Woods Homes, Weathers Farm project.

Name	Address	Email	Signature
Scott Hunt	4809 Applegate		Scott Hunt
Lawrence Sheets	4809 Applegate		Lawrence Sheets
Rebecca Wood	5905 Shady View		Rebecca Wood
Jermaine Woods	5905 Shady View		Jermaine Woods
Carl Woods	5905 Shady View		Carl Woods
Sade Noyon	5908 SHADY VIEW		Sade Noyon
Daniel Lunsley	224 CANDLEWICK DR.		Daniel Lunsley
Kimberly Lunsley	224 CANDLEWICK DR.		Kimberly Lunsley
Sue Bantz	224 CANDLEWICK DR.		Sue Bantz
Chad Richards	3009 PINEYCREST RD		Chad Richards
Jenny Richards	3009 PINEYCREST RD		Jenny Richards



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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Name	Address	Email	Signature
William Guy	5921 Shady View Dr	billguyson@gmail.com	William Guy
DIANE GUY	5921 Shady View Dr	dianeguy38@yahoo.com	Diane C. Guy
Teresa Harper	5920 Shady View Dr	teresa.harper@gmail.com	Teresa M. Harper
DAVE HARPER	5920 Shady View Dr	DAVE.HARPER1961@gmail.com	Dave Harper
Billy Harper	4017 BROWN PL	BillyHarper110@ATTN.CT	Billy Harper
LRIEL VALLES	4804 Appling Ct		Lriel Valles
Evira Valles	4804 Appling Ct		<del>Evira Valles</del>
Denise Davis	4808 Appling Ct		Denise E. Davis
Denise Davis	4812 Appling Ct.	duke.denise@hotmail.com	Denise E. Davis
Matthew Davis	4812 Appling Ct.	MRD27545@yahoo.com	Matthew Davis



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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We stand with concerned citizens in opposition of the proposed Ashton Woods Homes, Weathers Farm project.

Name	Address	Email	Signature
Kathy Bradley	140 Candlewick	kbradley@broadcom.com	Kathy Bradley
Jason Johnson	113 Candlewick Dr	ImportHuner82@gmail.com	Jason Johnson
Bobbie Alford	105 Candlewick Dr		Bobbie P. Alford
Erin Alford	105 Candlewick Dr		Erin Alford
Paul Denton	101 Candlewick Dr		Paul Denton
Zandy Denton	101 CANDLEWICK DR		Zandy Denton
Andy Lent	3005 Pinyard Rd		Andy Lent
Steve T. Lent	3005 Pinyard Rd		Steve T. Lent
John Bruce	4600 Rolesville Rd	jbruce999@gmail.com	John Bruce
Mary Bruce	4600 Rolesville Rd		Mary Bruce



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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Name	Address	Email	Signature
Floyd Price	Wendell 137 Candlewick Dr	treya@theharrellsons.com	Floyd Price
Pat Shillington	133 Candlewick Dr		P. Shillington
Deb Shillington	133 Candlewick Dr		Deb Shillington
Fatima Moore	129 Candlewick	Fatima Moore fat@grandicon.com	Fatima Moore
Bryan Watkins	4500 Rolesville Rd	bwatkins233@gmail.com	Bryan Watkins
Jessica Watkins	4500 Rolesville Rd	jbwatkins34@gmail.com	Jessica Watkins
David Lieford	108 Candlewick	davidlieford@aol.com	David Lieford
RH Munn	112 "		RH Munn
WALTER JOHNSON	128 CANDLEWICK DR WENDELL, NC		Walter Johnson
Joshua Driskill	136 Candlewick Drive	driskilljd@gmail.com	Joshua Driskill



Target: Wendell Town Board

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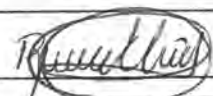



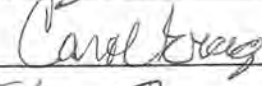
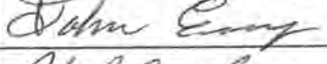

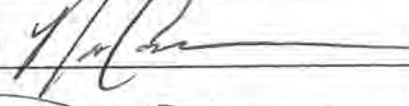


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Name	Address	Email	Signature
Rosa E. Martinez	219 Candlewick Dr Wendell NC 27591	elimtz_09@hotmail.com	
David Meyers	209 Candlewick Dr Wendell NC 27591	dmeyers@ncmail.com	
April Rohde	216 Candlewick Dr Wendell, NC 27591	all4cans@aol.com	
PAU SMITH	216 CANDLEWICK DR WENDELL NC	paulsmithfam@outlook.com	
CAROL ERCEG	304 Gail Court Wendell NC 27591	carol.erceg@gmail.com	
JOHN ERCEG	304 Gail Court Wendell NC 27591	<del>john.erceg@gmail.com</del>	
John Erceg Jr	304 Gail Court Wendell NC 27591		
NAT CANNON	316 Rose Pl Wendell NC 27591	cannon_nat@yahoo.com	
JEN CANNON	316 Rose Pl Wendell NC 27591	Jen.cannon@yahoo.com	
Annelle Perry	324 Rose Place Wendell NC 27591	annelle.perry@ncmail.com	



Target: Wendell Town Board

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Name	Address	Email	Signature
Michelle Perry	240 Gail Ridge Lane Wendell	mperry914@yahoo.com	Michelle Perry
Carl Harrington	244 Gail Ridge Lane Wendell, NC	Carl.T.harrington@gmail.com	Carl Harrington
Stacey Harrington	244 Gail Ridge Lane Wendell	Stacey.S.harrington@gmail.com	Stacey Harrington
Joseph Seely	309 Sorrell Dr.	7GAILEY@MAC.COM	Joseph Seely
Carol Seely	305 Sorrell Dr.	Carol15148@aol.com	Carol Seely
Isaiah Hedgepeth	229 Gail Ridge Ln	Isaiah.Hedgepeth@gmail.com	Isaiah Hedgepeth
Linda Crowder	229 Gail Ridge Ln	lindacrowder@gmail.com	Linda Crowder
Shawn Edwards	229 Gail Ridge Ln	Shawn.Edwards@gmail.com	Shawn Edwards
Jeff Harbour	229 Candlewick Drive	jwharbour70@gmail.com	Jeff Harbour
Mario Padron	2119 Candlewick Drive	lmarcosLP-230@hotmail.com	Mario Padron



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Name	Address	Email	Signature
Willie Richardson	148 Gail Ridge Ln		Willie Richardson
Nikki Bull	1164 Gail Ridge Ln		Nikki Bull
Wayne Cook	200 Gail Ridge Ln Wendell, NC	wcook@shg14.com	Wayne Cook
Jeanine Cook	200 Gail Ridge Ln Wendell, NC		Jeanine Cook
Chris Boone	208 Gail Ridge Ln Wendell, NC 27591	cbone45791@gmail.com	Chris Boone
Briana Avery	212 Gail Ridge Ln Wendell, NC 27591		Briana Avery
Carlos Hernandez	224 Gail Ridge Ln Wendell, NC 27591	CS.NANDEZ@attmail.com	Carlos Hernandez
Amber Hernandez	224 Gail Ridge Ln Wendell, NC 27591		Amber Hernandez
Steven Eubanks	228 Gail Ridge Ln Wendell, NC 27591	SREDesk@gmail.com	Steven Eubanks
Delash Stone	228 Gail Ridge Ln Wendell, NC 27591	albd2slat@hotmail.com	Delash Stone



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Name	Address	Email	Signature
Brandon Strickland	4428 Rolesville Rd, Wendell	BSSTRIC2@NCSU.EDU	Brandon Strickland
Kaylin Strickland	4428 Rolesville Rd, Wendell NC 27591	Kaylin_gilliam@yahoo.com	Kaylin Strickland
Bill Gardner	100 Candewick Dr	royalbarnes@earthlink.net	Bill Gardner
Dale Balick	104 Gail Ridge Lane	Lebolick@hotmail.com	Dale Balick
Leslie Bowk	104 Gail Ridge Ln	lebolick@earthlink.net	Leslie Bowk
Renee Peedin	124 Gail Ridge	ransmom77@gmail.com	Renee Peedin
John Carl	136 Gail Ridge	none	John Carl
Brenda Earp	140 Gail Ridge Ln	earp418@yahoo.com	Brenda Earp
Amanda Earp	144 Gail Ridge Ln	AmandaEW818@outlook.com	Amanda Earp
Charles Earp	140 Gail Ridge Lane	earp418@yahoo.com	Charles Earp



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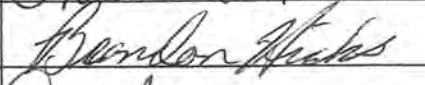
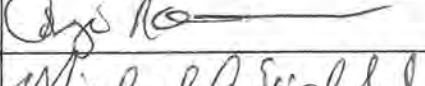
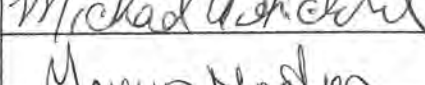



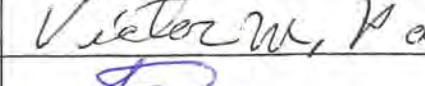
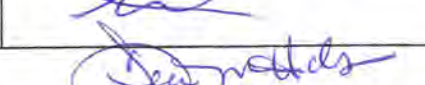


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Name	Address	Email	Signature
Paul Hickey	6204 Robertson Pond Rd Wendell, NC	phickey79@hotmail.com	
Brandon Hickey	6204 Robertson Pond Rd Wendell, NC	brhickey79@hotmail.com	
Angie Strickland	6213 Robertson Pond Rd Wendell, NC	aastrick@aol.com	
Mike Strickland	6213 Robertson Pond Rd, Wendell, NC	sqainc@jatt.net	
Mary Kay Haskin	8921 Corbin Rd. Wendell, NC 27591	mphaskin@gmail.com	
Jay Haskin	5927 Corbin Rd Wendell, NC	ghuturn@gmail.com	
MONICA PEARLE	9001 WBBIN RD WENDELL, NC	mapi183@yahoo.com	
Linda Pace	8920 Corbin Rd Wendell, NC 27591	n/a	
Vic Pace	9000 Corbin Rd	n/a	
Sue Hickey	6152 Robertson Pond Rd Wendell	n/a	
Trace Hickey	6213 Robertson Pond Rd Wendell	n/a	



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Name	Address	Email	Signature
Ashley Cantin	3005 Puryear Rd Wendell		Ashley Cantin
Steven Cantin	3005 Puryear Rd Wendell		Steven Cantin
Munter Cantin	122 Lakewood Farm Rd		Munter Cantin
Lee Garrett	3004 Puryear Rd		Lee Garrett
Landon Cantin	3005 Puryear Rd Wendell		Landon Cantin
Billie Holmes	3424 Hwy 97		Billie S. Holmes
Jennifer Mizell	P.O. Box 412 Wendell		Jennifer Mizell
Todd Mizell	916 Edgemont Rd		Todd Mizell
Hanna Mizell	4841 Wendell Blvd		Hanna Mizell
Alice Mizell	604 Greenhouse Drive		Alice Mizell



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Name	Address	Email	Signature
Gary Grimes	550 Green Willow		Gary Grimes
T. R. Grimes	" " W. 27591		T. R. Grimes
Amita Todd	2101 Eagle Rock Wendell		Amita Todd
Beth White	Lake Blvd Wendell		Beth White
Al White	2101 Eagle Rock Wendell		Al White
Dan Edwards	155 Luton Lane Wendell		Dan Edwards
Judy T. Edwards	155 Luton Lane		Judy T. Edwards
Robert Todd Edwards	182 Luton Lane Wendell		R. Todd Edwards
Warren Ramsey	158 " " "	"	W. Ramsey
Carol Ramsey	158 " " "	"	Carol Ramsey



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Name	Address	Email	Signature
JAMES PEARCE	701 wenfield farm wendell NC		James Pearce
Valerie Pearce	701 Wenfield Farm Ln		Valerie Pearce
Ralph White	Leake Glad Rd		Ralph White
Edie Nowell	1016 Wake Glad Rd		Edie Nowell
Paul Nowell	" " "		Paul Nowell
Wyriette Wilson	145 Dogwood Trail, Wendell		Wyriette Wilson
Richard Todd	816 Sandy Hill Farms Ln Wendell		Richard Todd
Kimberly J Todd	816 Sandy Hill Farms Ln Wendell		Kimberly J Todd
Jeanne Poole	350 Wendell Blvd Wendell, NC		Jeanne Poole



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Name	Address	Email	Signature
MARGIE EBAN	220 FOLKES ST	Margie.Egan@yaho	MZ a
Regina Hamm	6616 Tellico Branch	Reginette@bellsouth.net	Regina
Annette Cooke	6616 Tellico Branch	SAACPA 21@bellsouth.net	Annette
Eith Cooke	11009 Poole Rd	—	Eith Cooke
Hans Dava	4133 Folkers St	hpdave@gmail.com	Hans
Maura Aguirre	10608 Sunny Point Drive	ma5895@uncw.edu	Maura Aguirre
Emma Cooper	67609 Osprey Landing Dr.	embugh94@gmail.com	Emma
Alexander Soto	17 S Shore Dr Wendell, NC	asoto46mp@wakecountycourts.com	Alexander
Calvin Remy	401 Candore Lane Wendell, NC	cmpermy414@gmail.com	Calvin Remy
Frances Byrd	PO Box 504 Wendell	frglbyrd@gmail.com	Frances Byrd
Pete Suffalon	PO Box 372 Wendell, NC 27591	petebuffalon@bellsouth.net	Pete Suffalon



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Name	Address	Email	Signature
Beth Marshall	2061 Davistown Rd		Beth Marshall
Josh Tew	2061 Davistown Rd.		Josh Tew
Donnie Ray	2112 Davistown Rd		Donnie Ray
Matthew Belk	5304 Tinks Pl		Matthew Belk
Missie Belk	5304 TINKS Pl.		Missie Belk
Beth Provencher	4200 Rolesville Rd		Beth Provencher
Helen White	508 N Fredericks		Helen White
Annette Israel	Wendell NC		Annette Israel
Jim Davis Park	6317 Weathers Rd.		Jim Davis Park
Jim PARKER	6317 WEATHERS RD		Jim Parker



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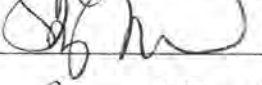
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Name	Address	Email	Signature
Audrey Wood	1809 DAVISTOWN RD WENDELL, NC 27591	AWOODS@WRAL.COM	
Stacy Wood	" "	647101@gmail.com	
Aren Wood	1804 DAVISTOWN ROAD WENDELL, NC 27591	wooda0310@gmail.com	Aren Wood
Joy Davis	1724 DAVISTOWN RD WENDELL NC 27591	1earpendjy@aol.com	Joy Davis
Merrilyn B Allen	1909 Davistown Rd Wendell, NC 27591	—	Merrilyn B Allen
Baron Rice	2029 Davistown Rd Wendell, NC 27591	—	Baron Rice
Candace Rice	" "	hrent45camarshall.edu	Candace Rice
Carolyn Perry	2033 Davistown Rd Wendell, NC	ashgea18@gmail.com	Carolyn Perry
Jerry Perry	2033 Davistown Rd Wendell, NC	—	Jerry Perry
Charles W. Rice	2049 DAVIS TOWN Wendell, N.C.	—	Charles W. Rice



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BARRY ALLEN	2505 E. GEMANTIRE	b.allen@optonline.com	Barry Allen
Denise Moore	2405 VALLEY PIN CT	JHALLER@AOL.COM	Denise Moore
Denise Moore	5100 WOODFIELD LN	denmoore@att.net	Denise Moore
FREDERICK MOORE	5100 WOODFIELD LN	FIMMARE@ATT.NET	Frederick Moore
Duane Cutlip	3700 Valley Pine Ct	duane.cutlip@gmail.com	Duane Cutlip
Dreg Jones	6141 Robertson Blvd Rd	esweld@aol	Dreg Jones
Judy Jones	6141 Robertson Pond	judy.jones@sas.com	Judy Jones
FRANK BRASWELL	4116 Rolesville Rd	SHAMRA@LIVE.COM	Frank Braswell
Angela Horne	2708 DAVISTOWN RD	horneangela@yahoo.com	Angela D. Horne
Ms Boyd Horne	2708 DAVISTOWN RD		Ms Boyd Horne



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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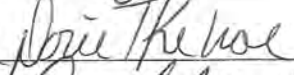
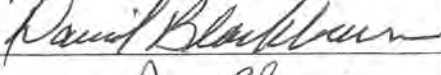
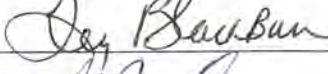

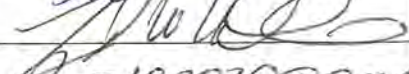
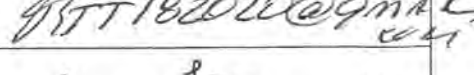
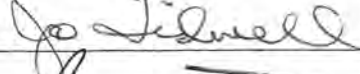

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We stand with concerned citizens in opposition of the proposed Ashton Woods Homes, Weathers Farm project.

Name	Address	Email	Signature
Naomi Rodrigues	6012 Glenhurst Ln	NLR0093@gmail.com	
Brian Lane	5825 Quail Cove Ln Wendell NC 27591	HLane8@gmail.com	
Dorie Kehoe	5817 Quail Cove Ln	doriek@yahoo.com	
DAVID BLACKBURN	5657 Quail Cove Ln	DBLACK8031@AOL	
Jerry Blackburn	5657 Quail Cove Ln	TERILACLAIRE@yahoo.com	
Jeff Bass Sr	5649 Quail Cove Ln	bass.jeff63@yahoo.com	
CHAD WICKESON	6005 GLENNEVIS LN	CWICKESON123@gmail.com	
RON TIDWELL	6004 " "	R.Tidwell	
Jo Tidwell	6004 Glennevis Ln	jt101620@gmail.com	
Billy Caldwell	5700 Farrington 5700 Hill Cr.	bcjman@nc.rr.com	



Target: Wendell Town Board

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Name	Address	Email	Signature
K. Stockdale	Mannick Ct.	N/A	K. Stockdale
B Underhill	Mannick Ct.	MA	B Underhill
C. Petrosky	5805 Quail Canyon	N/A	Carrie Petrosky
L. Goodman	5005 Quail Canyon	N/A	L. Goodman
W. Stewart	5905 Farragon Hill Ln	N/A	W. Stewart
M. Peeryman	5812 Farragon Hill Ln	N/A	M. Peeryman
J. Hall	1129 Ridge Haven Dr.	N/A	John D. Hall
Jerry Lewis	5900 Farragon Hill Ln	N/A	Jerry Lewis
Judy Lewis	5900 Farragon Hill Ln	N/A	Judy Lewis
William Hodder	5712 Farragon Hill Ln	N/A	William Hodder



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Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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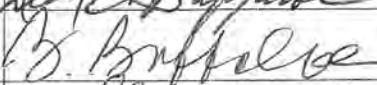

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Name	Address	Email	Signature
Duane Cutlip	3700 Valley Pine Ct Wendell, NC 27591	duane@duanecutlip.com	
Angie Cutlip	3700 Valley Pine Ct Wendell, NC 27591	imargiet@gmail.com	
Jennifer Broadwell	3705 Valley Pine Hl Wendell, NC 27591	jpbroadwell@gmail.com	
David Buffalo	6000 Glennevis Lane Wendell, NC 27591	darbuff1949@gmail.com	
Barbara Buffalo	6000 Glennevis Lane Wendell, NC 27591	barbara.buffaloe@gmail.com	
Maureen Stewart	5905 Farragon Hill Ln Wendell, NC 27591	skinsysboys@earthlink.net	
Connie Wilkerson	6005 Glennevis Lane Wendell, NC 27591	cwilkersonm@gmail.com	
Etta Mosley	6013 Glennevis Lane Wendell, NC 27591	emoseley47@gmail.com	
Robert Mosley	6013 Glennevis Lane Wendell, NC 27591	mosleyrobert98@gmail.com	
BRAD RODRIGUES	6012 Glennevis Ln Wendell, NC 27591	BR0DRIGS@aol.com	



Target: Wendell Town Board

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Name	Address	Email	Signature
BERNARD Coleman	6009 Glennevis Ln Wendell, NC	Bcoleman16@att.net	Bernard Coleman
Jacqueline Coleman	6007 Glennevis Ln Wendell, NC 27591	jc20116nby47@gmail.com	Jacqueline Coleman
Jean Starling	6016 Glennevis Ln Wendell, NC 27591	starlingjss@gmail.com	Jean Starling
Camber Starling	5813 Farragott Hill Wendell, NC 27591	Camberstarling@gmail.com	Camber Starling
Wayne Starling	6016 Glennevis Ln Wendell, NC	starlingw@aol.com	Wayne Starling
Westley Schaffer	3701 Valley Pine Ct Wendell, NC	wescl.nbg@aol.com	Westley Schaffer
Josephine Schaffer	3701 Valley Pine Ct Wendell, NC	jhs-schaffer@yahoo.com	Josephine Schaffer
Alex Badger	6117 Glennevis Ln Wendell, NC 27591	akbadger82@gmail.com	Alex Badger
Amanda Badger	6117 Glennevis Ln Wendell, NC 27591	AEM0327@hotmail.com	Amanda Badger
Amber Honeycutt	6001 Glennevis Ln Wendell, NC 27591	N/A	Amber Honeycutt



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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Name	Address	Email	Signature
Steve Ellington	2056 DAVISTOWN Wendell, NC 27591		Steve Ellington
John Ellington	" "		John Ellington
Rita Creech	2060 Davistown Rd Wendell, NC		Rita Creech
David Creech	" "		David Creech
Linda G Creech	2100 Davistown Rd Wendell, NC 27591		Linda G Creech
Patrick Tucker	2204 <sup>Wendell</sup> Davistown NC 27591		Patrick Tucker
KENT HENDERSON	7725 Gloriana W	27591	Kent Henderson
PAM HENDERSON	7725 Gloriana W	27591	Pam Henderson
Ben Weathers	1625 <sup>Wendell, NC</sup> Davistown Rd.	27591	Ben Weathers
Laura Weathers	1625 Davistown	27591	Laura Weathers



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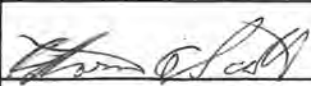

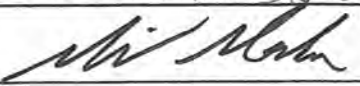
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Name	Address	Email	Signature
Deborah Gustor	121 Gail Ridge Ln	dg7rr@aol.com	Deborah Gustor
Breanna Boggs	121 Gail Ridge Ln	breannatay1@aol.com	Breanna Boggs
Brandie Miles	129 Gail Ridge W	Brandiemiles84@hotmail.com	Brandie Miles
Wick Knight	131 Gail Ridge	wicknight65@gmail	Wick Knight
Sale Koonce	135 Gail Ridge	ssk.ecu63@gmail	Sale Koonce
Faye Koonce	135 Gail Ridge	faye.koonce@gmail.com	Faye B. Koonce
Edna Bordeaux	135 Gail Ridge Ln	no email	Mrs. Edna H. Bordeaux



	221 GAIL RIDGE LANE		
Christine Scott	221 Gail Ridge Ln		Christine Scott
MIKE HENLEY	228 CANDEWICK DR.		



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Name	Address	Email	Signature
Brandon Preston	201 Gail Ridge Ln	Thuddness@gmail.com	Br P
Ruth Buckner	207 Gail Ridge Ln	rbuckner@nc.rr.com	R Buckner
Larry Buckner	207 Gail Ridge Ln	lbuckner@nc.rr.com	Larry Buckner
Deborah Rowe	201 Candlewick Dr		De Rowe
Vaughan Davis	209 Gail Ridge Ln	VaughanDavis82@gmail.com	V Davis
Almonda Bonfante	209 Gail Ridge Ln	amandabonfante@gmail.com	Almonda Bonfante
Beth Constantine	213 Gail Ridge Ln	alwanamom@yahoo.com	Beth Constantine



Michael Costantino	218 Gail Ridge Ln		Michael Costantino
Jim Moran	139 Gail Ridge Lane		Jim Moran
Martha Moran	139 Gail Ridge Ln. no email		Martha S. Moran



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Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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Name	Address	Email	Signature
Linda Ward	112 Gail Ridge Ln.		Linda Ward
Delores Webb	109 Gail Ridge Lane		Delores Webb
Shirl Alston	109 Gail Ridge Lane		Shirl Webb-Alston
Marnie Webb	109 Gail Ridge Lane		Marnie Webb
Patrick Davis	117 Gail Ridge		Patrick Davis
William Boggs	5929 Shady View Dr.		William Boggs
Christi Boggs	5929 Shady View Dr		Christi Boggs



James Daniel	212 Candlewick Dr		James Daniel
Andy Haff	208 Candlewick Dr	Wendell	Andy Haff
Walter Eddins	204 Candlewick Dr	Wendell	Walter Eddins
Wendi Lanthorn	204 Candlewick Dr.	Wendell	Wendi Lanthorn
Cheryl Eddins	204 Candlewick Dr	Wendell	Cheryl Eddins



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Name	Address	Email	Signature
Grace Clement	305 Rose Pl.	snw.clement@gmail	Grace Clement
Charles Clement	305 Rose Pl.	cpc.clement@gmail	Charles Clement
Bobby Cooley	144 Candlewick Drive	tcooley@yahoo.com	Bobby E. Cooley
Francis	144 Candlewick Dr	tcooley@yahoo.com	Francis Cooley
Ben Bridgers	892 Lions Club Rd		Ben Bridgers
Christopher Dennis	121 Meadow Run	cldennis@nc.rr.com	Christopher Dennis



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Name	Address	Email	Signature
Pam Sykes	232 S. Cypress	pamsykes@gmail.com	Pam Sykes
Tim Hinnant	320 E. Hargraves St		Tim Hinnant
Joe Todd	8028 Old Howell Rd		J. Todd



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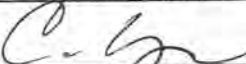
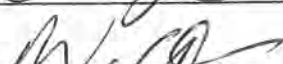
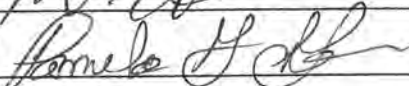
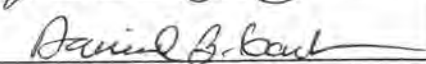
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Name	Address	Email	Signature
Landon Cantin	3005 Puryear Rd	landon.cantin@yahoo.com	
Chris Young	4417 Rolesville Rd	CD1058@AOL.com	
Michelle Oliphant	4417 Rolesville Rd	oliphantmichelle	
Pamela Gardner	4508 Rolesville Rd	pamgardner6@gmail	
DANIEL GARDNER	4508 ROLESVILLE RD.	daniel.rfd@gmail.com	



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Name	Address	Email	Signature
Melenda Perry	2204 Davistown Rd	ncdixie16@gmail.com	Melenda B Perry
Chris Duncan	2132 Davistown Rd		Christopher Duncan
Joseph Phillips	2136 Davistown Rd		Joseph S Phillips
Dale Perry	2209 Davistown Rd		Dale Perry
Joy Boykin	2136 Davistown Rd		Joy Boykin



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Name	Address	Email	Signature
Jennifer Guthrie	5700 Farragon Hill Ln	jenmcuthrie@gmail.com	Jennifer Guthrie
Chad Craft	5809 Farragon Hill Ln	craft0603@gmail.com	Chad Craft
Ann Marie Sykes	5813 Quail Cove Ln	sykespartyof4@gmail.com	Ann Marie Sykes
Dustin S. Horne	3735 Marwick Ct Wendell NC	N/A	Dustin S. Horne
David Cozart	6324 Weathers Rd		David Cozart
Emma Cozart	6324 Weathers Rd		Emma Cozart
Grace Cozart	6324 Weather Rd		Grace Cozart
Michelle Paul Davis	12453 Buffalo Rd		Michelle Paul Davis
Christopher Dam	12453 Buffalo Rd		Christopher Dam



Target: Wendell Town Board

Region: Eastern Wake County – Rolesville Road, Davistown Road, Robertson Millpond Road

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Name	Address	Email	Signature
Emily Oraguchi	1104 Watling Rd	egordagmail.com	Emily Oraguchi
Daniel Kille	167 Gail Ridge Ln	Dkille90@gmail.com	Daniel Kille
Ira B Parker	3602 Kemp Drive	irabparker@gmail.com	Ira B Parker
RUKKI Grace	101 Gail Ridge LN	—	RUKKI Grace
Kristina Chambers	703 N Lee St	—	Kristina Chambers
Barbara Watson	703 N Lee St	—	Barbara Watson
ETHAN BULLOCK	1419 Smokey Mtn Dr	—	Ethan Bullock
Ashley Lauren	461 Shotwell Rd	—	Ashley Lauren
ANNA BROEDEN	1008 BROOKDALE DR	ABRO6@ymail.com	Anna Broeden
Alex Nichols	3618 Kemp Drive	—	Alex Nichols



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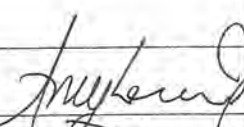
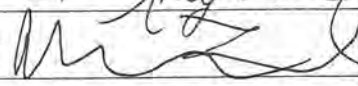

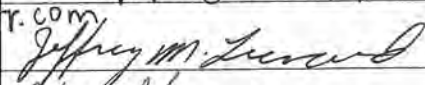

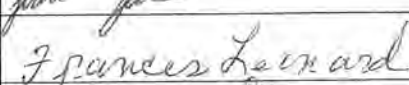


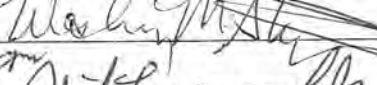
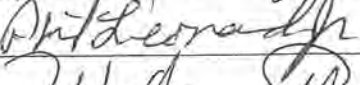
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Name	Address	Email	Signature
Amy Leonard	8516 Barrett Hall Ln Wake Forest, NC 27587	amyleonard256@gmail.com	
Meredith Leonard	PO BOX 1155	ajmmleonard@nc.rr.com	
Mason Leonard	PO BOX 1155	masonleonard@nc.rr.com	
Jeff Leonard	8516 Barrett Hall Ln Wake Forest, NC	jeffreyleonard@nc.rr.com	
Julius Jefferson	151 Mount Olivet Church Rd 27525	jjeff455@msn.com	
Frances Leonard	522 E. Jones Ave. Wake Forest, NC	N/A	
William Leonard	672 E. Jones Wake Forest	N/A	
Wesley M. Stephens	4612 Purnell Rd Wake Forest, NC	N/A	
Phil Leonard Jr	6428 Hall Farm Ln Wake Forest, NC	leonardslogging@yahoo.com	
Todd Honeycutt	5004 Mitchell Mill Rd Wake Forest, NC 27587	toddhoneycutt68@yahoo.com	



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Name	Address	Email	Signature
Lesley & Gary Klinker	3509 Taviswood Way	lesleyklinker@yahoo.com	Lesley Klinker
Lynn D Thomas	3813 Taviswood Ct.	lynnthomas17@yahoo.com	Lynn & Del Thomas
Kristen Wheeler	3629 Wether Ridge Rd	Kristen.Learner@gmail.com	Kristen Wheeler
Brandon Wheeler	" "	bwheless@yahoo.com	Brandon Wheeler
FIONA MACPHERSON	4201 LASSITER RD W.F., NC 27587	faeryddwene@aol.com	Fiona MacPherson
John A. Pann	4201 Lassiter Rd Wake Forest, NC 27587	jap23@earthlink.net	John A. Pann
Kathy Wiandt	4209 Lassiter Rd Wake Forest NC 27587	doxiegirl@gmail.com	Kathy Wiandt
Lorin E Wiandt	4209 Lassiter Rd Wake Forest, NC 27587	Wiandt@11ad.com	Lorin E. Wiandt
Annemarie R Clayton	7444 Aventon Glen Dr Wake Forest NC 27587	mamma.ann@icloud.com	Annemarie Clayton
Todd Clayton	" "	tclayton@salemva.gov	Todd Clayton
Betty Woodlief	1501 Rolesville Rd	woodliefbj@aol.com	Betty Woodlief



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Name	Address	Email	Signature
Dennis Stevens	3405 German Shepherd Tr. WF	DennisStevens@aol.com	Dennis Stevens
Jason Stevens	3405 German Shepherd Tr. WF	JasonStevens79@gmail.com	Jason Stevens
Frank Zeller	5817 Mitchell Mill Rd	frankzeller35@gmail.com	Frank Zeller
Lara Zeller	5817 Mitchell Mill Rd	Laralynn73@gmail.com	Lara Zeller
Patrick Jensen	3733 Nether Ridge Rd.	patrick.donald.jensen@gmail.com	Patrick Jensen
Hilary Jensen	3733 Nether Ridge Rd.	hilarycjensen@gmail.com	Hilary Jensen
Tara Harper	3801 TAVISTOCK WF	brlyn.tara@yahoo.com	Tara Harper
Otis Harper	3801 TAVISTOCK WF	route.mate@yahoo.com	Otis Harper
Agnes Tyborowski	6612 Fowler Rd	clapolt@aol.com	Agnes Tyborowski
DARIUSZ TYBOROWSKI	6612 FOWLER RD	Diremasterhandyman@gmail.com	Dariusz Tyborowski



Effective Date: 5/29/2018  
Supersede Date: 4/25/2016  
Policy Number: 104



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## MUNICIPAL WATER ALLOCATION POLICY

### Statement of Purpose

Drinking water supplies throughout the greater City of Raleigh distribution system are finite, subject to disruption by drought and/or other calamity, and Wendell's allocation is contractually limited. The Town staff, the Planning Board, and the Board of Commissioners, with input from citizens, have given a great deal of thought and study as to how best to utilize this valuable resource to benefit current and future citizens.

Wendell's municipal water capacity is a valuable resource that must be conserved and apportioned to new development projects that promote the Town's policy of insuring a diversified tax base and housing supply. Such an allocation policy will promote diversity of housing available to a wide cross section of citizens of diverse socio-economic backgrounds and promote economic viability and sustainability by encouraging retail and other commercial development within the Wendell community.

The local government expense of providing fire and police protection, schools, parks, social services, water and sewage systems, and other essential public services to residential neighborhoods is generally greater than the ad valorem tax revenue generated by such neighborhoods. On the other hand, the cost of providing services to commercial and industrial development is generally less than the tax revenue accrued by the local government. Recent studies of five North Carolina counties (including Wake) by the American Farmland Trust reveal that the cost of local government services provided to Wake County residential property owners is \$1.54 for each dollar of ad valorem tax revenue received, while the cost of providing services to Commercial/Industrial properties is only \$.18 for each dollar of revenue. Having a predominantly residential tax base would require the Town of Wendell to assess a higher tax levy over time to raise funds to provide essential services or to reduce the level of public services provided. This is one reason among many why local governments, including Wendell, strive to achieve a balance of both residential and non-residential growth.

Wendell's historical development pattern has been predominantly residential, leading to a current tax base of approximately 75% residential and 25% commercial/industrial. The Wendell town board finds that it is fiscally responsible and otherwise in the public interest to promote and encourage non-residential development in the jurisdiction as an alternative to residential development until a ratio is achieved that is closer to what exists in other communities in the County. A goal of achieving a tax base of 60% residential and 40% commercial/industrial is hereby established.



**Date:** August 24, 2020

**Item #3d**

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**Item Title:**

Approval of the 2021 General Bus Operations Agreement between the Town of Wendell and GoTriangle.

**Board of Commissioners Meetings:**

August 24, 2020

**Specific Action Requested:**

Approve agreement and authorize the Town Manager to sign the FY21 Operating agreement for Bus Operations with GoTriangle.

**Item Summary:**

Following the adoption of the Wake County Transit Plan, GoTriangle and its partners developed annual Wake Transit Work Plans to budget for all capital and operating expenses related to transit projects for a given fiscal year.

In order to implement the components of the 2021 Wake Transit Work Plan, participating municipalities must adopt annual operating agreements with Wake County in order to receive funds for transit expenditures within their jurisdiction. The component of the 2021 Wake Transit Work Plan that apply to this agreement is the operation of the ZWX express bus service from Zebulon and Wendell to Raleigh.

In the case of Wendell, the Town receives reimbursement for the funds it spends leasing its Park & Ride lot located at 7 N Oakwood Avenue. The Town may make quarterly reimbursement requests based upon funds expended for this purpose. However, for these reimbursement requests to be processed, the Town must annually adopt an operating agreement with GoTriangle (attached). Wendell's reimbursement requests for Park and Ride lease costs may be up to \$4305 for FY21, based on actual costs incurred.

**Attachments:**

A. FY21 General Operating Agreement for Bus Operations



GENERAL OPERATING AGREEMENT  
FOR BUS OPERATIONS

WAKE TRANSIT FY 2021

This Operating Agreement ("Agreement") is made by and between Research Triangle Regional Public Transportation Authority, d/b/a GoTriangle ("GoTriangle") and the Town of Wendell ("Implementing Party"). The foregoing may collectively be referred to as "Parties."

WHEREAS, the Parties to Agreement, who have or may have specific roles in the implementation of public transit and the support of public transit infrastructure in the Wake County area, have determined that it is in their best interest and the best interest of the constituents they represent to coordinate future public transit planning, funding, expansion and construction; and

WHEREAS, an extensive community driven process was used to develop a strategic transit vision document that set forth an enhanced public transit plan for Wake County, referred to as the "Wake County Transit Plan" ("Wake Transit Plan"), and this plan was unveiled on or about December 8, 2015, and adopted by the GoTriangle Board of Trustees on May 25, 2016, the Capital Area Metropolitan Planning Organization's ("CAMPO") Executive Board on May 18, 2016, and the Wake County Board of Commissioners on June 6, 2016; and

WHEREAS, in conjunction with the Wake Transit Plan, GoTriangle, Wake County, and CAMPO (collectively, "the Governance ILA Parties") adopted the Wake Transit Governance Interlocal Agreement ("Governance ILA") that creates a governance structure for the implementation of the Wake Transit Plan by and through the annual Wake Transit Work Plan; and

WHEREAS, the Governance ILA specifically created the Transportation Planning Advisory Committee ("TPAC") and charged the TPAC with coordinating and recommending the planning and implementation aspects of the Wake Transit Work Plan; and

WHEREAS, the Governance ILA Parties, together with the Implementing Party, numerous Wake County municipalities, and other entities, entered into a Master Participation Agreement ("Participation Agreement"), which, among other purposes, established standards that govern the Participation Agreement Parties' eligibility for inclusion of sponsored Implementation Elements in the Wake Transit Work Plan, receipt of funding allocations from Wake County Transit Tax Revenue, and confirmed the Participation Agreement Parties' roles in carrying out TPAC responsibilities; and



WHEREAS, the FY 2021 Wake Transit Work Plan was developed and recommended by the TPAC, presented for public comment, and adopted, as required, by the Boards of CAMPO and GoTriangle; and

WHEREAS, the FY 2021 Triangle Tax District Wake Operating Ordinance was adopted by the GoTriangle Board of Trustees on June 24, 2020; and

WHEREAS, the Parties desire to implement the components of the 2021 Wake Transit Work Plan as adopted by GoTriangle and CAMPO; and

WHEREAS, as stated in the Participation Agreement, all Implementation Elements contained in the Wake Transit Work Plan, whether partially or fully funded with Wake County Transit Tax Revenues, will not move forward until Implementation Agreements, which shall include a Capital Funding Agreement and an Operating Agreement, are executed by and between the Implementing Party; GoTriangle, as administrator of the Special District, and CAMPO, if the Implementing Agreement involves federal or state funding that is otherwise under the distribution and program management responsibility of CAMPO or, regardless of funding source, constitutes a regionally significant project as defined in 23 CFR § 450.104; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to, inter alia, N.C.G.S. §§ 160A-20.1; 160A-312; 160A-313; 160A-610; 153A-275; 153A-276; and 153A-449.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants herein contained, the Parties hereto agree as follows:

1. **Term:**

The Agreement shall become effective upon execution by all Parties ("Effective Date"). The term of this Agreement shall be from the Effective Date until September 30, 2021. The Parties may extend the term of this Agreement or may otherwise amend this Agreement as set forth in Section 7.

2. **Purpose:**

The purpose of this Agreement is to outline the details of how the Project(s) listed in Exhibit A attached hereto and incorporated herein by reference, being an approved Project(s) in the Wake County Transit Annual Work Plan, shall be implemented, in accordance with the requirements of the Participation Agreement.



### 3. **Responsibilities:**

#### A. Responsibilities of the Implementing Party.

- (1) The Implementing Party shall provide the Projects listed in Exhibit A and fund the cost of the Projects on an up-front basis, except as provided herein. The Implementing Party is responsible for ensuring funds are available to pay for the Projects prior to requesting reimbursement from GoTriangle.
- (2) The Wake Transit Work Plan Reimbursement Request and Financial Report Template ("Reimbursement Request Template") must be submitted by the Implementing Party at least quarterly but may be as often as is efficient and effective for the Implementing Party. The reimbursement request shall be emailed to [waketransitreimbursement@gotriangle.org](mailto:waketransitreimbursement@gotriangle.org).

All Reimbursement Requests must be made using the Wake Transit Work Plan Reimbursement Request and Financial Report template agreed to by the Parties and must include a signed statement by the Implementing Party's Finance Officer or designee stating that funds were spent in accordance with the Wake Transit Work Plan and with all applicable laws, rules, and regulations, and that the Reimbursement Request includes items due and payable. All Reimbursement Requests shall be based on actual expenses incurred as recorded in the financial system.

- (3) In special circumstances where an advance payment may be required, Reimbursement Requests must be submitted using the Reimbursement Request Template and with a justification for the advance payment request. Advance payments received by the Implementing Party must be disbursed within 72 hours of receipt from GoTriangle.
- (4) Any performance on which an Implementing Party receives reimbursement must be performed by June 30 of that fiscal year.
- (5) Reimbursement Requests for expenses incurred as of June 30, 2021 shall be submitted by August 10 for the fiscal year in which the work was done.
- (6) Further, the Implementing Party shall:
  - (a) Ensure that Wake Transit funds provided by GoTriangle are not misappropriated or misdirected to any other account, need, project, or line item, other than as listed in Exhibit A.
  - (b) Monitor award activities, to include sub-awards, to provide reasonable assurance that funds are spent in compliance with applicable requirements. Responsibilities include accounting for receipts and



expenditures, cash management, maintaining adequate financial records, and refunding disallowed expenditures.

- (c) Maintain a financial management system adequate for monitoring the accumulation of costs.

- (7) The implementing party agrees to coordinate with the municipality as it relates to transit service that enters the local municipal area. These coordination efforts should include discussions as it relates to, but are not limited to, route planning and development, schedule development, passenger amenities, maintenance and upkeep of passenger amenities, public engagement and advertisement in relation to the new services, etc. These coordination efforts shall occur prior to the execution of the transit services.

#### B. Responsibilities of GoTriangle.

- (1) GoTriangle, as administrator of the Triangle Tax District, shall have the responsibilities and duties as set forth in the Governance ILA, including appropriating funds from the FY 2021 Triangle Tax District Wake Operating Ordinance in accordance with the Governance ILA. The specific appropriation and approved project budgets are further detailed in Exhibit A and in the FY 2021 Wake Transit Work Plan.
- (2) GoTriangle, upon receipt of a Reimbursement Request, shall verify within five business days whether the Reimbursement Request is complete; is within the approved budget; is within the annual work plan; and is in accordance with the Wake Transit Billing, Payment, and Reimbursement Policy and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017. Payment will be remitted within thirty (30) days of verification to the Implementing Party according to the payment instructions on file.

If GoTriangle is unable to verify the Reimbursement Request, GoTriangle shall, within two (2) business days, notify the Implementing Party in writing of the deficiencies in the Reimbursement Request. The Implementing Party may thereafter submit a revised Reimbursement Request ("Revised Reimbursement Request"), which shall be verified within five business days of receipt. If the Revised Reimbursement Request is denied, the Implementing Party may place the item on the next TPAC agenda for discussion and a recommendation to GoTriangle and the Implementing Party.

- (3) Where advance payments are requested, GoTriangle, after due consideration of the request, will remit funds via payment instructions on file.
- (4) All disbursements from GoTriangle shall be in accordance with North Carolina General Statute 159 Article 3, known as the North Carolina Budget and Fiscal



Control Act, and the Wake Transit Financial Policies and Guidelines, adopted by GoTriangle on June 28, 2017 and CAMPO on June 21, 2017.

4. **Minimum Service Standards:**

For the Projects listed in Exhibit A, the Implementing Party agrees to:

- A. Maintain all vehicles and facilities in accordance with a preventative maintenance program.
- B. Maintain all vehicles and facilities in a safe and dependable condition and clean all vehicles and facilities regularly.
- C. Monitor services and respond to incidents in a timely and professional manner.
- D. Conduct regular reviews of service including: safety, on-time performance, customer satisfaction, accessibility, cleanliness, security, and customer service training.
- E. Conduct public engagement activities in accordance with state and federal guidelines and agency and municipal policies and procedures, if applicable.

5. **Performance Reporting:**

Unless otherwise agreed in writing between Parties, the Implementing Party shall report operating statistics and ridership to the National Transit Database and to the North Carolina Department of Transportation Public Transportation Division.

The Implementing Agency also agrees to provide quarterly and annual reporting per the Master Participation Agreement for the Reported Deliverables as identified in Exhibit A using a Reporting Template agreed to by the Parties. . The Implementing Agency shall include in its quarterly reports any details of issues that may impact delivery of the Projects identified in Exhibit A

The Annual Wake Transit Report prepared by GoTriangle shall provide information regarding how strategic public transit objectives have been met and shall include the performance achieved, the strategies being followed, and performance targets and key milestones for capital projects and operating services.

Quarterly Status Reports prepared by GoTriangle and/or CAMPO shall provide information regarding progress toward strategic objectives outlined in the Wake Transit Work Plan and include the performance achieved, the strategies being following, and performance targets and key milestones for Capital Projects and operating services identified in the Wake Transit Work



Plan. GoTriangle shall include in its Quarterly Status Reports any details of issues that may impact delivery of funding for the Projects identified in Exhibit A.

The Parties agree to share supporting documentation, if requested, in addition to their quarterly and annual reporting, in a timely manner.

6. **Further Agreements:**

The Parties agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the intention of this Agreement. The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Agreement.

7. **Amendment:**

Any extension of the term of this Agreement and/or change to the content of this Agreement shall be by written amendment signed by all Parties.

8. **Breach; Termination:**

In the event that (1) the Implementing Party is not able or fails to provide a Project(s) as required by the Agreement; or (2) GoTriangle is not able or fails to provide funding for a Project(s) as required by the Agreement; or (3) GoTriangle fails to fulfill its responsibilities and duties as set out in the Governance ILA; or (4) any Party fails to fulfill a responsibility or duty of this Agreement; or (5) any Party withdraws from the Master Participation Agreement (separately each a “breach”), any Party to this Agreement shall notify the Clerk to the TPAC Committee and the other Parties to this Agreement. The Non-Breaching party may place the item on a TPAC agenda for discussion and a non-binding recommendation to the Parties.

The Non-breaching Party may provide the Breaching Party with a period of time to cure the breach to the reasonable satisfaction of the Non-breaching Party. If the breach is not timely cured, or cannot be cured, the Non-breaching Party may (1) elect to terminate this Agreement in full; or (2) elect to terminate this Agreement only as to one or more Projects listed in Exhibit A. In the event of breach of this Agreement, the Parties shall be entitled to such legal or equitable remedy as may be available, including specific performance.

In the event the Agreement is terminated for any reason other than by the end of



the Term of the Agreement:

- (a) The Implementing Party shall not be required to continue implementing the Projects, but may elect to continue implementing the Projects using funds from sources other than the Wake Transit Tax.
- (b) GoTriangle shall reimburse the Implementing Party for any expenses for the Projects that have been approved in the annual work plan and made in reliance on this Agreement, whether or not a Reimbursement Request has been made by Implementing Party at the time of termination. The Implementing Party shall have sixty (60) days after the date of termination to submit all Reimbursement Requests.
- (c) The Implementing Party shall report the final status for its deliverable and GoTriangle shall do a final quarterly report and shall issue the annual report required by this Agreement.

9. **ADA and Paratransit Requirements:**

The Implementing Party shall provide paratransit service as required by law within the ADA-required radius of the all day fixed-route bus services implemented as Projects pursuant to this Agreement.

10. **Record Retention:**

All parties must adhere to record retention guidelines as set forth in North Carolina General Statutes or federal guidelines as appropriate

11. **Notices:**

Any notice given pursuant to this Agreement shall be deemed given if delivered by hand or if deposited in the United States Mail, postage paid, certified mail, return receipt requested and addressed as follows:

If to GoTriangle:  
GoTriangle  
Attn: President and CEO  
GoTriangle  
4600 Emperor Blvd, Suite 100  
Durham, NC 27703

And with a copy to:  
GoTriangle  
Attn: General Counsel  
GoTriangle



4600 Emperor Blvd, Suite 100  
Durham, NC 27703

If to Clerk to the TPAC Committee:

CAMPO

Attn: Clerk to the TPAC Committee  
One City Plaza  
421 Fayetteville Street, Suite 203  
Raleigh, NC 27601

If to the Town of Wendell:

Town of Wendell  
Attn: Town Manager  
15 East Fourth Street  
Wendell, NC 27591

With a copy to:

Town of Wendell  
Attn: Town Attorney  
15 East Fourth Street  
Wendell, NC 27591

12. **Representations and Warranties:**

The Parties each represent, covenant and warrant for the other's benefit as follows:

- A. Each Party has all necessary power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement, and the individuals signing this Agreement have the right and power to do so. This Agreement is a valid and binding obligation of each Party.
- B. To the knowledge of each Party, neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated by this Agreement, results in a breach of the terms, conditions and provisions of any agreement or instrument to which a Party is bound, or constitutes a default under any of the foregoing.



- C. To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against such party (or against any other person) affecting such Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. Neither such Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.
- D. The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Operating Agreement.

13. **Merger and Precedence:**

The provisions of this Agreement, including all Exhibits and attachments, constitute the entire agreement by and between the Parties hereto and shall supersede all previous communications, representations or agreements, either oral or written between the Parties hereto with respect to the subject matter hereof. Notwithstanding the foregoing, in the event of any inconsistency or conflict between this Agreement and the Participation Agreement or the Governance ILA, the terms of the Participation Agreement and Governance ILA have precedence.

14. **Dispute Resolution:**

In the event of conflict or default that might arise for matters associated with this Agreement, the Parties agree to informally communicate to resolve the conflict. If any such dispute cannot be informally resolved, then such dispute, or any other matter arising under this Agreement, shall be subject to resolution in a court of competent jurisdiction. Such disputes, or any other claims, disputes or other controversies arising out of, and between the Parties shall be subject to and decided exclusively by the appropriate general court of justice of Wake County, North Carolina.

15. **No Waiver of Non-Compliance with Agreement:**

No provision of this Agreement shall be deemed to have been waived by any Party hereto unless such waiver shall be in writing and executed by the same formality as this Agreement. The failure of any Party hereto at any time to require strict performance by the other of any provision hereof shall in no way affect the right of the other Party to thereafter enforce the same. In addition, no waiver or acquiescence by a Party hereto of any breach of any provision hereof by another Party shall be taken to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.



16. **Governing Law:**

The Parties intend that this Agreement be governed by the law of the State of North Carolina. Proper venue for any action shall solely be Wake County.

17. **Assignment:**

No Party may sell or assign any interest in or obligation under this Agreement without the prior express written consent of the other Parties.

18. **Independence of the Parties:**

Nothing herein shall be construed to modify, abridge, or deny the authority or discretion of any Party to independently develop, administer, or control transportation projects pursuant to enumerated authority or funding sources separate from those in this Agreement.

19. **Execution in Counterparts/Electronic Version of Agreement:**

This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Any Party may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.

20. **No Waiver of Sovereign Immunity:**

Nothing in this Agreement shall be construed to mandate purchase of insurance by any municipality pursuant to N.C.G.S. 160A-485; or to in any other way waive any Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law.

21. **No Waiver of Qualified Immunity:**

No officer, agent or employee of any Party shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.



22. **Verification of Work Authorization; Iran Divestment Act:**

All Parties, and any permitted subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes. The Parties hereby certify that they, and all permitted subcontractors, if any, are not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.59.

23. **No third-Party Beneficiaries:**

There are no third-party beneficiaries to this Agreement.

24. **E – Verify:**

Contractor shall comply with *E-Verify*, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 *et seq.* In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 *et seq.* In cases of conflict between this Contract and any of the above incorporated attachments or references, the terms of this Contract shall prevail.

25. **Companies Boycotting Israel Divestment Act Certification:**

Contractor certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

**SIGNATURE PAGES FOLLOW**



<p><b>RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (d/b/a GoTriangle)</b></p> <p>By: _____ Charles E. Lattuca, President and CEO</p> <p>This, the ____ day of _____, 2020.</p>	<p>This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.</p> <p>_____ Saundra Freeman, Chief Financial Officer for GoTriangle</p> <p>This, the ____ day of _____, 2020.</p>
	<p>Reviewed and Approved as to legal form.</p> <p>_____ Shelley R. Curran, General Counsel</p>



<p><b>TOWN OF WENDELL NORTH CAROLINA</b></p> <p>By: _____ Marc Collins, Town Manager</p> <p>This, the ____ day of _____, 2020.</p>	<p>Approved as to Form:</p> <p>_____</p> <p>James P. Cauley III, Town Attorney</p> <p>This, the ____ day of _____, 2020.</p>
<p>[Seal]</p> <p><b>ATTEST:</b></p> <p>By: _____ Megan Howard, Town Clerk</p>	





## Exhibit A

Implementing /Operating Agency	Town of Wendell	Parties to Agreement:	GoTriangle, Town of Wendell
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Total Bus Operations Appropriation	\$4,413
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<b>Project</b>	<b><u>ZWX Funding</u></b>
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Project ID from Work Plan	TO003-G
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FY 2021 Budget	\$4,413 or as amended by the adopted work plan
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Scope	The project description included in the FY2021 Adopted Wake Transit Work Plan, and as amended, is incorporated herein by reference.
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Expected Implementation Date	7/1/2020
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Reported Deliverables	<ol style="list-style-type: none"> <li>1. Status of executed least agreement</li> <li>2. Utilization of facility (report what is known about utilization on a rolling quarterly basis); if available, measured at each site by applying drive-to access mode percentage to stop ridership based on percentages observed from rider surveys.</li> </ol>
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Contract #	20-042
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**Item Title:**

Approval of the Agreement between the Town of Wendell and Gensler for Architectural and Engineering Services for the Town Hall Project

**Board of Commissioners Meetings:**

August 24, 2020      Authorize

**Specific Action Requested:**

Authorize the Town Manager to approve and sign the Agreement between the Town of Wendell and Gensler for Architectural and Engineering Services for the Town Hall project.

**Item Summary:**

The owner's project manager (OPM), Cummings, has concluded initial negotiations with Gensler for architectural and engineering services for the new town hall. The OPM reports that Gensler will provide the necessary services and process for the construction of a 14,300 GSF town hall building (12,000 GSF new construction and 2,300 GSF shell space) and site/civil engineering for a roughly 3-acre construction site on Town-owned property at the Wendell Park site.

The current draft provides these services for \$428,325.00 which is approximately 9.48% of the project cost. This negotiated cost is dependent on the project remaining as proposed without significant change orders or delays. It is the responsibility of the OPM to maintain the project schedule and budget in coordination with the architect by designing a product that may be construction with the approved budget.

The draft *Proposal for Architectural & Engineering Services* is attached for informational purposes. The proposal is an attachment of the formal Agreement that is currently under legal and management review. The process provides for significant stakeholder input, including the Commission, in developing the design and the OPM will maintain oversight of the services provided throughout the project.

To maintain the project schedule, staff request the Commission to authorize the *Town Manager to sign the Agreement between the Town of Wendell and Gensler for Architectural and Engineering Services for the Town Hall project* upon completion of the legal review and agreement by both parties.

**Attachments:**

- A. Draft Proposal for Architectural and Engineering Services





August 14, 2020

**Charles Brown**, CCM CEPSCI  
Project Manager  
Cumming Corporation | The Town of Wendell  
5540 Centerview Drive, Suite 316,  
Raleigh, NC 27606  
P: +1 (803) 888-1765  
[cbrown@ccorpUSA.com](mailto:cbrown@ccorpUSA.com)

Subject: **Proposal for Architectural + Engineering Services**  
For the Town of Wendell - New Town Hall  
12,000 GSF New Construction + 2,300 GSF Shell Space

Dear Charlie,

Thank you again for the opportunity to provide the Town of Wendell with our proposal for architectural and engineering services for the New Town Hall project. We are immensely grateful for the opportunity and are eager to kick off this exciting new project with you. We recognize the significant role this project will play on Wendell's continued growth and success, and our team is committed to delivering exceptional design and service to all parties involved.

The following proposal outlines the scope of work and assumptions based on our conversations with both you and key Town of Wendell stakeholders. Please review at your convenience and do not hesitate to reach out to me directly with any questions or comments.

Once again, we sincerely appreciate this opportunity and look forward to our shared success on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Allen".

**Rob Allen**, LEED AP BD&C  
Senior Associate | Project Manager  
Gensler  
613 Hillsborough Street  
Raleigh NC 27603  
919.239.7834  
[rob.allen@gensler.com](mailto:rob.allen@gensler.com)





This Agreement is between the Town of Wendell ("Client") and Gensler Architecture, Design & Planning, P.C. ("Gensler"), located at 613 Hillsborough Street, Raleigh NC 27603, for architectural design services.

## **A. PROJECT**

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### **A.1 Project Description**

The project includes new construction of a 14,300 GSF Town Hall Building (12,000 GSF new construction facility; 2,300 GSF shell space) and site/civil engineering for a roughly 3-acre construction site. At this time, the site does not have a formal address, but it is incorporated into a larger parcel owned by the Town of Wendell, adjacent to the Parks and Recreation Center located along W. 3<sup>rd</sup> Street, Wendell, NC 27591 (the "Project").

Gensler intends to partner with design consultants from Crenshaw Consulting Engineers (Mechanical, Electrical, Fire Alarm, Plumbing, and Fire Protection Engineering) and Stewart (Structural Engineering, Civil Engineering, and Landscape Architecture), as well as the Client's own consultants for project management and low voltage (Structured cabling, Audio/Visual and Security) design.

### **A.2 Project Budget**

Client and Gensler will review Client's budget goals for the Project (the "Project Budget") at the commencement of design. In 2019, the Client established a budget based upon understood scope and construction costs at the time, and with inflation upon the project's completion, assumes approximately \$3.6M for the building construction costs and \$920K for site construction costs.

During design, Client (or Client's designated representative, including, e.g., a pre-construction contractor or cost estimator) will provide Gensler estimates of the Construction Cost at appropriate stages of the design, including contingency amounts commensurate with the stage of design evolution and the nature of the Project. The Client and Gensler will review such cost estimates and Client will adjust it to reflect changes in the program requirements, design, and level of design detail, or adjust the program, to the extent required for consistency with the Project Budget.

Unless the scope changes significantly in a manner that would otherwise be an Optional/Additional Service (as defined in Section B.3 below), Gensler will incorporate any agreed upon changes in the subsequent design phase as part of its Basic Services (as defined in Section B.1 below).

### **A.3 Project Schedule**

Gensler will develop a Project Schedule ("Schedule") of important milestones for Client's review and approval. During design, Gensler and Client will monitor the Project for conformance with the Schedule, and Gensler will notify Client of any necessary changes in the Schedule.





At this time, the following milestones are projected:

<b>Phase</b>	<b>Start</b>	<b>End</b>	<b>Weeks</b>
<b>B.1.1 Pre-Design</b>	<b>08/31/20</b>	<b>09/25/20</b>	<b>4</b>
B.1.1.1 Project Start-up/Kickoff	08/31/20	09/04/20	1
B.1.1.2 Program Validation	08/31/20	09/16/20	2.5
B.1.1.3 Existing Site Conditions	08/31/20	09/04/20	1
B.1.1.4 Master Site Planning	08/31/20	09/25/20	4
<b>B.1.2 Design</b>	<b>09/28/20</b>	<b>02/26/21</b>	<b>22</b>
B.1.2.1 Schematic Design	09/28/20	10/23/20	4
SD Review + Budget Check	10/26/20	11/13/20	3
B.1.2.2 Design Development	11/16/20	12/18/20	5
DD Review + Budget Check	12/21/20	01/15/21	4
B.1.2.3 Construction Documents	01/18/21	02/26/21	6
<b>B.1.3 Implementation</b>	<b>03/01/21</b>	<b>02/26/21</b>	<b>50</b>
B.1.3.1 Permit Applications	03/01/21	04/09/21	6
B.1.3.2 Bidding and Negotiation	04/12/21	05/21/21	6
B.1.3.3 Construction Administration	06/07/21	02/15/22	36

## **B. SCOPE OF SERVICES PROVIDED BY GENSLER**

### **B.1 Gensler's Basic Services**

Gensler's Basic Services include design services for the new construction of a 14,300 GSF Town Hall Building (12,000 GSF new construction facility; 2,300 GSF shell space), including office space and administrative space for the mayor, administration, council chambers, finance, planning and IT departments. Architectural assumptions include the design of the exterior and interiors spaces, main lobby, public corridors, public meeting space, private meeting and collaboration space, restroom and break room facilities and code-required signage. Engineering assumptions include design of new mechanical, electrical, building lighting, fire alarm, plumbing systems throughout the building. Mechanical systems are assumed to be rooftop-mounted or split systems, but not a central system type (no boiler or chiller, water source heat pump, etc). A generator is anticipated for backup building power. A performance-based design of a new fire protection system has been included as well.

#### **Gensler**

Architecture  
Interiors

Gensler intends to engage sub-consultants for design services for the following building systems:

#### **Stewart**

Structural Engineering  
Civil Engineering  
Landscape Architecture





<b>Crenshaw Consulting Engineers</b>	Mechanical Electrical Fire Alarm Plumbing Fire Protection Engineering Site Lighting Design
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Gensler understands the Client will engage separate consultants to provide the following design services for the Project:

<b>TBD</b>	IT Service Provider;
<b>TBD</b>	TV, Audio-Visual Incorporator;
<b>TBD</b>	Access Control;

Gensler will provide backgrounds of Gensler's drawings to Client's consultants, showing the locations of architectural design elements that influence the layout of engineering and other systems.

#### **B.1.1 Phase One - Pre-Design**

##### **B.1.1.1 Project Start-up/Kickoff**

Upon Client's authorization to proceed, key representatives of Client and Gensler, as well as the appropriate consultants, will meet to kick off the Project. The purpose of the meeting is to establish the parties' mutual understanding of the Project objectives, Schedule, budget, and delivery process. The agenda may include the following:

- a) Introduction of key team members, including each party's primary contact and the person authorized to make decisions;
- b) Discussion of Project performance targets;
- c) Discussion of Schedule milestones, including process and durations for Client's review and approval;
- d) Discussion of the process for establishing Project Budget check estimates at key design milestones;
- e) Review and discussion of existing site conditions;
- f) Discussion of communication protocols;
- g) Identification of key personnel and protocols for invoicing and payment;

Throughout the Project, Gensler will attend project meetings with Client (which may be by telephone or other suitable means) to review Project design status. The proposed number of meetings have been summarized in each phase below.

##### **B.1.1.2 Programming (Program Validation)**

Gensler understands the Client has assembled a preliminary program. Gensler and our consulting partners will review data provided by Client and conduct interviews and/or focus groups with personnel designated by Client, to establish the following Project parameters:

- a) Site requirements;
- b) Space requirements, functional relationships, and adjacency;





- c) Technology requirements;
- d) Infrastructure requirements, including after-hours use, HVAC, and special security;
- e) Other applicable guidelines, policies, and procedures that may affect Project design.

*Meetings:* One (1) Meeting;

*Deliverables:* N/A

Gensler will then prepare an updated programming report (the "Program"), which will include a statement of overall Project objectives, descriptions of Client's qualitative and quantitative Project requirements, and Client's budget objectives. Gensler will provide copies of the Program in PDF and will meet with Client as outlined below to present and review the Program.

*Meetings:* One (1) Meeting to validate program requirements;  
Four (4) Focus Groups / Interviews to validate departmental program requirements;

*Deliverables:* Digital copy of design deliverable (PDF).

#### **B.1.1.3 Existing Site Conditions**

Gensler will review record documentation provided by Client of the existing site conditions, including:

- a) Topographical surveys;
- b) Geotechnical reports;
- c) Any other available site data and reports.

Gensler will visit the Project site to verify reasonably observable conditions, including: site access, views, adjacency to nearby public facilities, etc. Under certain circumstances, e.g., if the documentation of existing conditions is unavailable or appears to be unreliable, Gensler may recommend that Client engage the services of a surveyor to document the existing conditions before Gensler can proceed with further design services. Client acknowledges that site work can reveal pre-existing, hidden conditions, which may require Additional Services and/or modifications to the Project Budget and/or Schedule.

*Meetings:* One (1) site visit;

*Deliverables:* N/A

#### **B.1.1.4 Master Site Planning**

Gensler will assist with the develop a master site plan for consideration by Client to review and discuss the design approach, site placement and overall design intent, in order to establish the design direction for the Project. The objective of the master plan will be to determine initial direction for the following:

- a) Site plan design;
- b) Overall site organization and circulation;
- c) Open space design and calculation;
- d) Parking distribution and layout.

*Design Options:* Two (2) options anticipated;

*Meetings:* Two (2) Meetings:

i. One (1) Meeting to review initial Master Planning Concepts;

ii. One (1) follow-up Meeting to review final proposed Master Plan.

*Deliverables:* Digital copy of design deliverable (PDF).





## **B.1.2 Phase Two - Design**

### **B.1.2.1 Schematic Design**

Based on the approved Program and Client's authorization to proceed with the mutually agreed master plan approach and direction, Gensler will develop design diagrams and massing models that depict the basic design concept for the Project, including:

- a) Preliminary project description;
- b) Site plan;
- c) Preliminary landscape plans;
- d) Schematic floor plans including:
  - a. Concept Plans depicting spatial organization;
  - b. Adjacency Diagrams showing departmental adjacencies and workflow;
  - c. Stacking Diagram portraying the vertical distribution of the Project;
  - d. Space Plans showing the general size and layout of offices, open areas, and special areas;
- e) Building elevations;
- f) Exterior color palettes and finish samples;
- g) Typical building sections;
- h) Outline description of building systems included in Gensler's scope of services, prepared by Gensler's consultants;
- i) Preliminary information on gross floor areas, parking calculations, etc.

Gensler will provide the Schematic Design Documents in PDF, including a package for Client's cost estimator or general contractor to prepare the initial cost estimate. Gensler will meet with Client as outlined below to present and review the material, including any cost estimate prepared by Client's cost estimator or general contractor. Client and Gensler will agree upon any reasonable changes, consistent with the Program, and Gensler will incorporate such changes in the Design Development phase, unless it would otherwise be an Optional/Additional Service (as defined in Section B.3 below).

<i>Phase Duration:</i>	<i>Four (4) Weeks (design production)</i> <i>Three (3) Weeks (cost/budget estimation and client review)</i>
<i>Meetings:</i>	<i>Two (2) Meetings:</i> <ul style="list-style-type: none"><li><i>i. 50-75% Schematic Design Progress Meeting;</i></li><li><i>ii. 100% Schematic Design Page Turn</i></li></ul>
<i>Revisions:</i>	<i>Two (2) revisions assumed, one (1) following each meeting.</i>
<i>Deliverables:</i>	<i>Digital copy of design deliverable (PDF).</i>
<i>Renderings:</i>	<i>Three (3) conceptual renderings assumed.</i>

### **B.1.2.2 Design Development**

Based on the approved Schematic Design and Client's authorization to proceed, Gensler will proceed with Design Development, to further develop the design, including:

- a) Site plan;
- b) Life safety code sheet;
- c) Floor plans of each typical and unique level;
- d) Building elevations;
- e) Typical exterior lighting fixture locations;
- f) Architectural treatments, including materials palettes and color selections;





- g) Details of key design elements as required to communicate design intent;
- h) Building sections;
- i) Preliminary designs of building systems included in Gensler's scope of services (prepared by Gensler's consultants) and coordination with Client's engineering and other consultants.
- j) Reflected ceiling plans and typical light fixture locations for common spaces;
- k) Outline specifications;
- l) Updated information related to gross floor areas, parking calculations, etc.

Gensler will provide the Design Development Documents in PDF, including a package for Client's cost estimator or general contractor to update the cost estimate. Gensler will meet with Client as outlined below to present and review the material, including any cost estimate prepared by Client's cost estimator or general contractor. Client and Gensler will agree upon any changes, consistent with the Program, and Gensler will incorporate such changes in the Construction Documents, unless it would otherwise be an Optional/Additional Service (as defined in Section B.3 below).

*Phase Duration: Five (5) Weeks (design production)*  
*Four (4) Weeks (cost/budget estimation and client review)*

*Meetings: Two (2) Meetings:*  
*iii. 50-75% Design Development Progress Meeting;*  
*iv. 100% Design Development Page Turn*

*Revisions: Two (2) revisions assumed, one (1) following each meeting.*

*Deliverables: Digital copy of design deliverable (PDF).*

*Renderings: Revisions to three (3) conceptual renderings assumed.*

#### **B.1.2.5 Construction Documents**

Based on the approved Design Development Documents, authorized adjustments to the Project Budget, and Client's authorization to proceed, Gensler will provide drawings and specifications intended to be used for constructing the Project, including:

- a) Site plan;
- b) Life safety code sheet;
- c) Floor plans of each typical and unique level;
- d) Building sections and elevations;
- e) Enlarged plans and elevations of special areas where necessary;
- f) Roof and penthouse plans;
- g) Core and shell details and building wall sections;
- h) Finish plans and finish schedules for common areas;
- i) Schedules for base building doors, hardware and fixtures;
- j) Reflected ceiling plans of common areas;
- k) Power and communication (outlet) plans for common areas;
- l) Code required signage standards;
- m) Project Manual, including General and Supplementary Conditions, General Requirements, and Technical Specifications;
- n) Engineering drawings of systems included in Gensler's scope of services (prepared by Gensler's consultants) and coordination with Client's engineering and other consultants.

*Phase Duration: Six (6) Weeks (production)*





*Meetings:* Two (2) Meetings:  
i. 50% Construction Documents Progress Meeting;  
ii. 100% Construction Documents Page Turn  
*Revisions:* One (1) revision assumed, following 50% page turn meeting.  
*Deliverables:* Digital copy of design deliverable (PDF).  
*Renderings:* N/A this phase.

### **B.1.3 Phase Three - Implementation**

#### **B.1.3.1 Permit Applications**

Gensler will assist Client in connection with filing documents required by governmental authorities having jurisdiction over the Project, as it relates to the issuance of a general building permit. Gensler will include one (1) review of the documents with the governmental authority. Client will be responsible for payment of all application fees and other expenses relating to the permit process.

##### **B.1.3.1.1 Site Plan Approval**

Gensler and Stewart will participate in governmental or community meetings (e.g., planning department, neighborhood group, etc.) as required for Site Plan Approval. The design team will work with the Client to determine the appropriate for submitting Site Construction Permitting documentation to the Town of Wendell and Wake County (if required).

*Assumptions:* Submit Construction Drawings to the Town of Wendell;  
Provide response to Staff review comments;  
Secure final Site Construction Drawings approval;  
Obtain utility permits (water & sewer);  
Obtain Land Disturbance Permit through Wake County Sedimentation & Erosion Control Division;  
Obtain driveway and right-of-way encroachment agreements and permits;  
Coordinate with the other team consultants, various Town Departments, and utility/service companies for relative building services (i.e. water/sewer connections, recycling, fire department, etc.).  
*Submissions:* 1st Review  
2nd Review (response to first review comments)  
3rd Review (for approval)  
Final mylar submission for signatures

#### **B.1.3.2 Bidding and Negotiation**

Gensler will assist Client with architectural matters related to preparing construction bidding documents. Gensler will assist with Client's assessment of pricing and contracting strategies and selection of the general contractor. Gensler will attend meetings with Client and potential contractors as outlined below.

*Meetings:* Two (2) Meetings:  
i. One (1) Pre-Bid Conference with available contractors;  
ii. One (1) Bid Opening meeting.  
*Deliverables:* N/A





**B.1.3.2.1 Fast Track**

Gensler's standard practice requires the completion of the Construction Documents prior to bidding/awarding contracts to construct the project. If Client awards a construction contract for the Project or portions of the Project prior to completion of the Construction Documents, and/or if Client requests Gensler to issue separate Construction Documents packages for portions of the Project, Gensler will be entitled to compensation for Additional Services.

**B.1.3.3 Construction Administration**

Gensler's Construction Administration services will begin with the award of the Construction Contract and end thirty (30) days after the scheduled date for Substantial Completion (per Section A.3 or any other mutually agreed Project Schedule) or when Gensler signs the Contractor's final payment application, whichever occurs first. Gensler will provide Construction Administration services as set forth below and in AIA Document A201™–2007, General Conditions of the Contract for Construction, and mutually agreed upon Supplementary Conditions which Gensler will incorporate in the Project Manual, and all defined terms in this section shall have the same meaning as those in the General and Supplementary Conditions. If Client and Contractor modify the General and Supplementary Conditions, those modifications will not affect Gensler's services under this Agreement unless Client and Gensler agree mutually to amend this Agreement.

*Phase Duration: Thirty-six (36) Weeks (construction)  
Four (4) Weeks (closeout)*

*Meetings: See quantity below, under B.1.3.3.2 – Progress Meetings and Site Visits*

**B.1.3.3.1 Pre-Construction Conference**

Gensler will attend a pre-construction conference with the Project Team (Client, Contractor, Gensler, and each of their key subconsultants and subcontractors) to discuss the operational aspects of the Project, including the Construction Administration procedures.

*Meetings: One (1) Meeting with Client's Project Manager, Contractor, and Design Team*

**B.1.3.3.2 Progress Meetings and Site Visits**

Gensler will visit the Project site during construction to attend progress meetings and to walk through the Project as often as is appropriate, in Gensler's professional judgment, to become generally familiar with the progress and quality of the Work, and to determine whether the Work is in general conformance with the aesthetic design intent. Gensler's fee for Basic Services includes site visits (*i.e.*, combined progress meeting and site walkthrough) during active construction as outlined below. If Gensler observes Work that does not conform to the Construction Documents, Gensler will recommend that Client reject it. Gensler will also recommend inspection or testing of the Work if Gensler believes it is appropriate.

*Phase Duration: Thirty-six (36) Weeks (construction)  
Four (4) Weeks (closeout)*

*Meetings: Thirty (30) Meetings (Gensler)*





**B.1.3.3.3 Communications during Construction**

Client and Contractor will communicate with each other, and with Gensler's consultants, through Gensler. Gensler will maintain logs of documents received, reviewed, and/or issued by Gensler.

**B.1.3.3.4 Requests for Information**

Upon Client's or Contractor's request for information, Gensler will provide written or graphic interpretations and clarifications of the Construction Documents.

**B.1.3.3.5 Bulletins**

Gensler will use its Bulletin form to: a) authorize minor changes in the Work; b) issue supplemental instructions related to the Work; c) confirm Field Orders; and d) request proposals for changes in the Work.

**B.1.3.3.6 Submittals**

Gensler will review and take appropriate action on Samples, Product Data, Shop Drawings, and other submittals that the Construction Documents require Contractor to submit ("Submittals"), to determine whether those items and Contractor's proposed methods of fabrication are generally consistent with the aesthetic design intent. Gensler will conduct up to two (2) reviews of any Submittal as a Basic Service.

*Review Duration: 10 Business Days (first review)  
10 Business Days (subsequent reviews)*

**B.1.3.3.7 Changes**

A reasonable amount of changes in the Work are typically anticipated and the Project Budget will include adequate contingencies for such changes. Gensler may authorize minor changes in the Work if they are consistent with the aesthetic design intent and do not involve an adjustment in the Project Budget (including contingencies) or Schedule. Gensler will assist Client in reviewing Change Order proposals submitted by Contractor and in issuing Change Order Directives requested by Client.

**B.1.3.3.8 Contractor's Payment Applications**

Gensler will review Contractor's monthly payment applications and make recommendations to Client regarding amounts due. Gensler's approval of a payment application will represent to Client that, to the best of Gensler's knowledge, information, and belief, the Work has progressed to the point indicated and is consistent with the aesthetic design intent. If Gensler is requested to issue Certificates for Payment, such certification will be made to the best of Gensler's knowledge, information and belief, based on the documentation provided with the Contractor's payment applications and Gensler's site observations, and will be subject to:

- 1) Gensler's observation of the Work upon Substantial Completion;
- 2) Results of subsequent tests and inspections;
- 3) Correction of minor deviations from the Contract Documents prior to completion;
- 4) Any qualifications expressed by Gensler.

The issuance of a Certificate for Payment will not be a representation that Gensler has:

- (1) Made exhaustive or continuous on-site inspections to check the quality of the Work;
- (2) Reviewed construction means, methods, techniques, sequences or procedures;





- (3) Reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by Client to substantiate the Contractor's right to payment;
- (4) Ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

**B.1.3.3.9 Substantial Completion**

Upon receipt of Contractor's written representation that the Work is substantially complete, along with Contractor's punch list of items to be completed or corrected, Gensler will conduct one field review to observe whether the Work is substantially complete. When Gensler determines that the Work is substantially complete, Gensler will issue the Certificate of Substantial Completion.

**B.1.3.3.10 Final Completion and Project Close-Out**

No later than thirty (30) days following Substantial Completion, upon Contractor's and Client's request, Gensler will conduct one field review to observe Contractor's completed punch list items. When Gensler believes that the Work has been sufficiently completed per the Construction Documents, Gensler will approve Contractor's final payment application.

*Assumptions: Gensler and Consultants to review the subcontractor's as-built drawings for record*  
*Deliverables: Digital record files (PDF or CAD)*

**B.2 CAD Format and Standards**

Gensler and its consultants will use Revit and Gensler's CAD Standards. At the completion of the Project, Gensler will deliver electronic files of Gensler's Construction Documents and Bulletins. Gensler will translate CAD files provided by Client and/or Client's consultants as an Additional Service.

**B.3 Optional/Additional Services**

Gensler will provide services beyond the Basic Services described in Section B.1 ("Additional Services") if requested by Client and confirmed in writing by Gensler. Additional Services may include:

- a) Construction-related services, including:
  - a. Formal cost estimating beyond Gensler's reasonable understanding of the budget and market values;
  - b. Value engineering after the project award to the Contractor;
- b) Presentation Design Materials, including:
  - a. Physical 3D models;
  - b. Photo-realistic renderings; Professional renderings may be provided as an additional service if requested by Client;
- c) Out of sequence project delivery, including:
  - a. Client-requested revisions that are inconsistent with prior approvals or instructions;
  - b. Preparing documentation for early release, Fast Track, separate or sequential bids;
  - c. Early release bid packages;
  - d. Phasing and swing space;
  - e. Increase in duration of services;
  - f. Professional services made necessary due to the contractor's improper performance of the work;





- g. Modifications to previously approved drawings and specifications due to a change in applicable federal, state or local laws or regulations, or their interpretation by the Authority Having Jurisdiction;
    - h. More than one site visit each to determine substantial or final completion; demobilization and remobilization of Project team due to Project suspension or delay for reasons beyond Gensler's control.
  - d) Additional Documentation, including:
    - a. Creation of as-built record drawings, or incorporation of contractor's as-built mark-ups into Gensler's CAD file; move coordination services;
    - b. Certified BOMA calculations;
    - c. LEED or other Sustainable Design Certification;
    - d. Signage and wayfinding design beyond code-required signage packages;
  - e) Payment of permit or review fees;
  - f) Surveying
    - a. Subsurface Utility Engineering (SUE);
    - b. Existing conditions, topographic and boundary surveying.
    - c. Preparation of field-verified CAD backgrounds where existing drawings do not exist;
  - g) Civil/Land Services, including:
    - a. Platting;
    - b. ALTA/ASCM Certifications;
    - c. Soil testing;
    - d. Wetlands delineations, surveying, mitigation or permitting;
    - e. Stream determination, flagging or buffer impact permitting;
    - f. Environmental services including Phase I and Phase II assessments;
    - g. FEMA Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) services;
    - h. Private utility location;
    - i. Testing for offsite improvements;
    - j. Traffic Impact Analysis and off-site roadway improvements scope evaluation;
    - k. Design of off-site roadway improvements including signalization and turn lanes;
    - l. Detailed (beyond code minimum) landscape architecture, site design and construction documentation;
    - m. Design of custom site furnishings;
    - n. Design and Structural Engineering of site retaining walls or other site elements;
    - o. Irrigation design;
    - p. Design or permitting for Lift/Pump Stations and sewer force mains;
  - h) Mechanical, Electrical, and Plumbing Services, including:
    - a. Commissioning
    - b. Theatrical or special lighting design;
    - c. Commercial kitchen
    - d. UPS design
    - e. Energy Modeling: Energy code compliance using the prescriptive method assumed.
    - f. Hazardous location design or classification
    - g. Cathodic protection
    - h. Security system, IDS, & CCTV design (other than boxes and conduits)
    - i. Public address system design





- j. Lightning protection design
- k. Photovoltaic design
- l. Solar hot water heating
- m. Electrical coordination study & arc-fault analysis

At this time, an outline of Optional/Additional Services likely relevant to this project have been outlined with fee assignments under part D.2 Additional Services.

### **C. SCOPE OF SERVICES PROVIDED BY CLIENT**

---

#### **C.1 Services Provided by Client or Others**

The following services may be required on the Project and shall be provided by Client, Client's consultants, or others:

- a) Consulting and Engineering services, including:
  - a. Acoustical
  - b. Geotechnical
  - c. Hazardous materials testing or abatement
  - d. Special inspections
  - e. Utility surveys
  - f. Cost Estimating
  - g. Traffic
  - h. Communication systems design
  - i. Audio-Visual system design;
  - j. Security / Access Control system design;
  - k. Electronic and computer equipment design
  - l. Environmental Graphics or signage beyond code-required minimums.
- b) Design-build services;
- c) Services not mentioned in C.1-a (above) but outlined in B.3 Optional/Additional Services.

#### **C.2 Information Provided by Client or Others**

The following information may be required on the Project and shall be provided by Client, Client's consultants, or others:

- a) Legal description of the property; the name/address of the property owner; and the name/address of any construction lender(s);
- b) Existing Site or Base Building information, including drawings, specifications, and other documents that describe the existing utility services, site conditions, build out and base building construction, and any systems with which the Project is to be coordinated;
- c) Structural, mechanical, chemical, air, and water pollution and hazardous materials tests, and other laboratory and environmental tests, inspections, and reports required by law or by authorities having jurisdiction over the Project, or reasonably requested by Gensler.

#### **C.3 Client's Requirements of Contractor**

Client will, through the Construction Contract, require Contractor to:

- a) Provide access to the Work;





- b) Provide a Submittal Schedule for Gensler's approval and provide required Submittals in accordance with the Schedule;
- c) Review Submittals, identifying any changes, and approve before submitting to Gensler;
- d) Be responsible for the technical adequacy and accuracy, installation, and performance of any Project elements for which Gensler may specify performance requirements;
- e) Follow proper procedures for requests for substitutions;
- f) Maintain logs of all documents issued to and received from all other parties;
- g) Provide required certificates or statements of performance characteristics;
- h) Complete punch list items within thirty (30) days of Substantial Completion;
- i) Provide to Client as-constructed record drawings, maintenance manuals, written warranties, and related documents within thirty (30) days of Substantial Completion;
- j) Maintain job site safety on the Project;
- k) Cause Gensler and Gensler's consultants to be named as Additional Insureds on any property insurance purchased for the period of construction of the Project and on Contractor's General Liability Policy (using form CG 2026, CG 2032, or equivalent); such insurance will be endorsed to provide a waiver of the insurers' rights of subrogation against Gensler and Gensler's consultants.

#### **D. COMPENSATION**

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Compensation to Gensler for Basic Services, Additional Services, and Reimbursable Expenses will be as described below. When Gensler's compensation is based on hourly rates, the rates will be those set forth in Gensler's Standard Hourly Billing Rates.

##### **D.1 Basic Services**

Compensation for Basic Services for Gensler (Architecture + Interiors), Crenshaw Consulting Engineers (Mechanical, Electrical, Fire Alarm, Plumbing, and Fire Protection Engineering) and Stewart (Structural Engineering, Civil Engineering and Landscape Architecture) will be the lump sum of four hundred, twenty-eight thousand, three hundred and twenty-five dollars (\$428,325.00).

##### **D.1.1 Reimbursable Expenses**

Reimbursable Expenses have been included in the lump sum of D.1 – Basic Services. Reimbursables include expenses incurred by Gensler and Gensler's consultants in the interest of the Project, including, but not limited to the following:

- a) Reproduction, shipping, handling, and delivery.
- b) Mileage, tolls, cab fares, and parking.
- c) Renderings, models, mock-ups, and photography.
- d) Sales taxes and other transactional taxes, and fees paid for securing approval of authorities having jurisdiction over the Project.
- e) Additional insurance coverage or limits requested by Client in excess of that normally provided by Gensler and Gensler's consultants.

Compensation for Reimbursable Expenses incurred by Gensler in connection with the Project, including without limitation, reproduction costs for providing copies of the deliverables described in Section B.1, will be based on amounts invoiced to Gensler.





#### **D.1.2 Consultants**

Consultants' fees have been included in the lump sum of D.1 – Basic Services and will be compensated based on amounts invoiced to Gensler.

#### **D.2 Optional/Additional Services**

Optional/Additional Services have not been included in the lump sum of D.1 – Basic Services. The following services have been identified as optional services but may be included upon written approval from the Client throughout the project's duration:

##### **Gensler | Architecture + Interiors**

Professional Renderings (each)	\$1,800.00
Environmental Graphics	\$15,000.00*

##### **Civil Engineering | Stewart**

Irrigation Design	\$3,675.00
Site Wall Design	\$5,250.00

##### **Landscape Architecture | Stewart**

Enhanced Landscape Architecture	\$26,250.00*
Landscape Renderings	\$4,200.00
Plant Selections from Local Nurseries	\$2,100.00

*\* Services and professional fees to be accurately defined upon final scope and budget definition.*

#### **D.3 Progress Payments**

Progress payments will be made monthly. Where Gensler's fee is based on a lump sum, progress payments for Basic Services will be based on the percentage of services provided during the previous month.





## E. AGREEMENT AND ACCEPTANCE

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### E.1 Agreement

This Agreement is comprised of and incorporates the following documents, in order of precedence:

- a) Amendments and modifications signed by both parties;
- b) This Letter of Agreement;
- c) The attached Standard Terms and Conditions (*STC, April 2020*);
- d) Exhibits referenced in this Letter of Agreement.

Where a portion of one document is amended by another of higher precedence, all unmodified portions will remain in effect. The terms and conditions of this Agreement, the STC and any Work Authorization hereunder, are integral parts of this Agreement and are fully incorporated herein by this reference. No conflicting or supplemental pre-printed provisions on Client forms (including, without limitation, terms on purchase orders) will be binding on the parties.

### E.2 Effective Date

The effective date of this Agreement is August 14, 2020.

By Gensler

By Client

Chad Parker, AIA, LEED AP BD&C

\_\_\_\_\_  
(Printed Name of Signatory)

A handwritten signature in black ink, appearing to be "CP", written over a horizontal line.

By

By

(Signature)

(Signature)

Principal, Managing Director 08/14/2020

(Title)

(Date)

(Title)

(Date)

cc: Rob Allen, Project Manager  
Tyler Roberts, Project Accountant



**Date:** August 24, 2020

**Item #4a**

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**Item Title:**

Presentation of New Planning Director Niki Jones

**Board of Commissioners Meetings:**

August 24, 2020

**Specific Action Requested:**

Receive Introduction

**Item Summary:**

Town Manager Collins will introduce Planning Director Niki Jones to the Board of Commissioners.

**Attachments:**

No attachments



**Date:** August 24, 2020

**Item #4b**

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**Item Title:**

Presentation of New Human Resources Administrator Debbie Cannady

**Board of Commissioners Meetings:**

August 24, 2020

**Specific Action Requested:**

Receive Introduction

**Item Summary:**

Town Manager Collins will introduce Human Resources Administrator Debbie Cannady to the Board of Commissioners.

**Attachments:**

No attachments



**Item Title:**

Recognition of Town of Wendell Finance Department for attaining the Certificate of Achievement for Excellence in Financial Reporting [CAFR] for the fiscal year ended 2019.

**Report to the Board of Commissioners:**

Monday, August 24, 2020

**Specific Action Requested:**

The Board is asked to receive a presentation and update on the town's recent receipt of the CAFR for 2019.

**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 fourth 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  
Senior Accountant Garrett Johnson  
Payroll & Benefits Specialist Melia Edwards, and  
Accountant I Elizabeth Jones

**Attachments:**

A. GFOA Certificate of Achievement for Excellence in Financial Reporting for the 2019 CAFR





Government Finance Officers Association  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

8/12/2020

Virginia Gray  
Mayor  
Town of Wendell, North Carolina

Dear Mayor Gray:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2019 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

A handwritten signature in black ink that reads "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine  
Director, Technical Services





GOVERNMENT FINANCE OFFICERS ASSOCIATION  
**NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

8/12/2020

**For more information contact:**  
**Michele Mark Levine, Director/TSC**  
**Phone: (312) 977-9700**  
**Fax: (312) 977-4806**  
**Email: [mlevine@gfoa.org](mailto:mlevine@gfoa.org)**

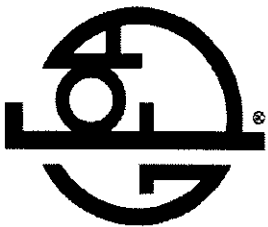
(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Town of Wendell** for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2019. The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

*Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.*

203 NORTH LASALLE STREET, SUITE 2700, CHICAGO, ILLINOIS 60601-1210





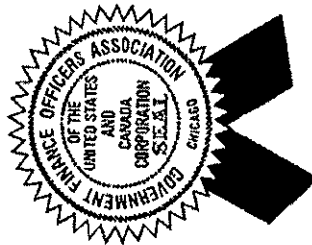
The Government Finance Officers Association of  
the United States and Canada

*presents this*

## AWARD OF FINANCIAL REPORTING ACHIEVEMENT

*to*

**Finance Department**  
Town of Wendell, North Carolina



*The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the department or individual designated as instrumental in the government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.*

Executive Director

*Christopher P. Morrell*

Date: 8/12/2020



**Date:** August 24, 2020

**Item #4d**

---

**Item Title:**

Presentation of the FY 2022 to FY 2023 Strategic Plan Process

**Board of Commissioners Meetings:**

August 24, 2020

**Specific Action Requested:**

Receive presentation

**Item Summary:**

Presentation on the purpose of Strategic Planning and the proposed process to establish the two-year strategic plan for the FY 2022 and FY 2023 budget years.

Strategic plans are commitments of the elected leadership and professional staff to work for the realization of a community vision through the development of strategic goals that are in alignment with available and planned resources. The strategic goals are advanced within annual planning periods by assigning resources for implementation in the development of the budget. Communication of efforts to realize the community vision is vital and included in regular reporting in monthly reports, Board retreats, and budget documents.

**Attachments:**

No attachments



**Item Title:**

Motion for a non-contiguous annexation for a portion of a parcel totaling 10.272 acres located at 0 Eagle Rock Rd as part of PIN #1774-55-1916.

**Report to the Board of Commissioners:**

August 24, 2020- Decision

August 10, 2020- Public Hearing

July 27, 2020 - Receive Certificate of Sufficiency and set Public Hearing

March 23, 2020 - Direct Clerk to Certify Annexation Request

**Specific Action Requested:**

Make a motion and consider adopting the attached ordinance for the annexation petition for 10.272 acres located at 0 Eagle Rock Road. The public hearing was held for this item on Monday August 10, 2020.

**Item Summary:**

520 State Street, LLC has submitted an annexation request for a 10.272 acre portion of the parcel addressed as 0 Eagle Rock Rd and identified by PIN# 1774-55-1916 (highlighted below). The annexation area represents the 10.272 portion south of Old Tarboro Road (of the 23.29 acre parcel). The applicant plans to subdivide the tract and develop the southern piece.

**Zoning District:**

The property is currently located within Wake County and is zoned R-30. The applicant has submitted a request to rezone to R4 Town of Wendell Zoning District.

**Police & Public Works & Utility Service:**

The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.



**Location Map:**



**Staff Recommendation:**

Staff recommends approval of the request

**Attachments:**

- A. Ordinance for Adoption



Return Address: Bryan Coates, Assistant Planning Director  
Town of Wendell  
15 E. Fourth Street  
Wendell, NC 27591

A20-03

**ORDINANCE NO. 0-26-2020**  
**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF**  
**THE TOWN OF WENDELL, NORTH CAROLINA**

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 10th day of August, 2020, after due notice by publication on the 30th day of July, 2020.

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the portion of the property identified by PIN # 1774-55-1916 located at 0 Eagle Rock Road, on the below identified survey plat is hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on August 24, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled “Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell” and recorded in Book of Maps Book Number \_\_\_\_\_, Page Number \_\_\_\_\_, Wake County Registry.

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

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

Duly adopted the 24th day of August 2020.



(Town Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney

Page 2

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

**CLERK’S CERTIFICATION**

I, **MEGAN HOWARD**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **#0-26-2020**, as adopted by the Wendell Board of Commissioners on the 24<sup>th</sup> day of August, 2020 for a portion of the property owned by **520 State Street LLC**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

[TOWN SEAL]

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



**Item Title:**

Motion on a Zoning Map Amendment request to rezone 10.272 acres located within the parcel addressed as 0 Eagle Rock Road (off of Old Tarboro Rd).

**Report to the Board of Commissioners:**

Monday, August 24, 2020	Item for Decision
Monday, August 10, 2020	Public Hearing
Monday, May 18, 2020	Recommendation from Planning Board

**Specific Action Requested:**

Make a motion on the proposed rezoning request and consider adopting the attached ordinance, which includes a statement of comprehensive plan consistency and reasonableness. The public hearing was held for this item on Monday August 10, 2020.

**Applicant:**

Phoenix Land Venture

**Petition:**

The applicant has requested a change in zoning classification for property located at 0 Eagle Rock Road (PIN #1774-55-1916) from Wake County R-30 to Town of Wendell R4. The applicant has submitted a request to annex 10.272 acres of the parcel.

**Item Summary:**

This property is located within Wake County's jurisdiction and is currently zoned R-30. The rezoning request is a traditional map amendment (i.e. there is no accompanying development plan, which would be attached to a conditional district). This property abuts the Anderson Farm Subdivision that is currently under construction.

**Project Profile:**

PROPERTY LOCATION:	0 Eagle Rock Road
WAKE COUNTY PIN:	1774 55 1916
ZONING DISTRICT:	Proposed R4/ Current Wake County R-30
CROSS REFERENCES:	N/A
PROPERTY OWNER:	520 State Street, LLC 2912 Highwoods Blvd Raleigh, NC 27604
APPLICANT:	Phoenix Land Venture PO Box 90427



PROPERTY SIZE:  
CURRENT LAND USE:  
PROPOSED LAND USE:

Raleigh, NC 27604  
10.272 acres  
Agricultural  
Residential

**Project Setting – Surrounding Districts and Land uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential/Vacant	R4CU
South	Agricultural	R-30
East	Residential/Vacant	R4CU
West	Residential/Agricultural	R-30

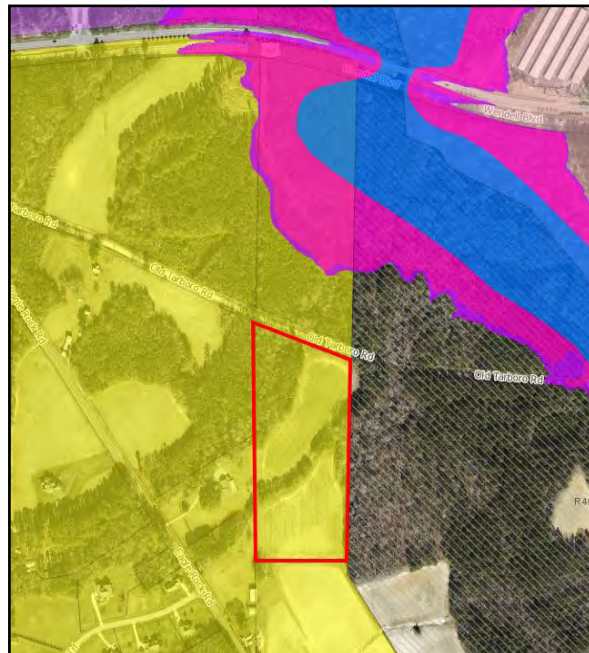
**Zoning District:**

This property is located within Wake County’s jurisdiction and is zoned R-30. The surrounding properties are currently zoned R4CU and Wake County R-30. The R4 district allows a minimum lot size of 6,000 sq. ft. North and east of this property is the Anderson Subdivision which is zoned R4CU with a minimum lot size of 6,000 sq. ft.

The R4 zoning district has the following minimum dimension standards;

- 50ft Lot Width
- 25ft Front Setback
- 20% of lot width combined
- 20ft rear setback
- 3 stories, maximum height

**Current Zoning Map (Requested Property outlined in red):**



**Applicant’s**

**Justification:**



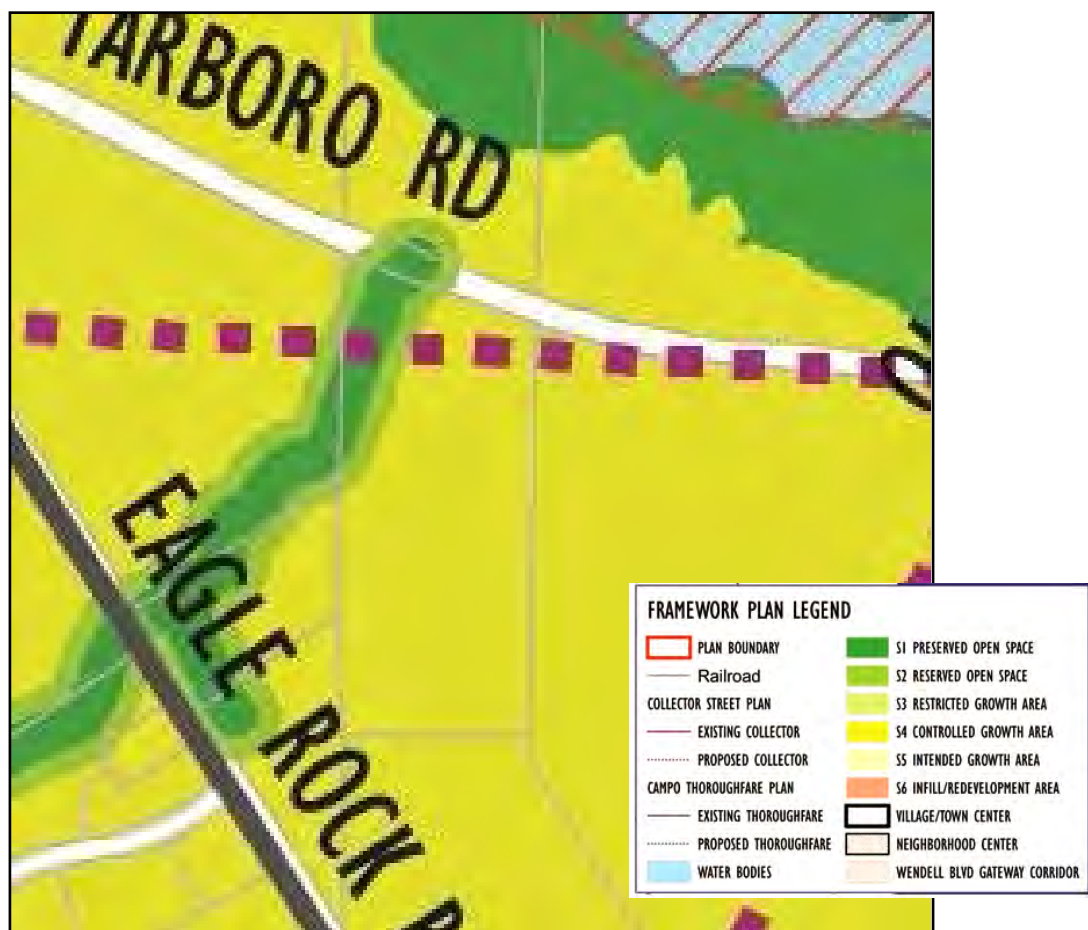
Applicants Justification Statement added as Attachment C.

**Comprehensive Plan:**

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

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

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



**Planning**

**Board**



### **Recommendation of Denial:**

At their May 18, 2020 meeting, the Planning Board voted 7-2 to deny the requested zoning map amendment.

**Voting in Favor of Denial:** Victoria Curtis, Jonathan Olson, Jimmena Huffman-Hall, Levin Jones, Deans Eatman, Michael Firstbrook and Allen Swaim

**Voting Against Denial:** Ryan Zakany and Brett Hennington

**Absent:** None

### **Technical Review Committee (TRC):**

The applicant would submit preliminary development plans if the proposed rezoning is approved. The preliminary development plan would need to meet all Town of Wendell Unified Development Ordinance regulations. TRC would review and approve any preliminary development plans for the property.

### **Statement of Plan Consistency and Reasonableness:**

- Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.
  - In staff's opinion, the requested zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable to balance consistency with adjoining zoning districts.

### **Staff Recommendation:**

Staff recommends approval of this rezoning request.

### **Attachments:**

- A. Ordinance for Adoption
- B. Anderson Farm Site Plan
- C. Applicant's Justification



O-25-2020

AN ORDINANCE AMENDING THE ZONING MAP  
OF THE TOWN OF WENDELL

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to include in the Residential 4 (R4) zoning district the property described below, said property formerly being zoned Wake County Residential-30 (R-30); and

WHEREAS said property is owned by 520 State Street, LLC; and

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

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

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

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

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on August 10, 2020 in the board room at Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

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

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include in the **Residential 4 (R4)** zoning district 10.272 acres of land located within the parcel located at 0 Eagle Rock Road (PIN # 1774-55-1916).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM20-01 from Wake County Residential-30 (R-30) to **R4** is found to be reasonable in



order to balance consistency with adjoining zoning districts and is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S4 sector.

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

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

DULY ADOPTED the 24th Day of August 2020

(Town Seal)

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

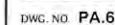
ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney





Admission to the...



## ATTACHMENT C

The applicant is requesting a revision to the Town of Wendell Zoning Map for the 10.272 acre parcel located on the southern side of 0 Eagle Rock Rd (PIN: 1774-55-1916). The parcel is currently zoned R-30 and the rezoning request is for R-4 zoning. This request will also modify the current Comprehensive Land Use Plan, which shows this tract as Industrial, with a recommendation that the residential zoning of the area and surrounding property is retained and applied to this property.

With available utilities, and transportation corridors in this location, the current zoning of R-30 would not be the best use of this 10.272 acres of land south of Old Tarboro Road. In addition, the adjacent tract to the east of this property has received approval to construct residential homes and townhomes in a development known as Anderson Plantation. With the adjacent zoning of R-4 CU, it is reasonable to request the current R-30 zoning to become R-4 zoning.

The Future Land Use Plan shows this parcel's land use as Industrial, but the use of this property as residential zoning meets the surrounding area and provides residential homes in a section of town near existing residential properties, transportation corridors, and existing utilities. Extension of additional governmental services, utilities, police, garbage, and streets would be minimal as this property will be adjacent to these services in the proposed development of Anderson Plantation. Granting a zoning map change for this parcel will not hamper public safety nor create harmful impacts on adjacent properties.



**Item Title:**

Holly View Speed Reduction Petition

**Report to the Board of Commissioners:**

Monday, August 24, 2020

**Specific Action Requested:**

Consideration of a Speed Reduction Petition for the Holly View Neighborhood.

**Item Summary:**

The Holly View neighborhood is located near the core of the town. It is south of E. Third Street, east of S. Main Street, north of Forest Lane, and west of S. Hollybrook Road. The neighborhood is comprised of 18 homes.

A request to reduce the speed limit in the Holly View neighborhood came from a group of citizens concerned about the health, safety, and general welfare of their children. The request is to reduce the speed limit from 35 mph to 25 mph.

An application for the Speed Reduction Petition was received by the Planning Department in October of 2019 (Attachment A). The number of signatures that were collected reflects more than the minimum of the 20% required to initiate the process. On October 28, 2019 staff mailed a speed reduction survey form to all 18 of the residents in the proposed area (Attachments B & C). The application process requires that the Town receive all surveys within 60 days of the letter being sent out.

The Planning Department received 14 of the 18 surveys within that 60-day timeframe. Additionally, the number of signatures received meets the minimum of the 75% criteria needed to be considered (Attachment D). Subsequently, staff notified the following critical agencies of the request: Police, Fire, EMS, Wake County Schools, Solid Waste Contractor, and Public Works. They were asked for their feedback on the requested Speed Reduction Petition.

The Police Department performed a study of the proposed area and the report is attached (Attachment E). In summary, they collected speed data over a period of two months and used past crash data to determine if speed reductions are warranted. They found that average speeds were just above the 35-mph limit.

The application has met all standards set forth in the Neighborhood Speed Reduction Policy (Attachment G) and is eligible for consideration from the Board of Commissioners. Moreover, staff is recommending a speed limit reduction from 35 mph to 25 mph. During the evaluation of the proposed area, staff recognized that a more holistic assessment of traffic speed and volume may be necessary in the surrounding area.



**Fiscal Impact:**

If the speed reduction is approved, the immediate fiscal impact will be related to street signage. Typically, the cost of new speed limit signs is estimated at \$75.00 per sign.

**Attachments:**

- A. Application for Holly View Speed Reduction
- B. Letter to Residents with Speed Reduction Survey
- C. Holly View Residents & Addresses
- D. Signed Surveys
- E. E. Haywood Street/Lake Drive Speed Study Report
- F. Location Map
- G. Neighborhood Speed Reduction Policy



Adopted: 11/28/2016  
Supersedes: N/A  
Policy Number: 101



## **Neighborhood Speed Reduction Policy**

### **Purpose**

The Town of Wendell's *Neighborhood Speed Reduction Policy* has been developed to guide Town staff and inform residents about the process and procedures for requesting and implementing neighborhood speed reduction measures. Under this policy, the Town Planning Department will work with residents to identify speed reduction needs in their neighborhoods and identify appropriate solutions.

First, the policy outlines how citizens may request speed reductions in their neighborhood no lower than 25 miles per hour. Secondly, the policy describes the procedures for reviewing a speed reduction request and developing an implementation plan.

### **Definitions**

**Neighborhood** – The Webster's International Dictionary defines a neighborhood as "The region near where one is or resides." A neighborhood can be as small as one street or a network of homes and small businesses with shared streets, parks, and people.

**Affected Residents** – An affected resident is a resident that lives on the street under study within the limits of the block or blocks being considered for speed limit reduction.

**Affected Street** – A minimum roadway section of 1000 feet in length with 75 percent of the road frontage comprised of residential land uses directly fronting the roadway. **Note:** As a part of the review process, staff may determine that the study area may need to be expanded to other street sections for continuity.

**Direct Fronting** – A property is considered direct fronting when its address and driveway are oriented to the roadway section.

**Request Reduction** – The initial speed reduction petition to 25 miles per hour must be submitted by 20 percent of the residents on the affected roadway section.

### **Procedure for Applying for a Speed Reduction**

**Initiation** – Resident(s) of the proposed speed reduction project area may initiate the process by submitting a petition from 20 percent of the residents in an affected area to the Town Planning Department. Once the petition is received, a speed reduction survey form is then mailed or hand



delivered to all resident(s) in the affected area along with a copy of the Neighborhood Speed Reduction Policy.

In order for the speed reduction request to be considered, the Town Planning Department must receive a minimum of 75 percent of the residents' signatures in the affected area in favor of the speed reduction. Only one signature per household is counted to determine the 75 percent approval. Surveys must be returned within 60 days of the survey's post mark. If the required signatures are not obtained, the process is stopped. If the resident signature requirement is met, the request is reviewed by the Town Planning Department and then sent to the Town Board for action.

### **Qualifying Criteria for a Neighborhood Speed Reduction**

There are many factors taken into consideration when reviewing residential traffic concerns to determine the feasibility of the request. These factors include:

- Speeds and /or volume of traffic
- The surrounding roadway network
- Accident history
- Resident network and access
- Neighborhood response and
- Budget considerations.

In order to qualify for a speed reduction under the Town of Wendell Neighborhood Speed Reduction Policy, the roadway being considered should be a town-maintained public street classified as a local or collector street, and must be primarily residential. "Primarily residential" means that at least 75% of the properties with frontage on the street are in residential zoning or have existing land use that is residential. State maintained roads are not eligible for consideration under this policy.

The street must have:

- A posted speed limit of 30 mph or more.
- Traffic volume on the affected street less than 4000 vehicles per day (vpd) regardless of its classification.
- Not a primary run route for emergency services such as fire and ambulance.
- Application must not have been denied or become void within the last 6 months.

It is critical that the following appropriate agencies be contacted and included in the review process.

- |                     |   |
|---------------------|---|
| • Police Department | • Public Works                                |
| • Fire Department   | • Planning Department                         |
| • Eastern Wake EMS  | • Wake County Public Schools – Transportation |
|                     | • Solid Waste Contractor                      |





Town staff will perform a site study and determine if the request meets the preliminary qualifying criteria for a speed reduction. If the data does not meet the qualifying criteria, alternative measures are offered for discussion. If the data meets the criteria, the traffic calming process is taken to the Town Board for consideration.

**Implementation** - The proposed schedule for implementation must consider the availability of funding and prioritization. Due to limited resources, some areas may not be identified and funded for a project for significant periods of time.

### **Budget & Funding**

For projects previously approved by the Town Board, and for which funding is not available, property owners or a home owners association may elect to pay for 100% of the installation to implement the speed reduction.





## Appendix A

## Speed Reduction Petition

Neighborhood Name: Holly ViewStreet Name & Location: Haywood St Downtown Wendell

**Citizen Neighborhood Speed Reduction petition to be completed by 20 percent of residents directly fronting the requested section of roadway under consideration.**

We, the undersigned property owners, do respectfully petition the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*A detailed map to include block numbers or addresses within the area to be considered must be included.

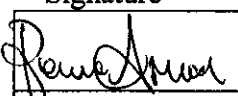

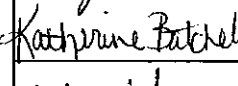
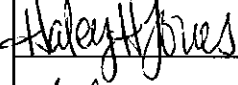
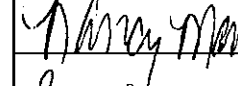
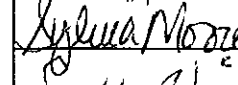

The reasons for the petition include:

Kids playing in the area. Walking with no sidewalks

\_\_\_\_\_

\_\_\_\_\_

Phone Number: 209-613-1136 Email Address: bekamidon@gmail.com

Signature	Name Printed	Address	Apt. No.
	Rebekah Amidon	102 Lake Drive Wendell NC	—
	Emily Mills	210 E Haywood St Wendell NC	—
	Katherine Batchelor	202 E Haywood St Wendell	—
	Haley Jones	114 E Haywood St. Wendell	—
	NANCY MILLER	226 E Haywood St	
	Sylvia Moore	330 E. Haywood St	
	SALLY HINES	202 Lake Dr.	

Neighborhood Speed Reduction Policy

Page 4 of 6

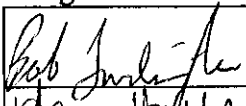
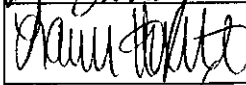
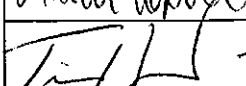
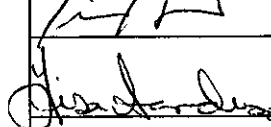
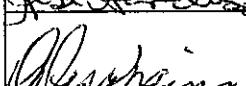
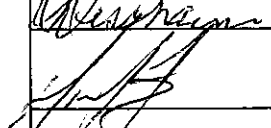




Neighborhood Name: Holly View

Street Name & Location: Haywood St Downtown Wendell

Reason for Petition: Kids playing and no walking sidewalks

Signature	Name Printed	Address	Apt. No.
	Bob Tinsling	420 Lakeside	—
	Lauren Hamington	225 Lake Dr Wendell	
	TIM HINNANT	320 E. HAYWOOD ST.	
	Lisa Sanderson	105 Lake Dr Wendell	
	D DESORMAUX	212 LAKE, WENDELL	—
	Michael Furlbade	246 Dugwood Trl	



## Appendix B

### Resident Speed Reduction Survey

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The reasons for the requests are:

Kids playing in the area. Walking in the neighborhood there are no  
sidewalks. People aren't paying attention and driving fast

I have lived in the neighborhood for 3 months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 102 Lake Drive Wendell NC 27591

Phone Number: 209-613-1136

Email Address: bekamidon@gmail.com  
Rebekah Amidon





# Holly View Neighborhood



**Disclaimer**  
Maps make every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.





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15 E. Fourth Street Wendell, NC 27591  
Telephone: (919) 365-4448 Fax: (919) 366-1462 [www.townofwendell.com](http://www.townofwendell.com)

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October 28, 2019

RE: Resident Speed Reduction Survey for the Holly View Neighborhood

Dear Property Owner,

A member of your neighborhood has submitted a petition to lower the speed limit for the Holly View Neighborhood from 35 mph to 25 mph.

Per the Town's Neighborhood Speed Reduction Policy (available on the Town website at <http://www.townofwendell.com/how-do-i/request/to-reduce-the-speed-limit-in-my-neighborhood>), in order for a speed reduction request to be considered, the Town must receive a signed survey (**enclosed**) in support of the speed reduction request from 75 percent or more of the affected residents. Only one signature per household will be counted. If you own but do not reside at the mailing address used for this notification, please share this letter and its contents with your tenant. The enclosed map identifies the area where the speed reduction would apply.

If you are in support of this request, please complete **and sign** the 'Resident Speed Reduction Survey', which is included as Appendix B of the enclosed policy. Completed surveys may be delivered or mailed to:

Wendell Planning Department  
15 E. Fourth Street  
Wendell, NC 27591

Surveys must be returned within 60 days of the survey's post mark. If the required signatures are not obtained by this date, the process is stopped. If the resident signature requirement is met, the request will be reviewed by Town staff and then sent to the Town Board for action.

Sincerely,

A handwritten signature in black ink that reads 'David Bergmark'.

David Bergmark  
Planning Director, Town of Wendell  
[dbergmark@townofwendell.com](mailto:dbergmark@townofwendell.com)  
(919)365-4448



# EXHIBIT A: Speed Reduction Map for Holly View Neighborhood



0 160 320 640 Feet

## Legend

 Street Segments Requested for Speed Reduction.  Parcels

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Prepared by Town of Wendell

Date: October 28, 2019

Disclaimer: Town of Wendell assumes no legal responsibility for errors or misuse of this map.





## **Neighborhood Speed Reduction Policy**

### **Purpose**

The Town of Wendell's *Neighborhood Speed Reduction Policy* has been developed to guide Town staff and inform residents about the process and procedures for requesting and implementing neighborhood speed reduction measures. Under this policy, the Town Planning Department will work with residents to identify speed reduction needs in their neighborhoods and identify appropriate solutions.

First, the policy outlines how citizens may request speed reductions in their neighborhood no lower than 25 miles per hour. Secondly, the policy describes the procedures for reviewing a speed reduction request and developing an implementation plan.

### **Definitions**

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**Request Reduction** – The initial speed reduction petition to 25 miles per hour must be submitted by 20 percent of the residents on the affected roadway section.

### **Procedure for Applying for a Speed Reduction**

**Initiation** – Resident(s) of the proposed speed reduction project area may initiate the process by submitting a petition from 20 percent of the residents in an affected area to the Town Planning Department. Once the petition is received, a speed reduction survey form is then mailed or hand



delivered to all resident(s) in the affected area along with a copy of the Neighborhood Speed Reduction Policy.

In order for the speed reduction request to be considered, the Town Planning Department must receive a minimum of 75 percent of the residents' signatures in the affected area in favor of the speed reduction. Only one signature per household is counted to determine the 75 percent approval. Surveys must be returned within 60 days of the survey's post mark. If the required signatures are not obtained, the process is stopped. If the resident signature requirement is met, the request is reviewed by the Town Planning Department and then sent to the Town Board for action.

### **Qualifying Criteria for a Neighborhood Speed Reduction**

There are many factors taken into consideration when reviewing residential traffic concerns to determine the feasibility of the request. These factors include:

- Speeds and /or volume of traffic
- The surrounding roadway network
- Accident history
- Resident network and access
- Neighborhood response and
- Budget considerations.

In order to qualify for a speed reduction under the Town of Wendell Neighborhood Speed Reduction Policy, the roadway being considered should be a town-maintained public street classified as a local or collector street, and must be primarily residential. "Primarily residential" means that at least 75% of the properties with frontage on the street are in residential zoning or have existing land use that is residential. State maintained roads are not eligible for consideration under this policy.

The street must have:

- A posted speed limit of 30 mph or more.
- Traffic volume on the affected street less than 4000 vehicles per day (vpd) regardless of its classification.
- Not a primary run route for emergency services such as fire and ambulance.
- Application must not have been denied or become void within the last 6 months.

It is critical that the following appropriate agencies be contacted and included in the review process.

- |                     |   |
|---------------------|---|
| • Police Department | • Public Works                                |
| • Fire Department   | • Planning Department                         |
| • Eastern Wake EMS  | • Wake County Public Schools – Transportation |
|                     | • Solid Waste Contractor                      |





Town staff will perform a site study and determine if the request meets the preliminary qualifying criteria for a speed reduction. If the data does not meet the qualifying criteria, alternative measures are offered for discussion. If the data meets the criteria, the traffic calming process is taken to the Town Board for consideration.

**Implementation** - The proposed schedule for implementation must consider the availability of funding and prioritization. Due to limited resources, some areas may not be identified and funded for a project for significant periods of time.

### **Budget & Funding**

For projects previously approved by the Town Board, and for which funding is not available, property owners or a home owners association may elect to pay for 100% of the installation to implement the speed reduction.





**Appendix B****Resident Speed Reduction Survey**

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The reasons for the requests are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have lived in the neighborhood for \_\_\_\_\_ months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_





Name	Physical Address	Mailing Address	City	State	Zip
Lauren & William Harrington	225 Lake Drive	225 Lake Drive	Wendell	NC	27591
Steven & Lisa Sanderson	105 Lake Drive	105 Lake Drive	Wendell	NC	27591
June & Patsy Perry	201 Lake Drive	PO Box 745	Wendell	NC	27591-0745
Freddy J Ortiz Garcia & Ciria Olivares-Lagunes	110 Lake Drive	110 Lake Drive	Wendell	NC	27591
Seth & Rebekah Amidon	102 Lake Drive	102 Lake Drive	Wendell	NC	27591
Robert & Tillie Turlington	220 Lake Drive	PO Box 134	Wendell	NC	27591-0134
Deborah Deschaine	212 Lake Drive	212 Lake Drive	Wendell	NC	27591
Hubert & Sally Hines	202 Lake Drive	202 Lake Drive	Wendell	NC	27591
Lois Honeycutt	225 E Haywood Street	PO Box 344	Wendell	NC	27591-0344
Margaret Buffaloe	238 South Pine Street	PO Box 372	Wendell	NC	27591-0372
CD&S Properties LLC	229 South Pine Street	PO Box 1418	Wendell	NC	27591-1418
Eric & Deta Dixon	241 S Main Street	241 S Main Street	Wendell	NC	27591
Madeline Greene	18 E Haywood Street	18 E Haywood Street	Wendell	NC	27591
Levin & Haley Jones	114 E Haywood Street	114 E Haywood Street	Wendell	NC	27591
Brian & Katherine Batchelor	202 E Haywood Street	202 E Haywood Street	Wendell	NC	27591
Andrew & Emily Mills	210 E Haywood Street	210 E Haywood Street	Wendell	NC	27591
Rachel Cone	220 E Haywood Street	12296 W NC 97	Middlesex	NC	27557-8168
Roy & Nancy Morris	226 E Haywood Street	226 E Haywood Street	Wendell	NC	27591



## Appendix B

## Resident Speed Reduction Survey

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

I do so request

The reasons for the requests are:

many kids in the area and lots of on street parking in the area. it's hard to see!

I have lived in the neighborhood for 47 months years

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 220 LAKE DRIVE

Phone Number: 919 518 5693

Email Address: bturlington@ATT.NET

Bob Burlington

This area would also benefit from more strict enforcement of the 35 mph limit on the adjoining Hellybrook Rd., TD!





**Appendix B****Resident Speed Reduction Survey**

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

of Holly View

The reasons for the requests are:

I support the petition.

I have lived in the neighborhood for 3 months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 210 E Haywood St, Wendell, NC 27591

Phone Number: 919-625-9279

Email Address: esmill91@gmail.com

*J. Mills 2019.11.1*

*Emily Mills Nov 1, 2019*





**Appendix B****Resident Speed Reduction Survey**

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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

Rebekah Amidon Rebekah Amidon

The reasons for the requests are:

children playing in the neighborhood, no sidewalks to walk  
on, cars just going too fast and passing each other

I have lived in the neighborhood for 3 months ~~years~~

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 102 Lake Drive Wendell NC 27591

Phone Number: 209-613-1136

Email Address: bekamidon@gmail.com





## Appendix B

### Resident Speed Reduction Survey

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

Maximum of 15! Hubert P. Amos

The reasons for the requests are:

many children at play & Traffic is way to fast

I have lived in the neighborhood for \_\_\_\_\_ months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 202 Lake Drive

Phone Number: 919 606-6724

Email Address: HP-Amos@Gmail.com





## Appendix B

### Resident Speed Reduction Survey

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

The reasons for the requests are:

*kids playing and cars come thru to fast and speeding*

I have lived in the neighborhood for 4 months years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 220 E HAYWOOD ST

Phone Number: 919-436-6076 OR 919-672-5837

Email Address: SYLVIA BATTLE @ HAYWOOD





## Appendix B

### Resident Speed Reduction Survey

**Note:** In order for a speed reduction request to be considered by the Town Board for approval, this request must be signed by a minimum of 75 percent of the affected residents. Should the request receive insufficient signatures or otherwise be denied by the Town Board, no similar requests shall be considered through this policy for a five year period.

I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

DEBBYE DESCHAINES  
Wendell

The reasons for the requests are:

SPEEDING

I have lived in the neighborhood for 3 1/2 ~~month~~s/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 212 LAKE DR

Phone Number: 918-681-0149

Email Address: debbiede@deschaines@hotmail.com





**Appendix B****Resident Speed Reduction Survey**

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Lauren + Will Hamington

The reasons for the requests are:

my children ride bikes on Lake + Haywood + have almost been  
smack several times by speeding vehicles

I have lived in the neighborhood for 2 months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 225 Lake Dr Wendell 27571

Phone Number: 919 475 16395

Email Address: lhamington430@gmail.com





## Appendix B

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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

E. Haywood Street - Holly View Neighborhood

The reasons for the requests are:

We have no sidewalks. There are many small children and dogs in our neighborhood. With golf carts and bikes sharing the road 35 is too fast. Also, the high school bus riders walk before the sun rises. We love our small town! Cars park on both sides of the road.

I have lived in the neighborhood for 10 months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 202 E Haywood St

Phone Number: 919-345-3014

Email Address: kmd1124@hotmail.com

*Katherine Batchelor*





## Appendix B

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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

The reasons for the requests are:

• Drivers see Haywood St (from Hollybrook to Main) as a straight-away to fly through. However, there are many children at play + adults enjoying outside. A car/driver losing control or distracted would be devastating.

I have lived in the neighborhood for 30+ months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 105 Lake Dr, Wendell

Phone Number: 919-614-4441

Email Address: LSanderson1@yahoo.com

*Lisa Sanderson*

\* If the board does not agree w/ speed reduction, can we investigate the possibility of a speed-bump or a 3-way stop sign?





## Appendix B

## Resident Speed Reduction Survey

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Marjorie B. (Peggy) Buffaloe

The reasons for the requests are:

a lot of children in the neighborhood chasing balls riding bikes on the street. Vehicles parked on both sides of the streets.

I have lived in the neighborhood for 50 + months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 238 South Pine Street Wendell, NC 27591

Phone Number: 919-365-7334 919-971-5770 (cell)

Email Address: petebuffaloe@bellsouth.net

I would also like to suggest South Pine be considered, too. Cars or vehicles parked on both sides of the street, small children in the apartments, school buses, waste management vehicles, emergency vehicles using South Pine.

Thank you

Peggy Buffaloe 11-7-19





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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

the 90° curve on Lake is dangerous

The reasons for the requests are:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I have lived in the neighborhood for 50 months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 201 Lake Dr

Phone Number: 919-365-7213

Email Address: \_\_\_\_\_

*Patsy R. Perry*





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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

Haley E. Harrison-Jones

The reasons for the requests are:

many people cut through our neighborhood to access Wendell Falls Pkwy. They often drive recklessly or at excessive speeds. It is dangerous for children, pets, and residents, reducing the speed would be safer for all.

I have lived in the neighborhood for 2 months years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 114 E Haywood St. Wendell NC 27591

Phone Number: 252-764-7925

Email Address: haleyharrisonjones@gmail.com





## Appendix B

### Resident Speed Reduction Survey

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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

yes

The reasons for the requests are:

children - my backing out driveway  
at stop sign

I have lived in the neighborhood for 37 months years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 226 E. HAYWOOD ST.

Phone Number: 919-365-7766

Email Address: R.MORRIS46@NC.EDU.COM

Name: NANCY MORRIS



**Appendix B****Resident Speed Reduction Survey**

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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

Deta Megan Dixon S Main St. +  
East Haywood

The reasons for the requests are:

In general, people drive too fast  
children playing, no sidewalk  
people walking, bus stop kids in the dark

I have lived in the neighborhood for 3 yrs months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

Address: 241 S main st. Wendell NC 27591

Phone Number: 919-457-7687

Email Address: singuntohim@hotmail.com

Name: Deta Megan Dixon







# Town of Wendell Police Department *North Carolina*

## **Traffic Study** **Haywood Street/Lake Drive Area**

Published: August 12, 2020

In January 2020, the Wendell Police Department received a request from the Town of Wendell Planning Department to conduct a traffic study on Haywood Street as a result of a Speed Reduction Petition filled by affected residents. Below is a summary of the data used, the methodology and the results.

### Data Used:

The Police Department deployed its portable radar sign on Haywood Street and covertly collected speed data for 1 week in each direction in January and February to collect real time data. For collection of east bound traffic data, the sign was placed between Lake Drive and Hollybrook Road. For collection of west bound traffic data, the sign was placed near the intersection of Haywood Street and Pine Street.

Additionally, the Police Department accessed filed crash reports for Haywood Street for the last three years.

### Methodology:

The collected speed data was reviewed and analyzed to determine average speed, 85<sup>th</sup> percentile speed, along with the number and percent of vehicles speeding during the collection periods.

Averages and 85<sup>th</sup> Percentile numbers are rounded to the tenth and are from daily cumulative data.

The 85<sup>th</sup> percentile speed is the speed that 85 percent of drivers will drive at or below under free-flowing conditions. Significant deviation from this number, especially downward will not encourage compliance as traffic experts say people will typically drive at a level they feel comfortable.

The crash reports were reviewed to determine if speed was a contributing factor to the accident.



Findings:

Current Speed Limit – 35 mph

East Bound Average Speed - 36 mph

East Bound 85<sup>th</sup> Percentile Speed – 25.3 mph

East Bound Speed Data		
Speed Range	Count	Percentage
5-10 MPH	12	0.3%
11-15 MPH	45	1.2%
16-20 MPH	143	3.8%
21-25 MPH	471	12.7%
26-30 MPH	1213	32.6%
31-35 MPH	1186	31.9%
36-40 MPH	530	14.3%
41-45 MPH	101	2.7%
46-50 MPH	14	0.4%
51-55 MPH	2	0.1%
56-60 MPH	1	0.0%
61+ MPH	1	0.0%
Total	3719	100.0%

West Bound Average Speed - 37.1 mph

West Bound 85<sup>th</sup> Percentile Speed – 30.0 mph

West Bound Speed Data		
Speed Range	Count	Percentage
5-10 MPH	4	0.1%
11-15 MPH	11	0.3%
16-20 MPH	73	2.2%
21-25 MPH	305	9.0%
26-30 MPH	947	28.0%
31-35 MPH	1229	36.3%
36-40 MPH	641	18.9%
41-45 MPH	147	4.3%
46-50 MPH	24	0.7%
51-55 MPH	2	0.1%
56-60 MPH	0	0.0%
61+ MPH	1	0.0%
Total	3384	100.0%



The review of accident data in which any involved vehicle was traveling on Haywood Street at any point in the collision sequence between Commander Drive and Cypress Street for the three years prior to February 1, 2020. The results were as follows:

October 17, 2020 – Vehicle traveling east on Haywood Street failed to yield at stop sign and pulled into oncoming traffic and was struck by vehicle traveling north on Hollybrook Road. Speeds listed were at or below posted speed for both roads (35 mph).

July 17, 2018 – Vehicle traveling east on Haywood Street was stopped at stop sign at Hollybrook Road when a vehicle traveling behind it slowed and or stopped and then ran into the rear of the stopped vehicle. Speeds listed were at or below posted speed for both roads (35 mph).

August 21, 2018 – Vehicle traveling north on Hollybrook road was making a left turn to travel west on Haywood Street when a second vehicle also traveling north on Hollybrook road moved into the southbound lane to pass the turning vehicle and the two collided. Speeds listed were at or below posted speed for both roads (35 mph).

July 20, 2019 - Vehicle traveling east on Haywood Street failed to yield at stop sign and pulled into oncoming traffic and was struck by vehicle traveling south on Hollybrook Road. Speeds listed were at or below posted speed for both roads (35 mph).

December 12, 2019 - Vehicle traveling east on Haywood Street failed to yield at stop sign and pulled into oncoming traffic and was struck by vehicle traveling north on Hollybrook Road. Speeds listed were at or below posted speed for both roads (35 mph).

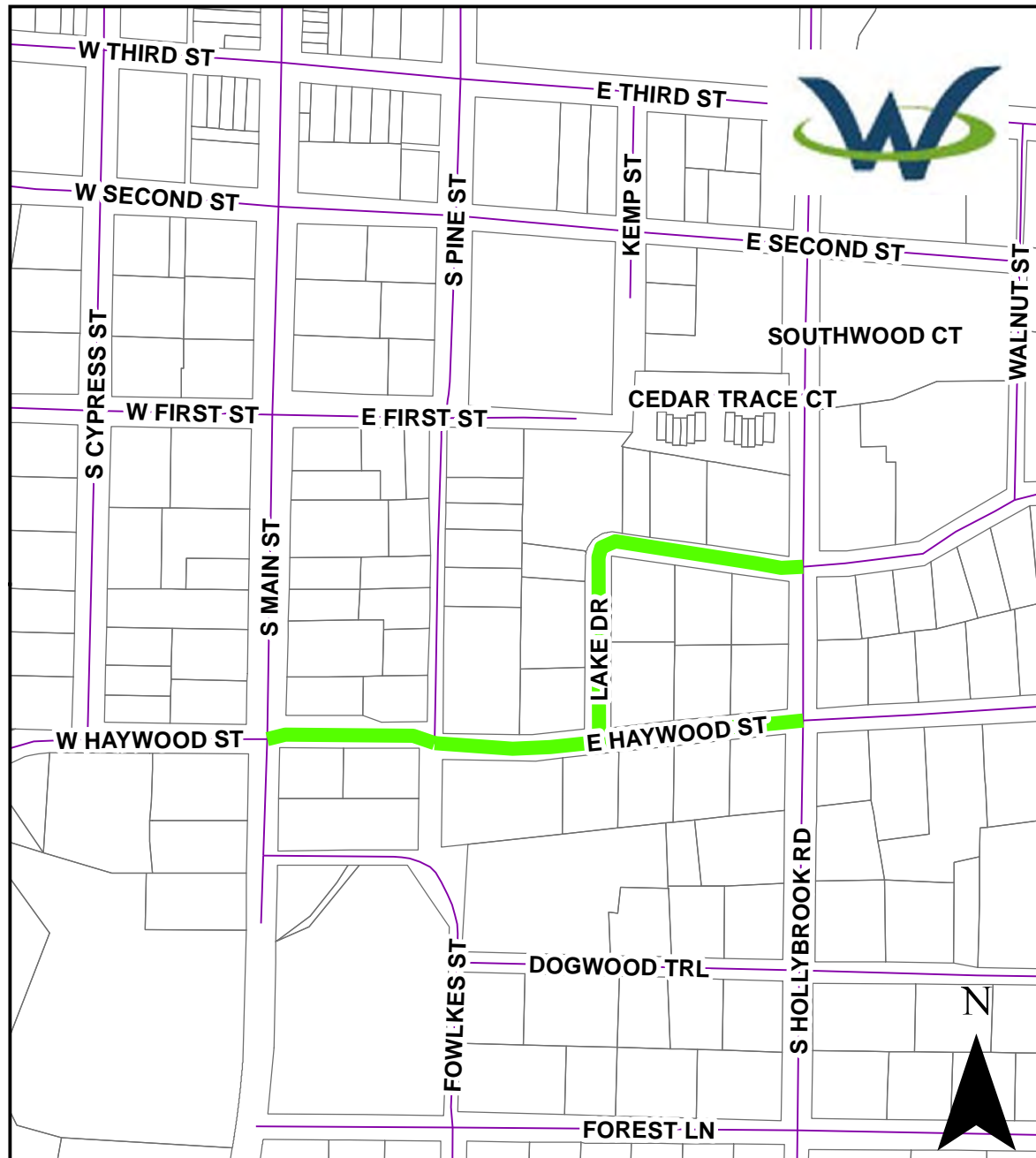
As Lake Drive was included in the speed reduction study area, a review of accident data in which any involved vehicle was traveling on Lake Drive at any point in the collision sequence between Commander Drive and Cypress Street for the three years prior to February 1, 2020. The results were as follows:

July 12, 2017 - Vehicle traveling west on Lake Drive failed to yield at stop sign and pulled into oncoming traffic and was struck by vehicle traveling north on Hollybrook Road. Speeds listed were at or below posted speed vehicle in violation and 5 mph above posted speed limit for not at fault vehicle. (35 mph).

September 10, 2018 - Vehicle traveling east on Lake Drive failed to yield at stop sign and pulled into oncoming traffic and struck the side of a vehicle traveling south on Commander Drive. Speeds listed were at or below posted speed for both roads (35 mph).



# Speed Reduction Map for Holly View Neighborhood



0 250 500 1,000 Feet

## Legend

 Street Segments Requested for Speed Reduction.  Parcels

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Prepared by Town of Wendell

Date: August 19, 2020

Disclaimer: Town of Wendell assumes no legal responsibility for errors or misuse of this map.





## **Neighborhood Speed Reduction Policy**

### **Purpose**

The Town of Wendell's *Neighborhood Speed Reduction Policy* has been developed to guide Town staff and inform residents about the process and procedures for requesting and implementing neighborhood speed reduction measures. Under this policy, the Town Planning Department will work with residents to identify speed reduction needs in their neighborhoods and identify appropriate solutions.

First, the policy outlines how citizens may request speed reductions in their neighborhood no lower than 25 miles per hour. Secondly, the policy describes the procedures for reviewing a speed reduction request and developing an implementation plan.

### **Definitions**

**Neighborhood** – The Webster's International Dictionary defines a neighborhood as "The region near where one is or resides." A neighborhood can be as small as one street or a network of homes and small businesses with shared streets, parks, and people.

**Affected Residents** – An affected resident is a resident that lives on the street under study within the limits of the block or blocks being considered for speed limit reduction.

**Affected Street** – A minimum roadway section of 1000 feet in length with 75 percent of the road frontage comprised of residential land uses directly fronting the roadway. **Note:** As a part of the review process, staff may determine that the study area may need to be expanded to other street sections for continuity.

**Direct Fronting** – A property is considered direct fronting when its address and driveway are oriented to the roadway section.

**Request Reduction** – The initial speed reduction petition to 25 miles per hour must be submitted by 20 percent of the residents on the affected roadway section.

### **Procedure for Applying for a Speed Reduction**

**Initiation** – Resident(s) of the proposed speed reduction project area may initiate the process by submitting a petition from 20 percent of the residents in an affected area to the Town Planning Department. Once the petition is received, a speed reduction survey form is then mailed or hand



delivered to all resident(s) in the affected area along with a copy of the Neighborhood Speed Reduction Policy.

In order for the speed reduction request to be considered, the Town Planning Department must receive a minimum of 75 percent of the residents' signatures in the affected area in favor of the speed reduction. Only one signature per household is counted to determine the 75 percent approval. Surveys must be returned within 60 days of the survey's post mark. If the required signatures are not obtained, the process is stopped. If the resident signature requirement is met, the request is reviewed by the Town Planning Department and then sent to the Town Board for action.

### **Qualifying Criteria for a Neighborhood Speed Reduction**

There are many factors taken into consideration when reviewing residential traffic concerns to determine the feasibility of the request. These factors include:

- Speeds and /or volume of traffic
- The surrounding roadway network
- Accident history
- Resident network and access
- Neighborhood response and
- Budget considerations.

In order to qualify for a speed reduction under the Town of Wendell Neighborhood Speed Reduction Policy, the roadway being considered should be a town-maintained public street classified as a local or collector street, and must be primarily residential. "Primarily residential" means that at least 75% of the properties with frontage on the street are in residential zoning or have existing land use that is residential. State maintained roads are not eligible for consideration under this policy.

The street must have:

- A posted speed limit of 30 mph or more.
- Traffic volume on the affected street less than 4000 vehicles per day (vpd) regardless of its classification.
- Not a primary run route for emergency services such as fire and ambulance.
- Application must not have been denied or become void within the last 60 months.

It is critical that the following appropriate agencies be contacted and included in the review process.

- |                     |   |
|---------------------|---|
| • Police Department | • Public Works                                |
| • Fire Department   | • Planning Department                         |
| • Eastern Wake EMS  | • Wake County Public Schools – Transportation |
|                     | • Solid Waste Contractor                      |





Town staff will perform a site study and determine if the request meets the preliminary qualifying criteria for a speed reduction. If the data does not meet the qualifying criteria, alternative measures are offered for discussion. If the data meets the criteria, the traffic calming process is taken to the Town Board for consideration.

**Implementation** - The proposed schedule for implementation must consider the availability of funding and prioritization. Due to limited resources, some areas may not be identified and funded for a project for significant periods of time.

### **Budget & Funding**

For projects previously approved by the Town Board, and for which funding is not available, property owners or a home owners association may elect to pay for 100% of the installation to implement the speed reduction.





**Appendix A****Speed Reduction Petition**

Neighborhood Name: \_\_\_\_\_

Street Name &amp; Location: \_\_\_\_\_

**Citizen Neighborhood Speed Reduction petition to be completed by 20 percent of residents directly fronting the requested section of roadway under consideration.**

We, the undersigned property owners, do respectfully petition the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

\*A detailed map to include block numbers or addresses within the area to be considered must be included.

The reasons for the petition include:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

Signature	Name Printed	Address	Apt. No.





Neighborhood Name: \_\_\_\_\_

Street Name & Location: \_\_\_\_\_

Reason for Petition: \_\_\_\_\_

Signature	Name Printed	Address	Apt. No.





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I, the undersigned resident do respectfully request the Town of Wendell to reduce the neighborhood speed to 25 miles per hour within the neighborhood/intersection

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The reasons for the requests are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have lived in the neighborhood for \_\_\_\_\_ months/years.

\*\*\*\*\*Please note any additions, corrections, or vacancies to the attached map\*\*\*\*\*

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_





**Item Title:**

Request to Amend Award of the Downtown Façade Grant for 5 N Main Street

**Report to the Board of Commissioners:**

Monday, August 24, 2020	Request to Amend Award
Monday, June 8, 2020	Initial Request and Approval of Façade Grant
Wednesday, June 3, 2020	Appearance Commission Recommendation of Approval

**Specific Action Requested:**

Consideration of the request to amend the Downtown Façade Grant request for 5 N Main Street in the amount of \$10,000 to be solely funded from the Fiscal Year 2021 Budget.

**Item Summary:**

The applicant, Sigurd Westerlund, has requested to amend the award of the Downtown façade grant awarded on June 8, 2020 in the amount of \$10,000 to be solely funded in FY 2021 rather than as previously approved with \$5,000 funded in both FY 2020 and FY 2021 (see attachment 1 email request from applicant).

The necessity of the applicant to acquire and schedule professional services to complete the work as well as completing a survey and utility locates resulted in a lack of expenses occurring during FY 2020 that are eligible for reimbursement under the grant program.

The original grant approved for 5 N Main Street includes improvements such as constructing a side/rear patio, installation of railings, lighting and other architectural details to enhance the outdoor area that currently is a gravel/dirt area. The project would create a patio that would contain outdoor dining and enclose the air condition units.

The total estimated cost for exterior façade improvements is \$26,522.50, broken down as follows:

- Site Work & Masonry products and labor- \$13,725.00
- Railing - \$4,560.00
- Privacy Screening & Equipment- \$6,462.50
- Electrical Conduit- \$1,775.00

The decision factors for grant approval give extra consideration to new commercial businesses, facades located in the downtown area, recently expanded businesses or seeking renovations and/or projects that are creative or offer enhanced improvements or aesthetic appeal or translates to increase customer visitation or experiences in a neighborhood. The renovation of 5 N Main Street and the creation of outdoor seating on a raised deck are eligible for funding.



The amount applied for by the applicant for the downtown façade grant program is up to \$10,000 and requires a 50:50 match by the applicant for eligible expenses. The FY 2021 Budget, as adopted, provides \$10,000 for the façade grant program. The \$5,000 that was awarded and not expended in FY 2020 for this project was returned the General Fund Reserve and is available for re-appropriation in FY 2021.

Staff recommends approval of the request of the applicant to amend the award for the full \$10,000 to be funded in FY 2021.

**Attachments:**

Attachment A – Email Request from Applicant to Change Approved Façade Grants



**Marvin "Marc" E. Collins**

---

**From:** Sigurd Westerlund <sigurd@odincapitalgroup.com>  
**Sent:** Tuesday, August 18, 2020 5:14 PM  
**To:** Marvin "Marc" E. Collins  
**Cc:** Niki Jones; Bryan Coates; Brad Ellis; info@hammondservicesnc.com; jw@westerlundlaw.com  
**Subject:** RE: Request to Change Approved Facade Grants

Marc,

Thank you for the timely email.

The approval for the grant for the year ending June 30, 2020, provided us too little time to commence the work and spend the required money by the stipulated time. We have addressed this with Bryan Coates previously in writing, but please let me reiterate that the work requires a survey to be done, appropriate architect drawings needs to be completed (for submittal to the town) once survey has been done and then the work has to be fitted into the calendar of Hammond Construction Co (GC Cory Hammond CC'ed in this email). I saw surveyors out and around the building last week, and maybe Cory can update us as to where we are?

The alley is about 24 feet wide. I own half of it. The utility setback is 10 feet. I would be very happy to build the patio 12 feet away from the midline of the alleyway where I have been told that the water lines run – this would provide 2 feet buffer. This would also line up with the rounded curbing next to the 3<sup>rd</sup> Street sidewalk and also the loading dock built behind the distillery. While I am 99% + positive that this would be correct vis a vis the right of way, I cannot be 100% certain and compliant by doing so, which I have to be. In a previous email, Bryan Coates, offered to send drawings of the recently installed water/utilities in alley way in order to ensure proper determination of appropriate set-back and speed things up. Any progress?

This email is a formal request to move the allocated funds from the 2019-20 cycle to be added to the funds already allocated funds for the 2020-21 cycle, for a total of \$10,000 to be matched with \$10,000 from our own funds, as we are still progressing forward with the work as discussed during the approval meeting, but the work has been held up by third-party contractors whose schedule are outside of our control, primarily the surveyors. Cory believe the work can be completed within 2-3 weeks once survey and drawings are approved and his work has commenced.

Please let me know what else you need from me in order to preserve the grant.

Regards,

Sig

Regards,

Sigurd Westerlund





**Item Title:**

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



Capital Area Metropolitan Planning Organization (CAMPO) – Mayor Virginia Gray



Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette



Eastern Wake Senior Center – Commissioner Joe DeLoach

**Specific Action Requested:**

None

**Attachments:**

None



**Item Title:**

Commissioners' Reports.

**Specific Action Requested:**

None

**Attachments:**

None



**Item Title:**

Mayor's Report.

**Specific Action Requested:**

None

**Attachments:**

None



**Item Title:**

Closed Session [NC GS 143-318.11].

**Specific Action Requested:**

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

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



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

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

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

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

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

**Attachments:**

None