



**Wendell Town Board of Commissioners**

**Board Room**

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

**Town Board Meeting Agenda**

**Monday, September 28, 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 September 28, 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, September 25<sup>th</sup> at 5 p.m.

**CALL TO ORDER**

- Welcome – Mayor Virginia Gray
- Pledge of Allegiance – Police Chief Bill Carter
- Invocation – Wendell Council of Churches

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

**2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the September 28, 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, September 25<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, September 25<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.

### 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. Adoption of the August 24, 2020 Town Board of Commissioners Meeting Minutes

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

#### 3b. Adoption of the September 14, 2020 Town Board of Commissioners Meeting Minutes

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

#### 3c. Wake County Tax Report of September 8, 2020

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

#### 3d. Certification of Sufficiency and Resolution to set a Public Hearing Date for Non-contiguous Annexation Petition A-20-04 for 61.43 Acres located at 1129 Edgemont Rd., 1213 Edgemont Rd., 0 Edgemont Rd., 0 US HWY 64 E, and 0 Merganzer Rd. and identified by PIN #'s 1775-70-5631, 1775-71-4047, 1775-60-5484, 1775-51-9103, and 1775-50-6528.

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

- 3e. Approval of resolution directing the clerk to investigate a contiguous annexation for two parcels totaling 19.64 acres [17.32 for PIN #1783-95-6846 and 2.32 acres for PIN #1783-86-9690] located at 0 S Selma Road and 0 S Hollybrook Rd.

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

- 3f. Resolution directing the Town Clerk to investigate a Non-contiguous Annexation for 4 Parcels totaling 87.89 Acres (29.21 for PIN #1793-29-4123, 32.61 for PIN #1793-27-0810, .72 for PIN #1793-17-7440 and 25.33 for PIN #1793-38-0878) located at 929 JoJo Drive, 745 Lions Club Road, 753 Lions Club Road, and 0 Morphus Bridge Road, respectively.

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

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

- 4a. 2020 Pavement Condition Survey (PCS) Report prepared by Withers Ravenel

Staff Contact: Public Works Director Brian Bray  
[bbray@townofwendell.com](mailto:bbray@townofwendell.com)

- 4b. Locally Administered Projects Program (LAPP) Update – U-6244 & EB-6048 (Wendell Boulevard Pedestrian and Intersection Improvements)

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

- 4c. Continued Discussion of Downtown Service Comparatives for Parking, Food Trucks, Electric Vehicle Charging, Lighting, and Solid Waste Service.

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

#### 5. PUBLIC HEARINGS

**There are no public hearings scheduled for this meeting.**

#### 6. ADMINISTRATIVE ITEMS

- 6a. Zoning Map Amendment request to rezone 50.63 acres from Rural Residential (RR) to Residential-3 (R3) located at 0 Eagle Rock Road (PIN# 1774-72-4863).

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

- 6b. Locally Administered Projects Program (LAPP) Update – U-5323 (Intersection of Business US 64, Rolesville Road, and Eagle Rock Road)

Staff Contact: Planning Director Niki Jones  
[njones@townofwendell.com](mailto:njones@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 – Mayor Pro Tempore John Boyette

**8. COMMISSIONERS' REPORTS / COMMENTS**

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

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

The Wendell Town Board of Commissioners held their virtual, regular meeting on Monday, August 24, 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 (virtually), Jon Lutz, and Philip Tarnaski

**ABSENT:**

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley (virtually), Assistant to the Manager Stephanie Smith, Police Chief Bill Carter, Planning Director Niki Jones, Assistant Planning Director Bryan Coates, and HR Administrator Debbie Cannady.

**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.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Reverend Sarah Smith of New Hope Missionary Baptist Church provided the invocation.

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

**ACTION**

Mover: Commissioner Lutz made a motion to approve the agenda, as presented.

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

Nays: None.

Vote: 5-0

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

**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.

The following written public comment was read by the Town Clerk:

1. Seth Amidon

102 Lake Drive

919-333-6892

Bekah Amidon

The fact that the in town speed limit on residential streets in town are 35 mph is unsafe especially in an age where distracted driving is becoming more common. Haywood drive has become a cut through from Hollybrook and more people are driving down our street at speeds exceeding 35 mph. We are one of many families that have small children, and enjoy walking down the street to enjoy the town that live on this street that does not have sidewalks or public right of way. I We are asking the board to reduce the speed limit to 25 mph to promote a safer community and town overall.

Seth and Bekah Amidon

Katherine and Brian Batchelor

If we need to call in we will be more than happy to do so but we feel like this comment says a lot.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

### 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)

#### **ACTION**

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

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

Nays: None.

Vote: 5-0

### 4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

- 4a. Presentation of new Planning Director Niki Jones

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

Town Manager Marc Collins presented Planning Director Niki Jones to the Board of Commissioners.

Mayor Gray welcomed Mr. Jones to the Town.

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

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

Town Manager Marc Collins presented Human Resources Administrator Debbie Cannady to the Board of Commissioners.

Mayor Gray welcomed Ms. Cannady to the Town.

- 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)

Finance Director Butch Kay and Senior Accountant Garrett Johnson presented the following staff report, below in italics:

**Item Summary:**

*The Town of Wendell has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report (CAFR) by the Government Finance Officers Association (GFOA) for the 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*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

*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: attachments for this item can be found on the Agenda Packet for this meeting located on the Town's website.**

A. GFOA Certificate of Achievement for Excellence in Financial Reporting for the 2019 CAFR

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

Mayor Gray thanked Mr. Johnson and the Finance Department for all of their hard work.

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

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

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

**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.*

**\*\*\*Was there a Strategic Planning Powerpoint separate from the one presented?\*\*\***

Mr. Collins offered to answer any questions that the Board might have. No questions were asked.

**5. PUBLIC HEARINGS**

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

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)

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

**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.*

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020

Location Map:



Staff Recommendation:

Staff recommends approval of the request

**Attachments:** please note that attachments for this item are located in the Agenda Packet for this meeting on the Town's website.

A. Ordinance for Adoption

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

Commissioner Joyner said that he appreciated both parties working to settle their differences.

**ACTION**

Mover: Commissioner Joyner made a motion to approve the 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

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

Nays: None.

Vote: 5-0

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020

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)

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

**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

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

APPLICANT:	Phoenix Land Venture PO Box 90427 Raleigh, NC 27604
PROPERTY SIZE:	10.272 acres
CURRENT LAND USE:	Agricultural
PROPOSED LAND USE:	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:**

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

*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.*



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

**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:** *please note that attachments for this item are located in the Agenda Packet for this meeting on the Town's website.*

- A. *Ordinance for Adoption*
- B. *Anderson Farm Site Plan*
- C. *Applicant's Justification*

Mr. Coates offered to answer any questions that the Board might have. No questions were asked.

**ACTION**

Mover: Commissioner Lutz made a motion to approve the Zoning Map Amendment request to rezone 10.272 acres located within the parcel addressed as 0 Eagle Rock Road (off of Old Tarboro Road.)

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

Nays: None.

Vote: 5-0

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

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

- 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)

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

**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*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

*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: please note that attachments for this item are located in the Agenda Packet for this meeting on the Town's website.**

- 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

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

Commissioner Boyette said that he remembered several years ago when this was brought to the Town's attention. He said that the speed limit applies to all streets and said that the Board has worked hard to put a process in place, which he is proud of.

**ACTION**

Mover: Commissioner Boyette made a motion to approve the Neighborhood Speed Reduction Request for E. Haywood Street and Lake Drive.

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

Nays: None.

Vote: 5-0

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

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

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:**

*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*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

- 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: please note that the attachments for this item are located in the Agenda Packet for this meeting on the Town's website.**

*Attachment A – Email Request from Applicant to Change Approved Façade Grants*

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

Commissioner Joyner asked if it was the same money from last year.

Mr. Collins said not exactly—\$10,000 has already been appropriated for the Fiscal Year 2021, so if a new project came in, and the Board wanted to exceed what has been appropriated, they can bring money in from the previous year's budget.

**ACTION**

Mover: Commissioner Joyner made a motion to approve the Request to Amend Award of the Downtown Façade Grant for 5 N. Main Street.

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:

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**



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

Mayor Gray said that they held a virtual CAMPO meeting involving a presentation of the red priority bus lanes, on the Fayette-Raleigh Rail Flexibility Study, approval of draft goals, objectives and performance measures for the development of the 2050 Metropolitan Transportation Plan, received operational budget updates, executive board project updates, a public engagement update, and had various staff reports presented.



Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette  
Commissioner Boyette said that the TRC meeting involved discussion on the Wendell Falls amenities center where construction is going on at the senior living amenity center.



Eastern Wake Senior Center – Commissioner Joe DeLoach

Commissioner DeLoach said that a lot of the discussion revolved around Senior Center Activities during the pandemic and fundraising moving forward, as the center is closed. A fish fry was discussed for the month of September involving a drive-thru pick up situation. He said there was a lot of DIY updates done on the center recently and there is a new member login system at the center. He said that the next meeting will be in October.

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

Commissioner Joyner said that the Census is important and encouraged people to fill out the Census on census.gov to have the federal government appropriate funds to the town. He said that the CAFR award shows the level of detail that the Town's budget has. He said the town's processes are strong and the board is getting ready to enter the Strategic Planning process. He encouraged the public to email the board on anything that should be included in the strategic plan. Mr. Joyner encouraged people to do what they can to stop the spread of COVID-19.

Commissioner DeLoach said that the 2020 Harvest Festival has been canceled for this year. He said it was a difficult decision for the Chamber and the Town to make. He welcomed Debbie and Niki to Town Staff.

Commissioner Lutz welcomed new staff to the town and said that the Board has seen landowners and citizens working together during development processes. He

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 24, 2020**

encouraged people to be neighborly with those moving in and encouraged developers and citizens to work together to come to a solution.

Commissioner Boyette welcomed new staff to the town and encouraged people to participate in the Census this year, as it drives funding for roads, government projects, legislative districts, and fire departments. Mr. Boyette said that Wendell remains as the number 1 town in Wake County for COVID-19 infections, which is higher than it needs to be. He encouraged people to wear masks when around others or in public and encouraged local businesses to require masks inside. He said that Wake County offers free testing at Wake Tech's Health Services Campus.

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

Mayor Gray welcomed the new Town employees and said that she's excited about the upcoming Strategic Planning Process. She encouraged people to wear their mask and fill out the Census form and encouraged parents homeschooling their kids to hang in there and wished students a good school year.

### **10. CLOSED SESSION**

*Closed session will be called if necessary.*

### **11. ADJOURN**

**ACTION:**

Mover: Mayor Gray moved to adjourn at 7:46 p.m.

Vote: 5-0

Duly adopted this 28 day of September 2020, while in regular session.

**ATTEST:**

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

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

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

The Wendell Town Board of Commissioners held their virtual, regular meeting on Monday, September 14, 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 (virtually), Assistant to the Manager Stephanie Smith, Police Chief Bill Carter, Planning Director Niki Jones, Assistant Planning Director Bryan Coates, and Public Works Director Brian Bray.

**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 September 14, 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, September 11<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.

Commissioner Lutz provided the invocation.

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

**ACTION**

Mover: Commissioner Lutz made a motion to approve the agenda, as presented.  
Ayes: Commissioners Jason Joyner, Joe DeLoach, Jon Lutz, Philip Tarnaski, John Boyette  
Nays: None.  
Vote: 5-0

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

**2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the September 14, 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, September 11<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, September 11<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.

No one signed up to speak during the 3-minute public comment period.

**3. CONSENT AGENDA**

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

- 3a. Adoption of the August 10, 2020 Town Board of Commissioners Meeting Minutes

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

- 3b. Authorize the Town Manager to sign a one-year Extension of Town of Wendell participation in the Contract for Disaster Debris Monitoring Services between Wake County and HDR Engineering, Inc. of the Carolinas.

Staff Contact: Public Works Director Brian Bray  
[bbray@townofwendell.com](mailto:bbray@townofwendell.com)

- 3c. Approve 2 Special-Called Meetings for Wednesday, September 16 and Thursday, September 17 from 6-8 p.m. for a Town Hall Project and Strategic Planning Work Session.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

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

**ACTION**

Mover: Commissioner Lutz made a motion to approve the consent agenda.  
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette  
Nays: None.  
Vote: 5-0

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

## 4a. Introduction of Police Accreditation Manager Marie Pilotto

Staff Contact: Police Chief Bill Carter  
[bcarter@townofwendell.com](mailto:bcarter@townofwendell.com)

Police Chief Bill Carter introduced Police Accreditation Manager Marie Pilotto and presented the following staff report, below in italics:

**Item Summary:**

*On Monday, July 13, 2020, Marie Elizabeth Pilotto joined the Wendell Police Department as its Accreditation Manager. Marie is a resident of Johnston County. Marie is a graduate of the University of Kansas where she was awarded a Bachelor of Arts in Psychology. Marie will serve as the Accreditation Manager as well as the manager of our evidence and property control functions.*

*Marie has a total of almost 12 years of evidence and property room experience with police departments. Her most recent position of Property Technician was with the Overland Park, Kansas Police Department where she served for 10 years and resigned from that job as her family relocated to North Carolina. She was initially certified with the International Association for Property and Evidence in 2008. Additional evidence training completed included asset forfeiture, property and evidence room control, collection and preservation of fire evidence and handling of biological evidence. Of equally importance is her training and experience in policy and procedure development associated with the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation process. Marie's evidence and property experience are invaluable as they require rigid development of and adherence to policies and procedures.*

*Marie is in the early phases of on-boarding at the Police Department. Over the next few months, she will be engaged in formal training opportunities associated with both accreditation and property and evidence management. Active engaged in policy review*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

*and development is key as the department move forward in assuring the use of best practices which are CALEA compliant.*

*While Marie has been a part of the Police Department for just a little over 2 months, she has hit the ground running. Policy reviews are underway, CALEA onboarding has been completed and she is developing a network with other accredited agencies in the area which will serve her well as the Police Department navigates through the accreditation process. Staff is excited to have Marie as a part of the Team.*

Chief Carter said they're happy to welcome Mrs. Pilotto on the team.

Mrs. Pilotto said that she's excited to be working for the Town of Wendell.

Mayor Gray said that the Board is excited to have Mrs. Pilotto join the team.

4b. Update on CALEA Law Enforcement Accreditation Process

Staff Contact: Police Chief Bill Carter  
[bcarter@townofwendell.com](mailto:bcarter@townofwendell.com)

Police Chief Bill Carter presented the following staff report, below in italics:

**Item Summary:**

*On February 11, 2019, the Town Board adopted its Strategic Plan with the purpose being "to provide for a process that aligns resources with commitment from Town organization leaders to bridge the gap between the assessed current conditions and envision community of the future". One of the nine strategic initiatives under Goal 2 (Public Safety and Neighborhood Improvement) of this plan is to establish an action plan for the police department to achieve Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation and initiate policy review and development to implement accreditation through CALEA.*

*The purpose of the law enforcement accreditation process is to improve law enforcement service by creating a national body of standards developed by law enforcement professionals and to recognize professional achievements by establishing and administering an accreditation process through which a law enforcement agency can demonstrate that it meets those standards.*

*CALEA accreditation benefits law enforcement agencies and the communities they serve by instilling a management tool which promotes greater accountability within the agency, reduces risk and liability exposure, establishes stronger defense against lawsuits, increases support from local government officials and encourages increased*

**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER MEETING MINUTES**  
**SEPTEMBER 14, 2020**

*community advocacy. This is a complex process that requires an agency to examine itself, its policies and its relationships in order to better serve the community and enhance accountability. It is an ongoing process that not only addresses long standing needs but adjusts requirements to a changing law enforcement environment such as we have seen over the last few months.*

*The FY20 Budget as approved provide funding for staff and associated costs to advance this initiative. Selection of the right person for this position was essential and we remained deliberate through the hiring process. Our commitment to obtaining a solid applicant pool along with desire to hire the most suitable person did delay us past the target start date. Then as we moved through the background process COVID 19 created additional delays. We were ultimately able to hire our Accreditation Manager, Marie Pilotto, in Mid-July.*

*The accreditation process is a time-consuming commitment particularly in its initial phases. Even in reaccreditation, the need to monitor processes requires a significant commitment of time and resources to ensure compliance is met. The position of Accreditation Manager is also responsible for management and oversight of the Evidence Room. This responsibility is a high liability area as proper management of evidence and property not only reduces liability to the Town but further enhances the professional administration of justice throughout the judicial process.*

*In June 2020, the Police Department received notification that the Wendell Police Department has been deemed eligible to participate in the CALEA Law Enforcement Accreditation Program.*

*The Police Department is currently in the self-assessment phase of the accreditation process. In this phase, all policies and procedures are reviewed and approved or amended as needed to ensure they meet compliance with the applicable CALEA standards. In some cases, new policies and procedures may be needed at either the Police Department or at the Town level. The Police Department's policies and procedures last received a comprehensive re-write in 2012 and the Town's Personnel Policies were most recently amended in 2016 after a comprehensive revision in 2013. This is the most labor- intensive component of initial accreditation. In addition to the reviews, dedicated staff is required to attend mandatory training at a national CALEA conference and begin to generate proofs of compliance to the applicable CALEA Standards.*

*With the acceptance into the CALEA Law Enforcement Accreditation Program and the hiring of Marie Pilotto as our Accreditation Manager, we have taken the first big steps toward achieving accreditation.*

**TOWN OF WENDELL**  
**BOARD OF COMMISSIONER MEETING MINUTES**  
**SEPTEMBER 14, 2020**

*On July 21, 2020, Chief Carter and Accreditation Manager Pilotto attended a virtual get started meeting with our CALEA Program Manager to officially begin onboarding into the process. This allowed CALEA the first opportunity to learn about our Police Department and provide initial direction.*

*Later in July 2020, Accreditation Manager Pilotto attended the first ever virtual CALEA Conference which was four days of CALEA specific training allowing her to gain a stronger understanding of the process and how to successfully partner with CALEA to achieve successful results. Many of these courses were recorded which allows the opportunity to review as needed.*

*The Police Department is using a web-based application to manage the accreditation process to include police and procedure development and access. Accreditation Manager Pilotto has been attending virtual training courses on the best way to use the system to benefit staff and the organization.*

*One of the most important components of successful engagement in the accreditation process is networking with other agencies at various stages in the process. The North Carolina Law Enforcement Accreditation Network (NCLEAN) serves as the hub of this networking component where agencies can come together, share policies, evaluate one another informally and work toward representing North Carolina law enforcement at the highest possible level. The Wendell Police Department has joined this network and Accreditation Manager Pilotto has attended a virtual meeting and begun to develop contacts and obtain access to materials from participating agencies.*

*Accreditation Manager Pilotto is required to attend Accreditation Manager Training offered by CALEA. She is enrolled in the next available class and will start that class in January 2021. This will not impact any ongoing progress in the accreditation initiative as work can be done prior to this training.*

*In addition to the on-boarding with CALEA and the many training activities already undertaken, Staff has begun the process of a comprehensive review of existing policies and procedures to determine the level of compliance with CALEA standards. Staff across the Police Department will be asked to work with Accreditation Manager Pilotto to develop and or refine policies and procedures which meet the needs of the community, fulfill the requirements of the CALEA standards and provide all stakeholders with clear and concise expectations for the community served.*

*This is an exciting time for the Police Department and our community as we work to fulfill the strategic initiative while advancing the Police Department to an even higher*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

*level of professionalism and accountability based on international best practices and standards.*

Chief Carter offered to answer any questions that the Board might have.

Commissioner Jason Joyner said that he knows that the time clock starts in June when the Board signed the approval and he knows that it was said to be a three-year process. He asked if there was a cap from CALEA on that time frame.

Chief Carter said that CALEA allows departments to complete the process within 36 months after the month of signing, allowing for exceptions in extreme circumstances.

Commissioner Joyner asked if Chief Carter anticipated future needs of reconfiguring of the evidence room to comply or if the Town is generally within the framework, leaving the policy piece to be addressed.

Chief Carter said that there were some small issues that they may need to come back to the Board with. He said that CALEA gives the department a lot of latitude on how they satisfy the standards and he plans on the department looking at the most practical and efficient ways to satisfy those standards. He said they would anticipate future cost needs ahead of the upcoming budget.

- 4c. Presentation of Downtown Service Comparatives for Parking, Food Trucks, Electric Vehicle Charging, Lighting, and Solid Waste Service.

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 and presentation, below in italics:

**Item Summary:**

*With the efforts to revitalize downtown Wendell, staff has recognized both by feedback from the community, as well as direct observations, the need to consider how the Board would like to handle municipal services specific to the DMX district. Staff will discuss a list of topics and follow the same format for each discussion item. Staff recognizes the need to give the Board the opportunity to speak with their constituents and consider the topics at hand, so this discussion will take place over several Board meetings.*

*The topics for discussion are Parking, Food Trucks, Electric Vehicle Charging, Lighting, and Solid Waste Service. Staff will address each topic by defining the issue, identifying the specific area impacted, providing a comparative analysis, and provide the opportunity for Board to discuss and to give initial thoughts to guide staff.*



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

---

**Parking**

Issue:

Staff has received feedback from community members and business owners that it's difficult to find parking downtown, particularly in front of businesses they want to visit. Additionally, there is a need for additional wayfinding signage to indicate public parking, which Public Works staff is able to install after leaf season and holiday decorations are taken down.

Area Impacted:

DMX zoning district, specifically Main Street

Current Conditions (numbers are approximate):

Cypress Street: 37 on street; 30 in women's club lot

Second Street: 10 on street

Main Street: 60 on street

Campen Street: 44 on street; 4 golf cart parking spots

Depot Street: 46 on street

Fourth Street: 31 on street

Total on street parking spots downtown: 228\*

\*This number is approximate and captures existing public marked parking spaces. It does not include park and ride, or private parking.

Information for Discussion:

Staff has compiled different options for the Board's consideration with pros and cons for each option.

	<b>Pros</b>	<b>Cons</b>
Maintain current parking	Minor signage and enforcement costs	Complaints that parking is unavailable during certain times
Time limits through signage (i.e. 2 hours maximum)	Encourage turnover for businesses in targeted locations, customer friendly	Cost for signage, additional staff time to enforce, additional staff possibly needed (unsworn officer position)

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Parking meters	Encourage turnover for businesses in targeted locations, customer friendly, additional revenue. Modern technology is available for parking meters, which could be handed like a digital concierge.	Cost for meters (higher than signage), staff time to enforce, additional staff possibly needed (unsworn officer position)
Hybrid - different areas with different options	Select which areas have parking restrictions, allowing more flexibility for lower used areas, able to vary enforcement (proactive, versus reactive), able to select times/days to enforce	Cost for implementation, lack of consistency may cause confusion
No overnight parking	Reduce ability for public to use town parking as storage for large vehicles or trailers, enables staff to use space for events (i.e. farmers market, event setup)	Creates challenge when customers drink and wish to find a responsible way home, would need to be revised if/when residents live downtown

Staff does not recommend all policy options are implemented at this time. An incremental approach would be appropriate. For all options, the following would apply:

- Signage would be installed indicating golf cart parking, electric vehicle parking and no parking zones
- Restriping and evaluation of areas currently unstriped
- Basic parking enforcement

**Food Trucks**

Issue:

Currently the Town uses the Use of Public Space policy to approve food trucks downtown. Businesses request to bring in a food truck for a particular date/time, and

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

staff provides a signed letter approving the use of public space for a food truck. Food truck requests are increasing with the addition of businesses downtown.

Area Impacted:

DMX zoning district

Comparative Analysis:

Staff has compiled a table of what other towns in the area have policies for food trucks, and whether or not there is a fee to operate.

<b>Town</b>	<b>Mobile Vendor (Food Truck)</b>	<b>Fees (if any)</b>
Apex	Yes	\$150
Fuquay -Varina	Yes	\$30
Garner	Yes	\$125
Holly Springs	No	N/A
Knightdale	No	N/A
Morrisville	Yes	\$50
Raleigh	Yes	\$150
Rolesville	Yes	None
Wake Forest	No	N/A
Zebulon	Yes	\$160

Information for Discussion:

Currently, there is not a formal Food Truck Policy. Staff has reviewed food truck policies from neighboring jurisdictions and has included a list of some common themes for consideration, should the board wish to adopt a policy. These items include:

- Food trucks cannot operate within 100 feet of a brick and mortar restaurant
- Any food truck would need a host to operate
- For use of both public and private property, written permission must be provided by property owner
- Food trucks can only park on approved roads (Campen Street & Depot Street)
- Limit number of food trucks at 1 time
- Limit amount of times business can bring in food trucks

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

- Quiet generators are required

Staff would like the Board to discuss their level of interest in a Food Truck Policy, and if so, what provisions should be included.

### **Electric Vehicle Charging**

#### Issue:

With new electric vehicle charging stations, staff has identified a need to discuss whether or not there should be regulations on how long people can park, or if there should be a charge. There are plans to create a webpage on our website to let the public know about the availability of the chargers and will be working to add charging stations to websites like PlugShare, and ChargePoint so they can be located and used.

#### Area Impacted:

There are 2 charging stations located on E Campen Street, with the anticipation more will be added in the area over time.

#### Comparative Analysis:

Currently, all charging stations offered by municipalities in the area are free of charge. While most do not limit amount of time people can park there, they all have signs posted that say "Electric Vehicle Parking Only".

#### Information for Discussion:

Staff would like the Board to determine if there is interest in creating a policy to limit the amount of time users can park at a charging station location, and if there is an interest in charging a fee to use.

### **Lighting**

#### Issue:

Some downtown lights are still owned and maintained by the Town, causing additional costs when repairs or maintenance is needed. Throughout downtown, electricity is unreliable and requires significant work, particularly around events, in order to be functional.

#### Area Impacted:

DMX zoning district

#### Comparative Analysis:

N/A

#### Information for Discussion:

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Currently the town owns 49 lights in the DMX zoning district. As new lights are added (i.e. E Campen Row), they are leased by Duke. Staff would like the Board to discuss whether they would like to convert the 49 lights that are owned to a lease.

	<b>Pros</b>	<b>Cons</b>
Leasing Lights	-Duke maintains and repairs leased lights at no additional cost -Town staff resources are not needed to maintain lights or repair electricity for events	-Staff would need to work with Duke to run a second conduit for access to electricity; Duke does not allow electrical outlets to be installed on their light poles
Owning Lights	-None	-Unanticipated costs in replacing and repairing lights that are owned -Access to power during events is unreliable and requires additional work - Currently the Town does not have an electrician on staff, so work on electrical connections needs to be contracted

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

The cost to implement includes the cost of the pole, the underground charge of \$521/pole, plus any abnormal charges, like rewiring, digging and filling trenches, etc. The Town would also run electric to allow for the addition of electrical outlets to use during the holiday and special events.

Staff would recommend coordinating this effort with other strategic initiatives and capital projects, and possibly time the replacement with a streetscape design improvement.

**Solid Waste Service**

Issue:

Staff has received requests from downtown businesses to access dumpsters. Also, the aesthetics of having multiple dumpsters in multiple locations and the inappropriate use of current containers (dumpster contamination, small cans being used by small businesses) is an issue.

Area Impacted:

Businesses in DMX zoning district that do not have adequate space on their property for a dumpster. Particularly downtown historic areas with compacted space.

Comparative Analysis:

Staff has found information on solid waste services offered to downtown businesses for an additional fee in Raleigh and Gastonia, NC.

Information for Discussion:

The Board has prioritized efforts in the DMX zoning district to improve aesthetics and generate interest in private investment in the area. Considering a solid waste service for the businesses that do not have adequate space could enhance the visual appeal of the area and be an added benefit for those looking to locate their businesses in this area. Staff would like the Board to discuss their level of interest in pursuing one of the options outlined below.

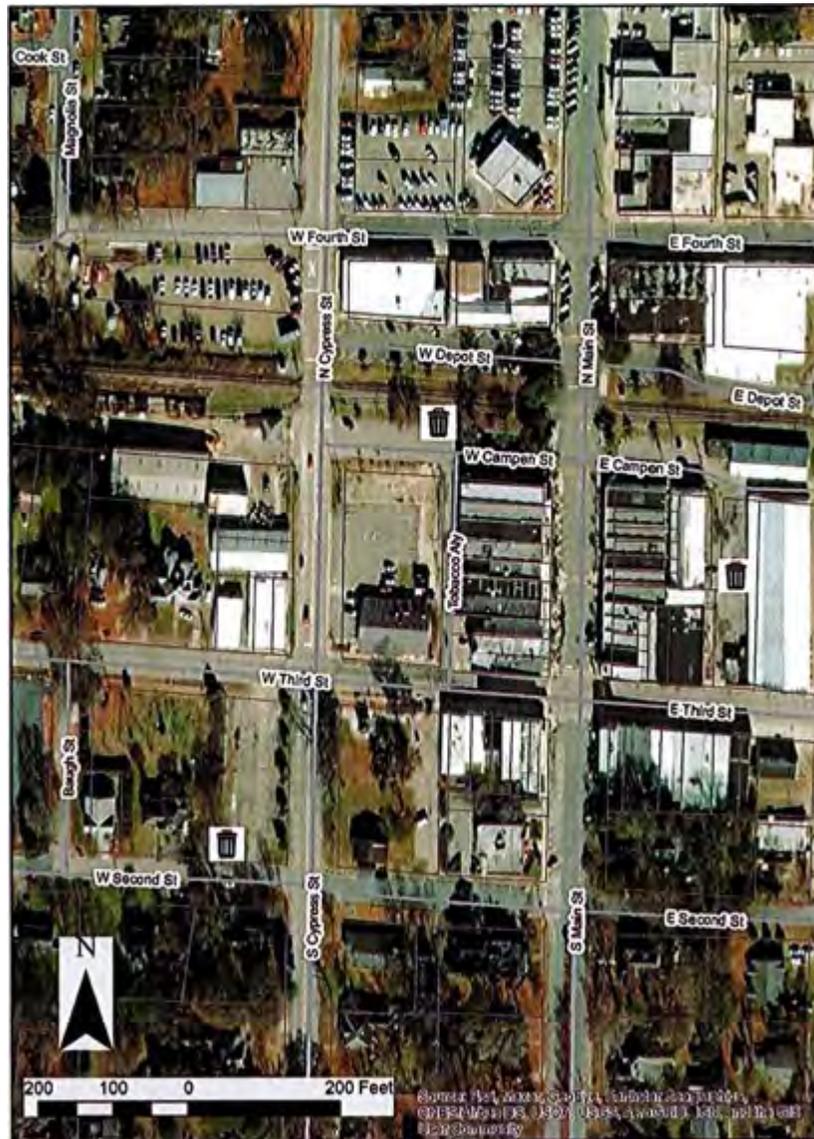
Option 1	Town covers 100% of the cost of solid waste services to downtown businesses who qualify
Option I B	Town covers 100% of the cost of solid waste services to downtown businesses who qualify; understand the tax value and taxes collected by downtown businesses off-set incurred costs.
Option I C	Town covers 100% of the cost of solid waste services to downtown businesses who qualify; fee is implemented for special assessment area to help off-set this and other downtown maintenance costs.
Option 2	Town covers implementation costs, charges fee to businesses who participate to cover 100% of recurring costs.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Option 2 B	Town covers implementation costs, charges fee to businesses who participate to cover some of recurring costs.
Option 2 C	Town covers implementation costs, charges businesses what they would have paid for their own dumpster service, covers remaining costs.
Option 3	Town provides public space and enclosure, charges use of space for businesses & businesses provide their own dumpster service.

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

Downtown Dumpster Locations



With all options listed, small cans will be handled by Town staff and trash will put in dumpster, dumpsters would be emptied by GFL. Businesses who participate would be responsible for bringing trash to dumpster locations. Dumpsters can only be placed by businesses on their property, in a manner consistent with our ordinance (i.e. approved enclosures). Dumpsters cannot be located on right of way. Otherwise, businesses can utilize the dumpsters the town provides. Staff estimates the following costs to add enclosure space and create new dumpster locations:

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

West Campen (Add to existing enclosure): \$1,000

Women's Club Lot (Create new location, including enclosure): \$5,000

Next Steps

Staff has provided this presentation to give the Board an opportunity to review this information and consider what policies would be of interest to implement. Some policies may be of interest to move forward with now, while others may be implemented at a later date. Staff also understands the Board may not be interested in implementing some or all of these policies at this time.

Staff will give the Board an opportunity to consider this information, speak to their constituents, and come back at the next meeting with questions, discussion and possible direction to staff on how they would like to move forward.

Ms. Smith offered to answer any questions that the Board might have.

Commissioner Lutz asked if any of the downtown businesses knew about the proposed policies and the steps that the Board is taking right now with this overview of the DMX districts.

Ms. Smith said that there had been informal conversations with business owners where they have given Town staff feedback or given staff requests for some of these services. She said staff wanted to give this information to the Board so that they had it first before staff did an official outreach to the businesses that would be affected, giving each businessowner the opportunity to give their input, as they would want businesses to have a say in the policies that would be intended for their benefit.

Commissioner Lutz said it would be beneficial for downtown businesses to be aware of what the Board is doing and for them to reach out to the Board for ideas or concerns. He asked if anyone counted the parking spaces located on Third Street.

Ms. Smith said that Third Street was counted between Pine and Cypress Street and she would send the Board the numbers.

Mayor Gray asked if staff counted the parallel parking spaces near the Town Square.

Ms. Smith said that staff did count those spaces.

Mayor Gray asked if the Food Truck fees were annual.

Ms. Smith confirmed that they were.

Commissioner Tarnaski asked how the electric charging stations worked.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Ms. Smith said there are different mechanisms to use through an app where, in order to access the charging station, the individual would sign up through an app and you would be able to charge through selecting that location within the app.

Commissioner DeLoach said that he thinks it would be helpful to have an idea in an order of importance to the business owners, each of the five options. He said it would be nice to have the feedback ahead of time.

Commissioner Joyner said that, with the location of the dumpsters, the Board has seen the changing of conditions based upon building use, particularly on the North end towards Wendell Boulevard. He said thinking about potential changes in the future would be cost-effective for permanency in the policy.

Commissioner DeLoach said that, based on the increased traffic downtown, does the Town consider that to be at a level where solid waste is problematic?

Ms. Smith said that currently, Public Works empties the individual cans 3 times a week, currently. She said that they're also seeing some businesses empty their business trash into these public use cans due to lack of access to large bins. With the addition of businesses coming online that don't have that private space to put a dumpster, it's not critical but would continue to be an issue without a plan put in place.

## **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 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 September 14<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, September 11<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

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

- 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, September 11<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.

5a. **PUBLIC HEARING:** on a Zoning Map Amendment request to rezone 50.63 acres from Rural Residential (RR) to Residential-3 (R3)

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

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

**Item Summary:**

*The applicant is requesting to rezone a 50.63-acre parcel that is currently located in the town's extraterritorial jurisdiction (ETJ) from RR to R3.*

*In March 2019, a conditional district request proposed at this location was recommend for denial by the Planning Board mostly due to challenges with access to the site.*

*In November 2019, the Planning Board approved a request by the current applicant to rezone the property to R2. The request was withdrawn before proceeding to the Town Board.*

*Currently, the applicant is requesting a rezoning to R3, that is not part of a conditional district. Issues regarding access to the site have been resolved by the Anderson Estate Deed (see attachment D).*

*This type of rezoning allows for all permitted uses within the R3 zoning district (see attachment B).*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

<i>Property Information Summary</i>	
<i>Location</i>	<i>East side of Eagle Rock Road along the north side of the railway</i>  <i>Addresses: 0 Eagle Rock Road</i> <i>PINs: 1774-72-4863</i>
<i>Current Zoning</i>	<i>RR</i>
<i>Requested Zoning</i>	<i>R3</i>
<i>Area of Request</i>	<i>50.63 acres</i>
<i>Corporate Limits</i>	<i>ETJ – will to be annexed</i>
<i>Property Owner</i>	<i>520 State Street, LLC</i>
<i>Applicant</i>	<i>Amanda S. Bambrick</i>

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

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Agricultural</i>	<i>RR</i>
<i>South</i>	<i>Residential/Vacant</i>	<i>RR/RA</i>
<i>East</i>	<i>Residential/Vacant</i>	<i>RA</i>
<i>West</i>	<i>Residential</i>	<i>R3/R-30</i>

**Zoning District:**

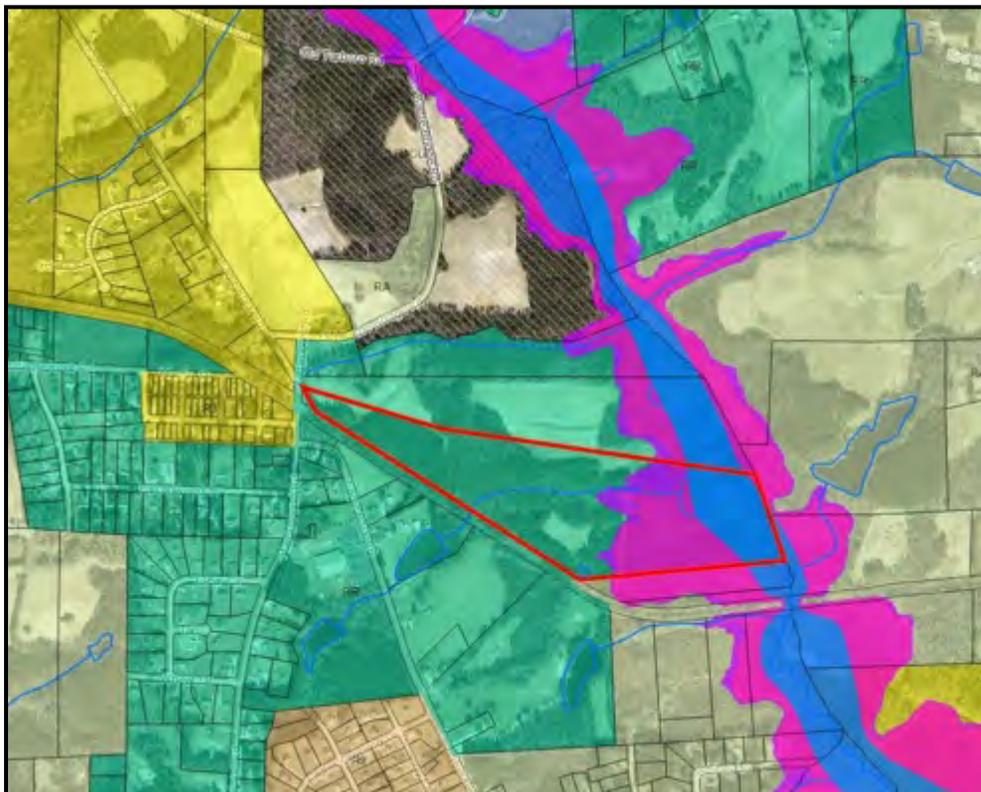
**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

*This property is located within the town's extraterritorial jurisdiction and is zoned RR. The surrounding properties are currently zoned RA, RR, R3 and Wake County R-30. The RA district allows a minimum lot size of 1 acre, the RR district allows a minimum of 25,000 sq. ft. and the R3 minimum lot size is 10,000 sq. ft. The Anderson Farm subdivision which is a few parcels north, is zoned R4-CU with a minimum lot size of 6,000 square feet.*

*The R3 zoning district has the following minimum dimension standards;*

- *60ft Lot Width*
- *25ft Front Setback*
- *20% of lot width combined, Side Setback*
- *20ft rear setback*
- *3 stories, maximum height*

**Current Zoning Map (Requested Property outlined in red):**



**Comprehensive Plan:**

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

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

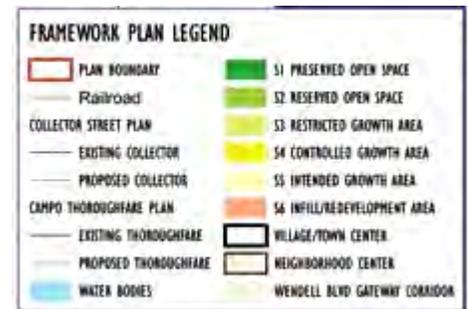
*The Comprehensive Plan states the S-4 sector typically consists of “lands that are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur. The typically 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.”*

*Neighborhood Centers are intended to be mixed-use, serving surrounding neighborhoods with retail services, civic uses and higher density housing.*

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



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**



**Planning Board Recommendation:**

At their July 20, 2020 meeting, the Planning Board voted 7-1 to recommend approval of the requested zoning map amendment.

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

**Voting Against:** Allen Swaim

**Absent:** Michael Firstbrook

**Statement of Plan Consistency Reasonableness:**

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

- 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 be consistent with adjoining zoning districts.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

**Applicant Justification:**

*The applicant lists the following reasons for rezoning the property from RR to R3:*

*“As Wendell continues to experience population growth, this rezoning will provide for a range of housing opportunities with reasonable access to the Town’s downtown core. While density would increase, this rezoning is not expected to unreasonably impact the level of available Town services and is expected to diversify and increase the Town’s tax base. By providing additional residential opportunities, we expect the rezoning to promote Wendell’s attractiveness to business and people. Open space in accordance with the Town ordinances will preserve the Town’s natural resources and amenities. While this property appears to be designated as “industrial” pursuant to the Town’s 2007 future land use map, we would note that industrial uses are perhaps disfavored over time and this use would likely be perceived as less impactful to neighboring properties. We would also note that per state statute, the future land use map would automatically be amended as part of the rezoning process if the rezoning is approved.”*

**Staff Recommendation:**

*Staff recommends approval of this rezoning request.*

**Attachments:** *Please note that these attachments can be found in the Agenda Packet for this meeting, located on the town’s website.*

- A. Application*
- B. R3 Zoning District Land Use Chart*
- C. Ordinance*
- D. Anderson Estate Deed*

Mr. Coates offered to answer any questions that the Board might have, saying that the applicant has a presentation to give and some members of the public have signed up to speak during public comment, as well.

Commissioner Lutz asked if there was any reason for the applicant changing the proposed rezoning from an R2 to an R3.

Mr. Coates said that he would let the applicant answer that question.

Mayor Gray opened the public hearing and asked to hear from the applicant.

Attorney Amanda Bambrick from Morning Star Law Group, 421 Fayetteville Street, Suite 530, Raleigh, NC, 27601, presented the following presentation to the Board:

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



Mrs. Bambrick said that she also had the following applicants on the phone with her to answer any questions from the Board:

1. Wyatt Boone, Bohler Engineering NC, PLLC, 4130 Parklake Ave., Suite 130, Raleigh, NC, 27612
2. Rynal Stephenson, Traffic Engineer at Ramey Kemp Associates, Inc., 5808 Faringdon Place, Raleigh, NC, 27609

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

**Project Timeline to Date**

---

Our office took up this project in May of 2019.

---

Prior to that time, a previous developer had commenced the rezoning had taken the project through the TRC.

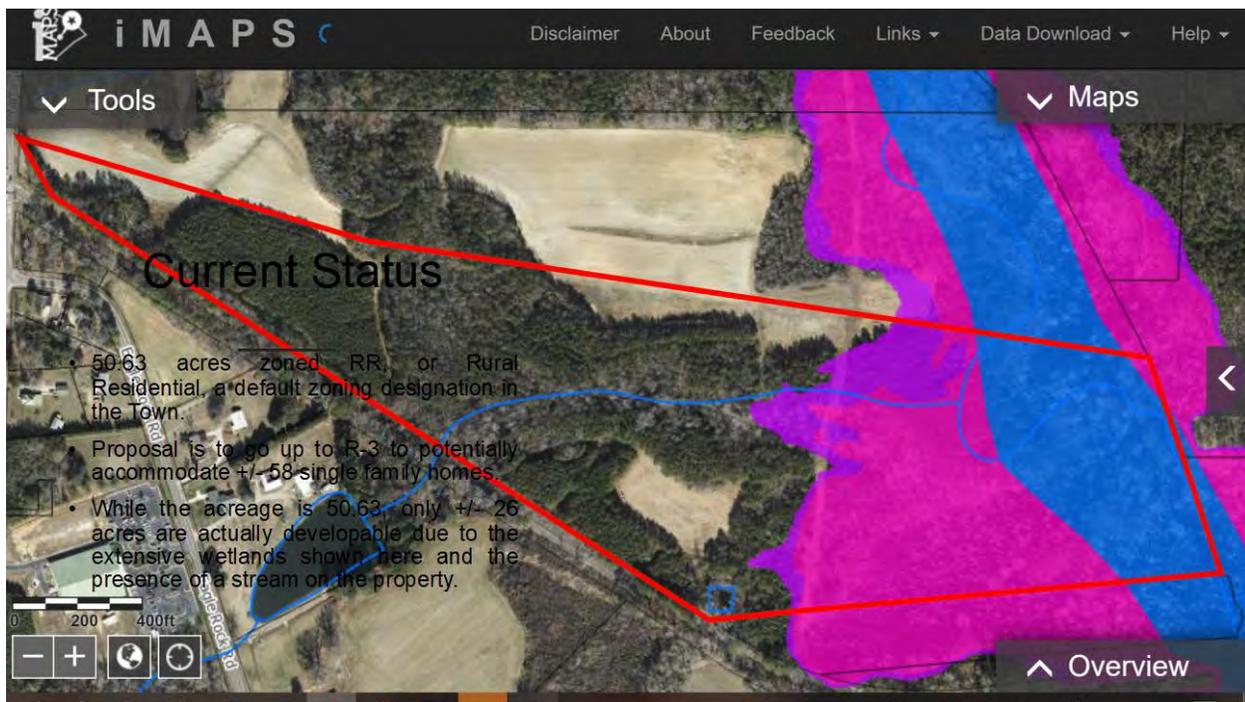
---

Our client decided to take the project in a different direction.

---

The Wendell Planning Board recommended approval by a 7-1 vote on July 20, 2020.

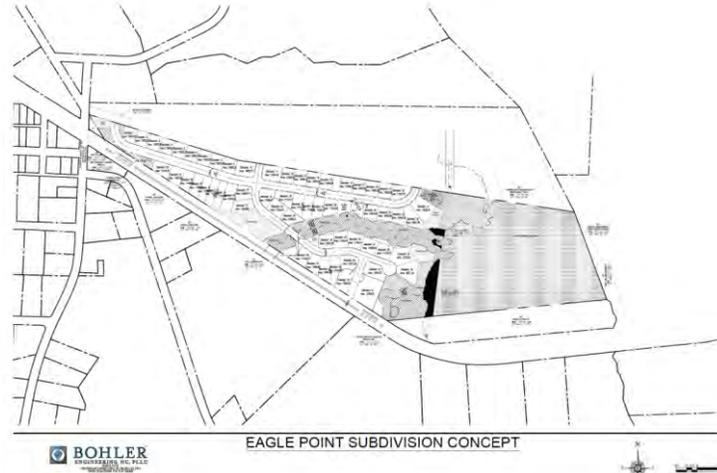
Mrs. Bambrick said that a part of the reason for changing the designation from an R2 to a R3 zoning was due to market conditions and an uptick in construction costs.



# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES SEPTEMBER 14, 2020

## Potential Site Plan

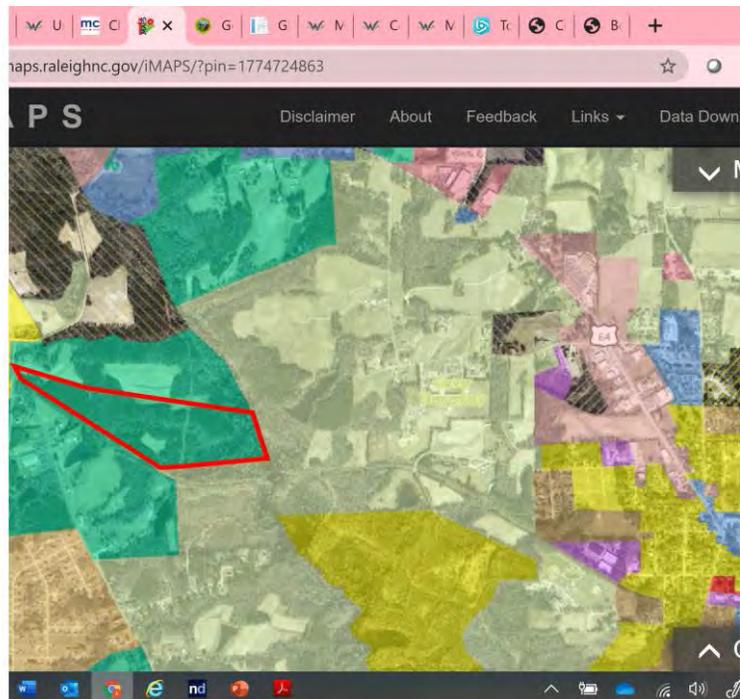
- Given these site restrictions, the applicant is only looking at +/- 58 single family homes on the property.



Mrs. Bambrick said that adjustments were made to adhere to the Town's ordinance.

## Existing Zoning

- As we will discuss later in the presentation and also as reflected in your Staff's report, the proposed zoning is exactly in harmony with the existing zoning.
- R-3 to the south, R-4 to the north (for +/- 200 proposed homes), R-3 and R-4 down the road toward downtown, as well as a variety of commercial and mixed-use designations.



TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



## Traffic Analysis

- Met with NC DOT and the neighbor's representative in the field at the proposed site location back in the fall of 2019
- There have been subsequent communications with NC DOT and the applicant's traffic engineers
- NC DOT indicated access can be allowed at proposed site location
- NC DOT indicated sight distance is adequate at proposed driveway
- Specific driveway design will be evaluated and determined in the future with driveway permit application

Mrs. Brambrick said that multiple meetings were held with NCDOT and access solutions have been discussed.



## Traffic Analysis

- Site will generate approximately 1 trip per minute
- Site trips are approximately ½ of the threshold for a full TIA report
- Site driveway will be adequate for site access and circulation
- Surrounding roads and intersections have adequate capacity to accommodate site trips

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

It is anticipated that the Grantee, or the Grantee's heirs or assigns, will subdivide Tract 2 and develop it as a residential subdivision. In that event, it is specifically understood and agreed by the Grantor that all owners of any lot developed within Tract 2 shall have the same perpetual easement of ingress, egress and regress over the said 60 foot wide easement as is granted to the Grantee. If in the future, the Grantee or the Grantee's heirs or assigns, might desire to have any road or street installed over the 60 foot wide easement area dedicated to the public and taken over for maintenance by the appropriate governmental authority, that such action shall be permitted. This shall in no way limit Grantor, or Grantor's heirs or assigns, rights to use or improve the easement area.

## Access Easement by Deed

- On October 3<sup>rd</sup>, 2001, members of the Anderson family granted an easement by way of deed to my client's predecessor in title.
- Book 9110, Page 190, Wake County Registry.
- It is also shown on a map recorded at Book of Maps 2001, Page 1415.

Mrs. Brambrick said the parcel was granted an easement by deed with the right to install roads or streets on it that are dedicated to the public.

## Neighbor Interactions

- It is inaccurate that the applicant has not attempted to work with the neighbor.
- We became aware of their opposition at the first Planning Board meeting, where we received the below list of demands, and deferred to November of 2019 so we could talk to NC DOT.
- We met with the applicant's then-representative and NC DOT on the property in the fall of 2019.
- The neighbor was the only appearing party at prior Planning Board hearings; I have not heard anything from the signatories on the letter.
- Also, we would note that only about 192 or 30% of the signatories on the letter actually reside in Wendell. Most are in Zebulon, Clayton, Knightdale, Raleigh, Wake Forest, and New Hope.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Mrs. Brambrick said that the applicant became aware of opposition and has been trying to work toward a resolution with the neighbors.

## Prior Neighbor Demands

- In the fall of 2019, the neighbors provided a document demanding the following:

The owners of the adjacent property request that if the Planning Board recommends the proposed rezoning application be sent to the Town Council for consideration, notice of the 6 additional conditions below be sent with the recommendation:

1. A traffic study should be required prior to zoning approval.
2. The traffic study should address the approximately 100 acres and all residential traffic permitted under future zonings in conformance with the Town Land Use Plan, to be served by the new cut into Eagle Rock Road.
3. The applicant should be responsible for completing the improvements required by the traffic study before getting a CO on any home on the rezoned tract.
4. The applicant may withdraw the request for rezoning if the improvements are uneconomical for it to make.
5. If the request in the rezoning application to allow the length of the cul de sac to exceed the Town's current requirements is granted, a similar extension of the cul de sac on the John Anderson development be granted in order to reduce impacts on the wetlands and blue line stream by a required stubbed road in the development on the attached subdivision plan.
6. The developer of the rezoned tract should be required to create an effective buffer of bushes and trees on its north property line to permit the transition to larger and more expensive homes on the adjacent tract.



## Neighbor Interactions

- As you will hear tonight, the neighbor will continue discussing "traffic" as the primary concern of the project.
- We believed then and continue to believe now that traffic is not the motivating factor here giving the timing of construction drawings approved on the Anderson family single family and townhome project to the north that was sold in July of 2020 as well as the comments of their own representative, and as well as what you see in their own comments, which I will highlight shortly.
- The neighbor requested through the Town to speak to us on September 2, 2020 and this conversation occurred on September 10, 2020 regarding a new "proposal."

TOWN OF WENDELL  
 BOARD OF COMMISSIONER MEETING MINUTES  
 SEPTEMBER 14, 2020

## The Neighbor's "Proposal"

- It is important to note that the neighbor does not at present have a sketch of what their future project may entail.
- The "proposal" the neighbor will present is shown here.
- Basically, the neighbor is saying that when/if they develop their land, we will simply use whatever access they construct with their project and abandon the easement and close our legally valid access altogether.



Mrs. Bambrick said that the opposition would like the applicant to abandon the easement, but that it's not legal to landlock a parcel in North Carolina.

It's the Existence of the Easement, Not Traffic or Safety or Preserving a Small Family Farm

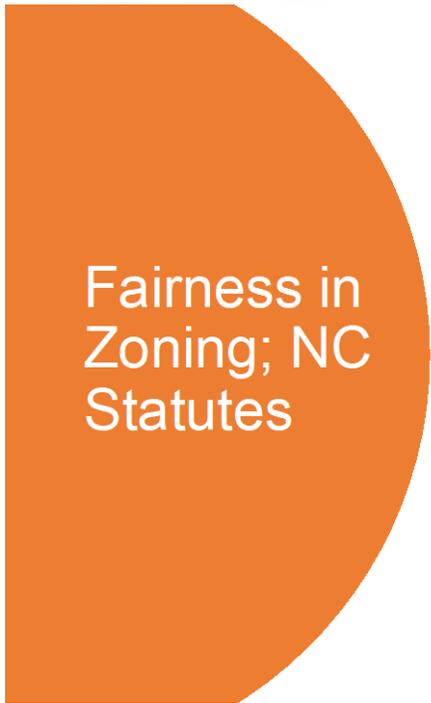
- In the conversation with the representative and the Town, while continuing to push their position on traffic, the representative essentially stated what we have known all along:
- They really, really do not like the easement that was legally granted in 2001. This is our property's only access point without having to seek additional access, from this same neighbor no less, across not one, but two additional parcels of their land. Land cannot legally in North Carolina be left wholly without access.
- What we know from their own words in the letter is that they would like for the "applicant will take real steps to ensure that we have access to Eagle Rock Road for any future development of our property" and "we are concerned that the property will be developed using this access easement in such a way that future access to our property will be made difficult or even impossible."
- That is interesting because on the call on September 10, we were told that the easement is preventing them from maximizing the number of lots they can subdivide out of their property. They also requested a buffer to distinguish the potential "price points" of the potential projects. This is about lots and competition.

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



## Unknown Impacts of the Neighbor's "Proposal"

- We have no idea when the neighbor may develop or what the neighbor would develop, where any such access would be located, or how it would be designed.
- Their "proposal" would require (a) my homeowners to completely change their ingress and egress from the development as constructed at some unknown point in the future, (b) the removal of a "front door" into an existing residential subdivision in order to locate it some two parcels away behind other development, and (c) require my client to create a legal mechanism for abandoning the easement and establishing new access by negotiating with this neighbor.
- What if they or another owner decide in the future to rezone to commercial? I cannot control that, and then our homeowners would be driving through a shopping center to get home? What if the parcels aren't sold together?
- This isn't an instance of refusing to work with a neighbor; it is being unable to work with requests that produce so much future uncertainty.



## Fairness in Zoning; NC Statutes

- My client should not be punished for the (a) existence of the easement itself, which has been on record for 19 years, or (b) the fact that our development is moving faster.
  - Despite the dust here, the very basic story is that this is a low density, single-family residential proposed project, at the outset of the development approvals process.
  - There is no requirement anywhere to my knowledge that this property should have to "cooperatively agree on a plan that will work for both properties, now and in the future" as stated in the December 2019 letter. If that were the case, all adjacent properties in all rezoning cases everywhere would be held hostage.
- 

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

NC Statutes

- The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.
- The project is consistent with the comprehensive plan, the Planning Board recommended approval by a wide margin, and your Staff is recommending approval.

Conclusion  
Specific  
Points

- This is a general rezoning, not a conditional site plan approval. The applicant is fully cognizant that the fate of the development is ultimately with the proper permitting authorities, NC DOT and the Town of Wendell, who are the experts on such processes, not the neighbor and her broker.
- NC DOT has visited the site with us and the neighbor's representative and is well aware of the location. NC DOT has indicated that some blend of improvements may have to happen, including abandoning that small branch of road depicted in neighbor's letter. That said, it is NC DOT's job to determine the extent of the requirements.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**



Conclusion  
Specific  
Points

- If the neighbor decides to develop in the future, they will have to do exactly what we are doing, which is go through NC DOT and the Town of Wendell to make something workable. We don't see them "losing access" to Eagle Rock at all as the terms of the easement directly permits their reasonable use of what we construct in the easement, and we would also note that they would also have access by land control to Old Battle Bridge directly.
- We believe that this neighbor will oppose (a) anything proposed for this property due to their forthcoming involvement in housing development in the area (b) unless they are able to extract some benefit or cause delay.
- Given the fit of the proposed rezoning within the existing area and the low impact of the proposed project, we respectfully request that the Board of Commissioners recommend approval of our request. We are dedicated to working to the extent of our abilities with NC DOT and the Town of Wendell to create a safe and vibrant project.

Mrs. Bambrick offered to answer any questions that the Board might have.

Mayor Gray asked to hear from the neighbors who signed up for public comment period.

The following people spoke during public comment period, via the Uber Conference Line:

1. Ashley Anderson, 313 Old Battle Bridge Road, Wendell, NC, 27591, expressed her opposition on the access problem involved in the development, citing traffic implications and asking the Board to propose a plan to address these issues.
2. Richard Hibbits, Galax Dr., Raleigh (no full address given), explained that the Anderson family's opposition is related to the Town's code not allowing the family to have a part in the design process. He expressed his opposition to the Town's process for rezoning and development design.
3. TC Morphis, Brough Law Firm, 1526 E Franklin St., Chapel Hill, expressed how a conditional rezoning would provide more transparency to the opposition. He asked the Board to either delay voting on this or to deny the rezoning outright to appease the opposition.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Assistant Planning Director Bryan Coates said that the Town of Wendell's UDO says that any rezoning that comes through needs to meet all of the Town's regulations in the UDO and requires stubs to all neighboring properties. He said that all subdivisions and site plans have to go through the TRC (Technical Review Committee) for review.

Commissioner Joyner asked if the limitation of the property is the northern access to Eagle Rock or just access to the property.

Mrs. Bambrick said that they only own the one parcel and that the 60-foot easement is the only access that they have to any road. She said that the two parcels to the north are also owned and controlled by the Anderson family and the only real route would be Old Battle Bridge, which they can't get to because they don't own that property. She said that there wasn't another place to create access, as they don't own the surrounding properties.

Commissioner Joyner said that he agrees that he doesn't understand how they got to this intersection configuration, as it's clear to see both the issues and opportunities involved.

Mrs. Bambrick said that NCDOT has mentioned that the offshoot branch road could go away, although she couldn't see that happening now due to potential other requirements that NCDOT might propose which could potentially facilitate a different rezoning process.

Mayor Gray closed the public hearing subject to the 24-hour written public comment period.

Mr. Richard Hibbits, Galax Dr. Raleigh, provided the following written public comment within the written public comment 24-hour period:

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



September 15, 2020

The Hon. Virginia Gray  
and the Wendell Board of Commissioners  
c/o Ms. Megan Howard, Wendell Town Clerk  
15 E. Fourth Street  
Wendell, NC 27591

**Via Email to:**

vgray@townofwendell.com  
jboyette@townofwendell.com  
jjoyner@townofwendell.com  
mhoward@townofwendell.com

jlutz@townofwendell.com  
jdeloachl@townofwendell.com  
ptarnaski@townofwendell.com

**Re: Zoning Comments, 0 Eagle Rock Road  
(Board of Commissioners Meeting Agenda Item #5a)**

Dear Mayor Gray and Members of the Board,

Thank you for your time last night. A public Hearing is not the best forum for dialog between neighbors.

1. Good planning anticipates future problems and addresses them, rather than kicking them down the road for others to deal with later.
2. The problem the Town of Wendell kicking down the road is the cost of signalizing 8 intersections at a railroad crossing.
3. Ask the town's road consultant to estimate the cost, and even more interestingly, the sequencing of such a system when it is required.
4. The access across M'Lou's land serves both her land and the applicant's.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Zoning Comments, 0 Eagle Rock Road  
Page two

5. M'Lou asked the applicant to study how both her land and theirs could work together to minimize complications to the intersection. Since the applicant did not do so, M'Lou hired a consultant to study it and presented one way to minimize the access issues. The applicant's comments at the public hearing did not support the design but offered no other way to minimize the number of intersections.
6. This morning, I emailed the applicant's representative asking how I could encourage her client to work with his neighbor. I did not receive a reply or acknowledgement before the 5pm deadline for comments.
7. Assuming the applicant continues not to engage with us, and the planning board and elected officials do not compel the applicant to do so, M'Lou Anderson respectfully submits to the manner in which the town wishes to narrow the scope of input to be considered in rezoning applications and eliminates from it subdivision approval process. As her neighbors have, she and her successors will limit their concerns to their own interests in any future submittals.

Sincerely,



**RICHARD HIBBITS**

[rhibbits@naicarolantic.com](mailto:rhibbits@naicarolantic.com)

Direct: 919-714-7132 Mobile: 919-758-4159

**Tri Properties | NAI Carolantic**

5121 Kingdom Way, Suite 200

Raleigh, NC 27607

Main: 919-832-0594 Fax: 919-832-7385

**Stronger Together //**

**NAI Carolantic has merged with Tri Properties**

CC: Mr. Marvin E. "Marc" Collins, Wendell Town Manager  
(via email to [mcollins@townofwendell.com](mailto:mcollins@townofwendell.com))  
Mr. Niki Jones, Wendell Planning Director  
(via email to [njones@townofwendell.com](mailto:njones@townofwendell.com))

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

**6. ADMINISTRATIVE ITEMS**

6a. Citizen Advisory Board Application Update and Vote

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

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

**Item Summary:**

*At its June 22, 2020 Town Board meeting, the Wendell Board of Commissioners advised staff to accept applications for the 2 vacant Parks and Recreation Commission positions and the 4 Tree Board vacancies. The application deadline was set for February 15<sup>th</sup> and marketing included video, social media posts, website marketing, e-board and print marketing distributed throughout Town businesses. The Town Clerk only received 1 application for the Tree Board at this meeting for the Board to consider, as the other applications for these positions had already been voted into other citizen advisory boards.*

*Since that June meeting, the Town Clerk has received 3 additional applications:*

*2 In-Town Applications to the Parks and Recreation Commission  
1 ETJ Application to the Tree Board*

Ms. Howard passed out the voting ballots to the Board, which were recorded as follows:

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



Citizen Advisory  
Board Ballot

2 PARKS AND RECREATION COMMISSION  
IN-TOWN VACANCIES (3-YEAR TERM):

- Lucas Duggins
- Crystal McFaden

Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be 'J. Duggins', written over a horizontal line.



Citizen Advisory  
Board Ballot

2 PARKS AND RECREATION COMMISSION  
IN-TOWN VACANCIES (3-YEAR TERM):

- Lucas Duggins
- Crystal McFaden

Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be 'John J.', written over a horizontal line.

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



Citizen Advisory  
Board Ballot

2 PARKS AND RECREATION COMMISSION  
IN-TOWN VACANCIES (3-YEAR TERM):



Lucas Duggins

Crystal McFaden

Signature: 

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

 Citizen Advisory Board Ballot

2 PARKS AND RECREATION COMMISSION  
IN-TOWN VACANCIES (3-YEAR TERM):

Lucas Duggins

Crystal McFaden

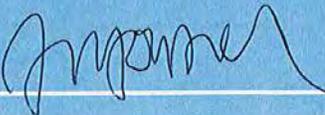
Signature: 

 Citizen Advisory Board Ballot

2 PARKS AND RECREATION COMMISSION  
IN-TOWN VACANCIES (3-YEAR TERM):

Lucas Duggins

Crystal McFaden

Signature: 

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

 Citizen Advisory Board Ballot

4 TREE BOARD VACANCIES WITH 3-YEAR TERM:

Marriott Sheldon

Signature: 

 Citizen Advisory Board Ballot

4 TREE BOARD VACANCIES WITH 3-YEAR TERM:

Marriott Sheldon

Signature: 

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

**WENDELL** Citizen Advisory Board Ballot

4 TREE BOARD VACANCIES WITH 3-YEAR TERM:

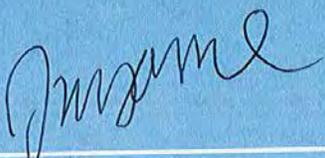
Marriott Sheldon

Signature: 

**WENDELL** Citizen Advisory Board Ballot

4 TREE BOARD VACANCIES WITH 3-YEAR TERM:

Marriott Sheldon

Signature: 

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020



**Parks and Recreation Commission Votes:**  
**Lucas Duggins:** 4 votes  
**Crystal McFadden:** 5 votes

**Tree Board Votes:**  
**Marriott Sheldon:** 5 votes

Mayor Gray thanked those who were voted in for applying to the Citizen Advisory Boards.

6b. Blueprint Wendell 2030 Steering Committee Appointment

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

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

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

**Item Summary:**

*The Town of Wendell is undertaking the process of creating a new Comprehensive Plan called Blueprint Wendell 2030. As part of the process the Town is creating a Steering Committee. The committee will participate in a range of project activities and, more importantly, meet with the Consultant team throughout the process (3-4 meetings). Specifically, the Steering Committee will:*

- *Act as a liaison to the community about the project- Listen, and help raise awareness of the project and community outreach opportunities*
- *Provide insight and expertise on local conditions and issues*
- *Brainstorm ideas and concepts with the Consultant Team*
- *Review and comment on draft plan ideas, recommendations, and work products (maps, presentations, reports, etc.)*

*The committee will provide recommendations in response to questions posed by the Consultant team and project related information as it arises. Voting/approvals are not expected, as the elected officials have these responsibilities. The Town Board of Wendell will take action on Blueprint Wendell 2030 for adoption.*

*The committee should consist of representatives from community organizations, interest groups, and institutions with local knowledge and expertise in topics related to one or more plan elements. Those appointed to the committee should represent differing points of view and experiences and should be reflective of the diversity of the community. The following are examples of the types of people and interests that could be represented:*

- ✓ *Long-time residents*
- ✓ *Newcomers*
- ✓ *Large landowners*
- ✓ *Pro-Growth/No Growth*
- ✓ *Environmental Interests*
- ✓ *Business/Downtown Merchants*
- ✓ *Real Estate/Development*
- ✓ *Culture/History*
- ✓ *Major Employers*
- ✓ *Community Health/Well Being*
- ✓ *Economic Development*
- ✓ *Institutions*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

*The ideal size of the committee should be between 7 and 12 members. A chair and vice-chair are recommended. The public will be invited to attend and observe the Steering Committee. If members are unable to attend, we do not anticipate coming back to the Town Board for new appointments as we have a few more selected than the recommendation.*

*Staff developed a draft list for review by the Board prior to the meeting. The final list as amended will be provided to the Board at the meeting for consideration.*

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

No questions were asked.

Commissioner Joyner and Mayor Gray said they did not receive the list.

Town Manager Marc Collins said that he emailed the list to the Board and that he hasn't received any feedback from the Board. He offered to bring it back in two weeks at the next Board Meeting if the Board wasn't ready to vote on the list, tonight. He pulled up the list that was emailed on the projection screen.

Commissioner Joyner asked if the people on the list have been approached about serving on the Steering Committee.

Mr. Coates said that they hadn't, although some of those on the list expressed being a part of the process.

Commissioner DeLoach said that he looked at the list and he thought it touches on all the points. He said he's happy to wait if the rest of the Board isn't ready to vote.

Commissioner Lutz said he's ready to vote on the list.

Commissioner Joyner said he had heard interest expressed by a person that wasn't on the list—he said he'd like to add this person to the list before voting. He said that Paul White wanted to serve on the committee, but he wasn't on the list. He asked if he could be added to the list before a vote was taken.

Commissioner DeLoach asked how many could serve from the list.

Mr. Collins said that anywhere from 7-12 normally serve, but all 15 could agree to serve if they would like to.

Mayor Gray said they could all come up with people to add to the list that weren't on the list already. She said she didn't think the Board needed to add people to the list that staff already created.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

Commissioner Lutz said he felt that the list would be best to vote on as it is before adding to it.

**ACTION**

Mover: Commissioner Lutz made a motion to approve the Blueprint Wendell 2030 Steering Committee Appointment.  
 Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette  
 Nays: None.  
 Vote: 5-0

6c. Proposal for Professional Services with Withers-Ravenel to Complete the Stormwater GIS Inventory Mapping

Staff Contact: Brian Bray, Public Works Director  
[bbray@townofwendell.com](mailto:bbray@townofwendell.com)

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

**Item Summary:**

*The Town initiated a multi-year project in 2015 to locate and map public stormwater features throughout the Town. The project was completed by the prior consult in 2018 and data provided to the Town. In FY 2020, Withers-Ravenel was contracted to conduct a gap analysis of the existing stormwater program to determine the needs to achieve a compliant stormwater program audit scheduled by NCDEP for 2022. The gap analysis determined that the data collected was incomplete and that additional work is needed to develop the compliant stormwater program.*

*Withers-Ravenel, the Town engineer of record for stormwater services, provided the attached proposal to complete the necessary stormwater GIS inventory mapping. The anticipated cost of the work is \$28,950 and would be included in the end-of-year amendment to the FY 2021 Budget. The anticipated source of funding will be the General Fund Reserve.*

*The work completed will complete the gaps in the existing data set. The consultant will verify pipe connectivity and identify possible deficiencies in the stormwater conveyance. Data collected includes pipe attributes such as the diameter, pipe material, and overall structure condition and type. The completed data will be used to identify stormwater maintenance and capital project needs for upcoming years and provide a complete data*

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

*set that can be maintained by the Town moving forward and added to as new development occurs.*

**Attachments:** *Please note that the following attachments can be found in the Agenda Packet on the town's website for this meeting.*

*Attachment A – Proposal for Professional Services for Stormwater GIS Inventory Mapping*

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

No questions were asked.

**ACTION**

Mover: Commissioner Lutz made a motion to approve the Proposal for Professional Services with Withers-Ravenel to complete the Stormwater GIS Inventory Mapping.

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:



Wendell Volunteer Fire Department Board of Directors – Commissioner Jason Joyner

Commissioner Joyner said that the Board met on Thursday and another round of promotions happening within the department were discussed regarding 30% of the department. He said they also discussed the firework display that was held on Friday night for project Homecoming at Wendell Falls.



Technical Review Committee – Mayor Pro Tempore John Boyette

Commissioner Boyette said he was unable to attend but will have an update at the next Board Meeting.

**8. COMMISSIONERS' REPORTS / COMMENTS**

Commissioner Joyner said most of the conversations the Board has been having have been about growth and demand within downtown. He said it's important for the Board to continue to work on the Comprehensive Plan and encouraged people to work with their

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020**

neighbors to find solutions regarding growth. He encouraged the public to reach out to the Board with any ideas that they might have. He said that he appreciated the work that the staff did.

Commissioner DeLoach said that he recorded a video for the 1<sup>st</sup> graders at Lake Myra Elementary with words of encouragement. He said that he enjoyed doing it and he encouraged people to get involved in the community. He gave the same message to all kids in Wendell, saying the Town supports them and has their back. He said that Operation Coming Home was a great success and thanked Wake Home Builders and Newland and Garmin Homes for putting that together. He said it's great to see the increase in foot traffic downtown. Mr. DeLoach said that the Wendell Chamber is holding their Golf Competition this Friday at noon.

Commissioner Lutz said it's nice to see downtown growth and see business owners that have come to Wendell to start their businesses.

Commissioner Tarnaski said that the Board needs to work on finding more parking for downtown with all the growth.

Commissioner Boyette said that parking is brought up a lot and it is something that is important for downtown. He said if there was paving done all over downtown for parking occurred, it would reduce the amount of businesses that could be build within the downtown district. He mentioned public transportation and asked for citizens to come to the Board with any ideas for solutions they might have.

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

Mayor Gray said that she's happy to see the Town move forward with their CALEA process, as it was one of the Board's goals in 2019. She thanked those who applied to serve for the Tree Board and Parks and Recreation Committees. She encouraged people to fill the three remaining Tree Board vacancies. She encouraged people to speak to the board regarding food trucks, parking, solid waste, lighting, and downtown. She said the downtown has been busy and she understands parking has become an issue. She said not everyone can't park at the door with the growth that's been seen, and the Board will look at solutions and encouraged people to look at the upside that growth is a good thing.

## **10. CLOSED SESSION**

*Closed session will be called if necessary.*

## **11. ADJOURN**

TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
SEPTEMBER 14, 2020

**ACTION**

Mover: Commissioner Lutz moved to Adjourn at 9 p.m.  
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette  
Nays: None.  
Vote: 5-0

Duly adopted this 28<sup>th</sup> day of September 2020 while in regular session.

---

Virginia R. Gray,

Mayor

**ATTEST:**

---

Megan Howard,

Town Clerk

Appendix A: Public Notice Publications in *The Wake Weekly* for Public Hearing 5a.

September 14, 2020

Public Notices, The Wake Weekly

Item 3b

September 3, 2020

## Public Notices

### Public Notice

The public will take notice that the Wendell Board of Commissioners has scheduled a public hearing on Monday, September 14, 2020 at 7:00 p.m. in the Wendell Town Hall to consider a Zoning Map Amendment request to rezone 50.63 acres located within the parcel addressed as 0 Eagle Rock Road and identified by PIN #1774-72-4863 from Rural Residential (RR) to Residential-3 (R3).

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*  
September 3, 10, 2020

### Public Notice

The public will take notice that the Wendell Board of Commissioners has scheduled a public hearing on Monday, September 14, 2020 at 7:00 p.m. in the Wendell Town Hall to consider a Zoning Map Amendment request to rezone 50.63 acres located within the parcel addressed as 0 Eagle Rock Road and identified by PIN #1774-72-4863 from Rural Residential (RR) to Residential-3 (R3).

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*  
September 3, 10, 2020



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

Item 3c

TEL 919 856 6180  
FAX 919 856 5699

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

September 9, 2020

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

Dear Ms. Howard:

The Wake County Board of Commissioners, in regular session on September 8, 2020, approved and accepted the enclosed tax report for the Town of Wendell.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Gilyard".

Yvonne Gilyard  
Deputy Clerk to the Board  
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

07/01/2020 - 07/31/2020

WENDELL

DATE

08/16/2020

TIME

9:29:50 PM

PAGE

1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
<b>INDIVIDUAL REAL ESTATE ACCOUNTS</b>											
759489	217.73	0.00	0.00	0.00	217.73	07/21/2020	0000464338	2020	2020	000000	KIRK, RONALD EUGENE JR
759135	279.38	0.00	0.00	0.00	279.38	07/01/2020	0000025946	2020	2020	000000	LEWIS, CLAUDE R
<hr/>											
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS		497.11	0.00	0.00	0.00	497.11	2	Properties Rebated			
<hr/>											
TOTAL REBATED FOR WENDELL		497.11	0.00	0.00	0.00	497.11	2	Properties Rebated for City			

**Item Title:**

Receive the Clerk's certificate of sufficiency of a Non-Contiguous Annexation for 61.43 acres located at 1129 Edgemont Road (9 acres) identified by PIN# 1775-70-5631; 1213 Edgemont Road (11 acres) identified by PIN# 1775-71-4047; 0 Edgemont Road (13 acres) identified by PIN# 1775-60-5484; 0 Merganzer Road (20.62 acres) identified by PIN# 1775-50-6528; and 0 US 64 HWY E, (7.81 acres) identified by PIN# 1775-51-9103, and schedule the Public Hearing.

**Report to the Board of Commissioners:**

September 28, 2020 - Receive Certificate of Sufficiency and set Public Hearing  
August 10, 2020 - Direct Clerk to Certify Annexation Request

**Specific Action Requested:**

Receive the Clerk's certificate of sufficiency and schedule the public hearing for this petition for Monday, October 12, 2020 by adopting the attached resolution.

**Item Summary:**

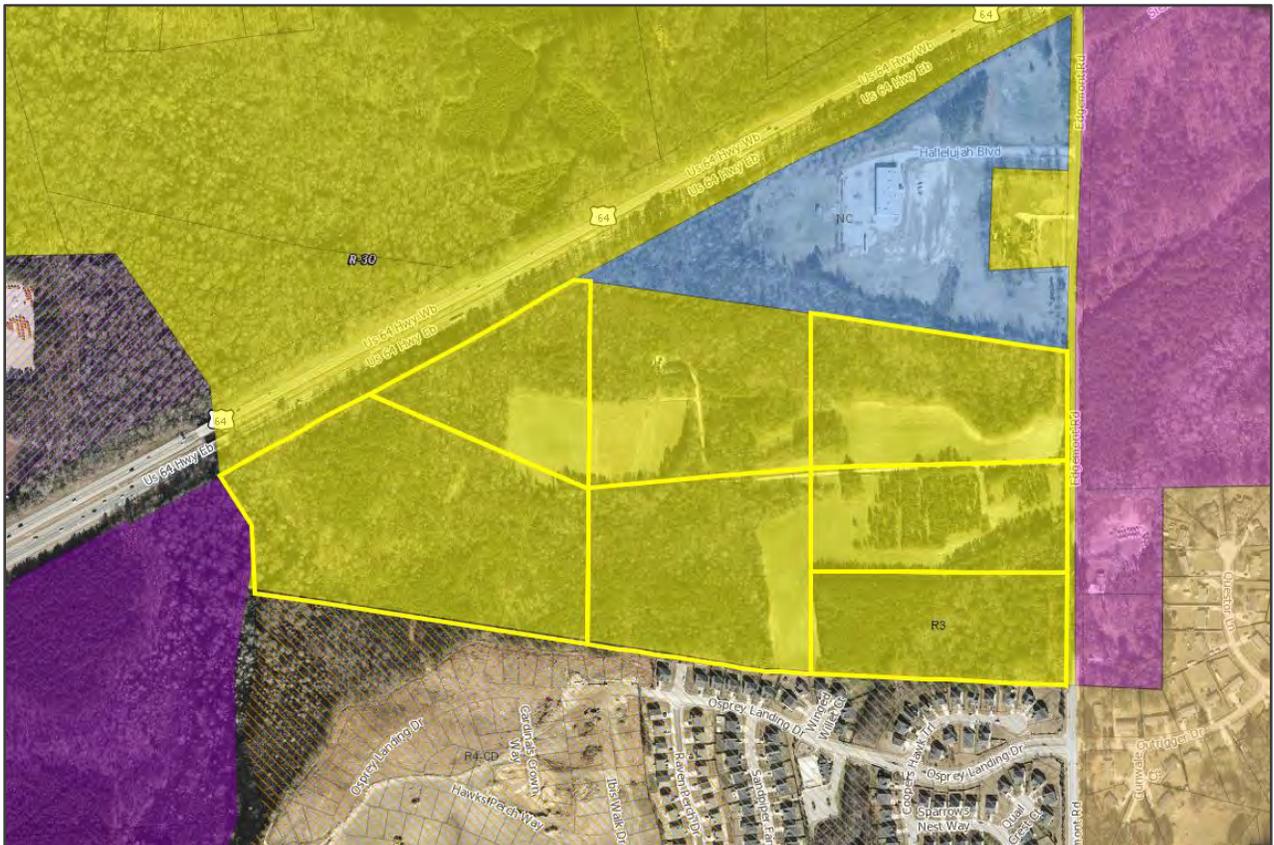
The Liles family has submitted an annexation request for a total of 61.43 acres located at 1129 Edgemont Road (9 acres) identified by PIN# 1775-70-5631; 1213 Edgemont Road (11 acres) identified by PIN# 1775-71-4047; 0 Edgemont Road (13 acres) identified by PIN# 1775-60-5484; 0 Merganzer Road (20.62 acres) identified by PIN# 1775-50-6528; and 0 US 64 HWY E, (7.81 acres) identified by PIN# 1775-51-9103.

The Town Clerk has certified the petition's sufficiency. A resolution setting the date of the public hearing for October 12, 2020 is attached for approval.

**Zoning District:**

The properties are currently located within the Wake County Residential-30 zoning district. The applicant has also submitted a R4 Conditional District rezoning request for the properties.

**Location Map:**



**Attachments:**

- A. Certificate of Sufficiency
- B. Resolution setting the date of the public hearing



**TOWN OF WENDELL**

**NORTH CAROLINA**

**CERTIFICATE OF SUFFICIENCY**

To the Town Board of the Town of Wendell, North Carolina:

I, Megan Howard, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NC G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Wendell, this 28 day of September 2020.

---

Megan Howard,  
Town Clerk

**DESCRIPTION/ADDRESS A-20-04:**

1129 Edgemont Rd; Pin #: 1775-70-5631  
Non-contiguous; 9 acres  
1213 Edgemont Rd; PIN# 1775-71-4047  
Non-contiguous, 11 acres  
0 Edgemont Rd; PIN# 1775-60-5484  
Non-contiguous; 13 acres  
0 US 64 HWY E, PIN# 1775-51-9103  
Non-Contiguous; 7.81 acres  
0 Merganzer Rd.; PIN# 1775-50-6528  
Non-Contiguous; 20.62 acres

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO NC GS 160A-58.2  
RESOLUTION NO.: R-22-2020**

**WHEREAS**, a petition requesting annexation of the area described herein has been received;  
and

**WHEREAS**, the Town Board has by resolution directed the Town Clerk to investigate the  
sufficiency of the petition; and

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Wendell, North  
Carolina that:

**SECTION 1.** A public hearing on the question of annexation of the area described  
herein will be held at the Wendell Town Hall, Board Room, at 7:00 p.m. on Monday, October  
12, 2020.

**SECTION 2.** The area proposed for annexation is described as follows:

A 9-acre tract located off Edgemont Road addressed as 1129 Edgemont Road, PIN # 1775-70-  
5631 and is available in Deed Book 17195, Page 698, Wake County Registry;

An 11-acre tract located off Edgemont Road addressed as 1213 Edgemont Road, PIN# 1775-71-  
4047 and is available in Deed Book 8325, Page 725, Wake County Registry;

A 13-acre tract located off Edgemont Road addressed as 0 Edgemont Road, PIN# 1775-60-5485  
and is available in Deed Book 2625 Page 374 Wake County Registry;

A 7.81-acre tract located off of US 64 Hwy E addressed as 0 US 64 Hwy E, PIN# 1775-51-9103  
and is available in Deed Book 2625 Page 362 Wake County Registry;

A 20.62-acre tract located off of Merganzer Road addressed as 0 Merganzer Road, PIN# 1775-  
50-6528 and is available in Deed Book 2723 Page 221 Wake County Registry;

**SECTION 3.** Notice of the public hearing shall be published in the Wake Weekly News,  
a newspaper having general circulation in the Town of Wendell, at least ten days prior to the date  
of the public hearing.

Duly adopted this 28 day of September 2020, while in regular session.

ATTEST:

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

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

**DESCRIPTION/ADDRESS A-20-04:**

1129 Edgemont Rd; Pin #: 1775-70-5631

Non-contiguous; 9 acres

1213 Edgemont Rd; PIN# 1775-71-4047

Non-contiguous, 11 acres

0 Edgemont Rd; PIN# 1775-60-5484

Non-contiguous; 13 acres

0 US 64 HWY E, PIN# 1775-51-9103

Non-Contiguous; 7.81 acres

0 Merganzer Rd.; PIN# 1775-50-6528

Non-Contiguous; 20.62 acres

**Item Title:**

Approval of resolution directing the clerk to investigate a contiguous annexation for two parcels totaling 19.64 acres [17.32 for PIN #1783-95-6846 and 2.32 acres for PIN #1783-86-9690] located at 0 S Selma Road and 0 S Hollybrook Rd, respectively.

**Report to the Board of Commissioners:**

September 28, 2020 – Direct Clerk to Certify the Sufficiency of the Annexation Petition

**Specific Action Requested:**

Direct the Town Clerk to certify the sufficiency of annexation petition A20-05 by approving the attached resolution.

**Item Summary:**

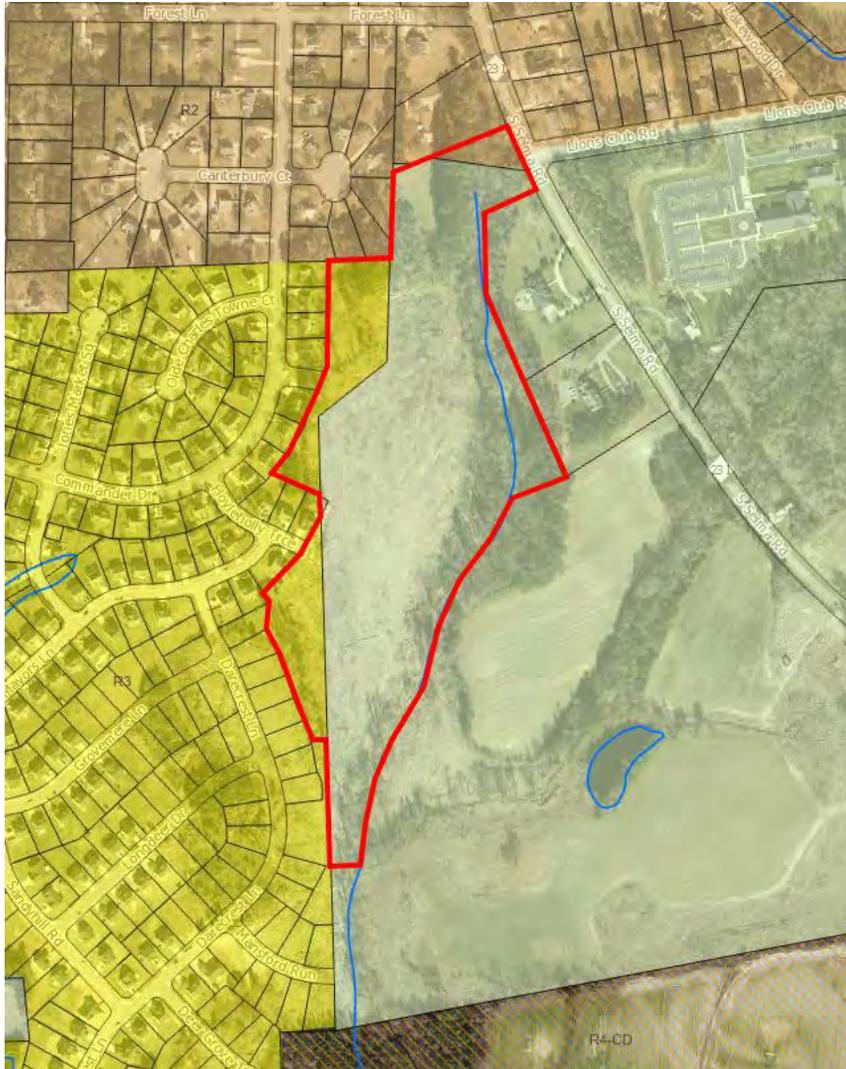
Lucius Jones has submitted an annexation request for two parcels totaling 19.64 acres [17.32 for PIN #1783-95-6846 and 2.32 acres for PIN #1783-86-9690] located at 0 S Selma Road and 0 S Hollybrook Rd, respectively. These parcels are located in the Town of Wendell ETJ.

A public hearing will be set by the Town Board for this item following the Town Clerk's certification of the petition's sufficiency.

**Zoning District:**

The property is currently located within the Town of Wendell extraterritorial jurisdiction and is zoned RA. The applicant has submitted a request to rezone to Residential 4.

**Location Map:**



**Attachments:**

- A. Resolution Directing the Clerk to Satisfy the Sufficiency of the Petition



**TOWN OF WENDELL**

**NORTH CAROLINA**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER NC G.S. 160A-58.1**

**RESOLUTION NO.: R-23-2020**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on September 17, 2020, by the Wendell Town Board of Commissioners; and

**WHEREAS**, NC G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Board of Commissioners of the Town of Wendell deems it advisable to proceed in response to this request for annexation.

**NOW THEREFORE, BE IT RESOLVED** by the Town Board of Commissioners of the Town of Wendell that:

The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Wendell the result of her investigation.

Duly resolved this 28<sup>th</sup> day of September 2020, while in regular session.

ATTEST:

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

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

**A-20-05: 2 contiguous parcels totaling 19.64 acres**  
0 S Selma Road; 17.32 acres; PIN # 1783-95-6846  
0 S Hollybrook Road; 2.32; PIN # 1783-86-9690

**Item Title:**

Approval of resolution directing the clerk to investigate a non-contiguous annexation for 4 parcels totaling 87.89 acres [29.21 for PIN #1793-29-4123, 32.61 for PIN #1793-27-0810, .72 for PIN #1793-17-7440 and 25.33 for PIN #1793-38-0878] located at 929 JoJo Drive, 745 Lions Club Road, 753 Lions Club Road, and 0 Morphus Bridge Road, respectively.

**Report to the Board of Commissioners:**

September 28, 2020 – Direct Clerk to Certify Sufficiency of the Annexation Petition

**Specific Action Requested:**

Direct the Town Clerk to certify the sufficiency of annexation petition A20-06 by approving the attached resolution.

**Item Summary:**

Thomas Spaulding has submitted an annexation request for 4 parcels totaling 87.89 acres [29.21 for PIN #1793-29-4123, 32.61 for PIN #1793-27-0810, .72 for PIN #1793-17-7440 and 25.33 for PIN #1793-38-0878] located at 929 JoJo Drive, 745 Lions Club Road, 753 Lions Club Road, and 0 Morphus Bridge Road, respectively. These parcels are located in the Town of Wendell ETJ and are currently in the Residential-4, Residential 3-Conditional and Rural Agricultural Zoning Districts.

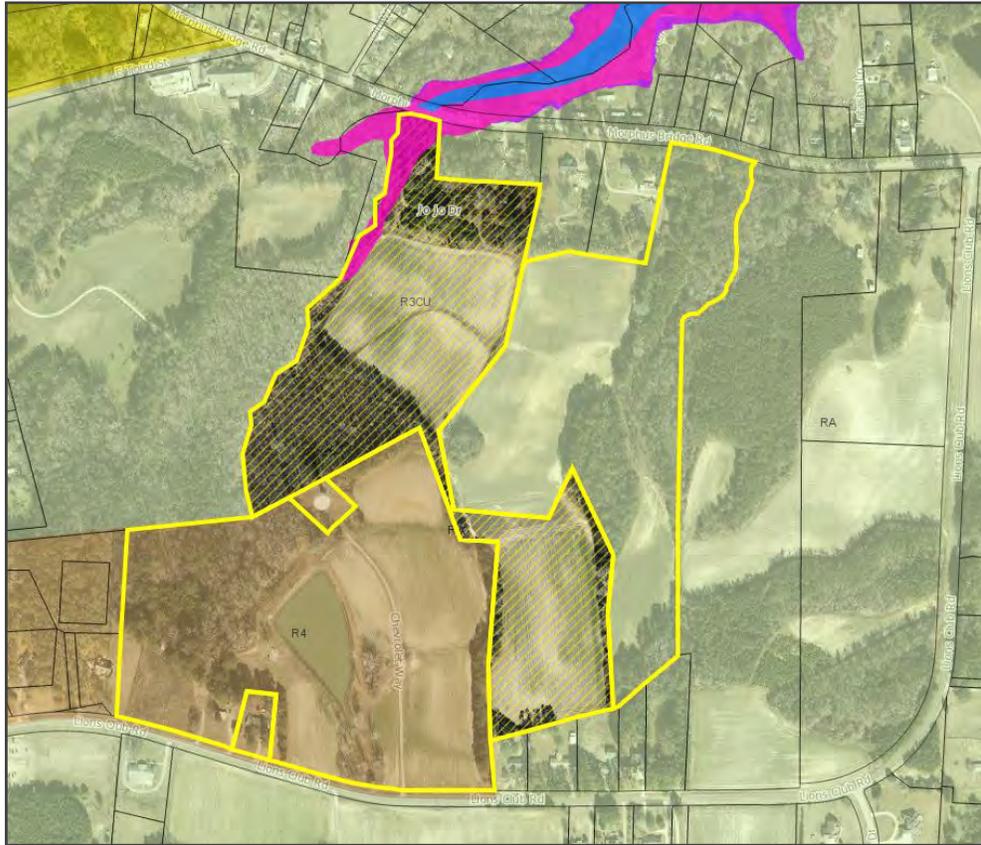
A public hearing will be set by the Town Board for this item following the Town Clerk’s certification of the petition’s sufficiency.

**Project Profile:**

PROPERTY LOCATIONS: 929 JoJo Drive, 745 Lions Club Road, 753 Lions Club Road & 0 Morphus Bridge Road  
WAKE COUNTY PIN(s): 1793-29-4123,1793-27-0810, 1793-17-7440 & 1793-38-0878  
ZONING DISTRICT: Residential-4, Residential 3-Conditional & Rural Agricultural  
PROPERTY OWNER(s): Mayberry Investments LLC, White Brothers of Wendell LLC & Rosa Allen  
  
APPLICANTS: Thomas Spaulding  
PROPERTY SIZE: 87.89 acres

CURRENT LAND USE: Agricultural

**Location Maps:**



**Attachments:**

- A. Resolution Directing the Clerk to Satisfy the Sufficiency of the Petition



**TOWN OF WENDELL**

**NORTH CAROLINA**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER NC G.S. 160A-58.1**

**RESOLUTION NO.: R-24-2020**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on September 17, 2020, by the Wendell Town Board of Commissioners; and

**WHEREAS**, NC G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Board of Commissioners of the Town of Wendell deems it advisable to proceed in response to this request for annexation.

**NOW THEREFORE, BE IT RESOLVED** by the Town Board of Commissioners of the Town of Wendell that:

The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Wendell the result of her investigation.

Duly resolved this 28<sup>th</sup> day of September 2020, while in regular session.

ATTEST:

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

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

**A-20-06: Harpers Glen [4 non-contiguous parcels totaling 87.9 acres)**  
745 Lions Club Rd; 32.61 acres; PIN # 1793-27-0810  
753 Lions Club Rd; .72 acres; PIN # 1793-17-7440  
929 Jo Jo Drive; 29.21 acres; PIN # 1793-29-4123  
0 Morphus Bridge Rd; 25.33 acres; PIN # 1793-38-0878

**Item Title:**

Report on PCS (Pavement Condition Survey) by engineer of record Withers-Ravenel

**Report to the Board of Commissioners:**

Monday, September 28, 2020

**Specific Action Requested:**

Receive a presentation of the Pavement Condition Survey & 5 Year Management Plan from Town Engineer, Withers Ravenel

**Item Summary:**

Withers Ravenel will present the findings of the Pavement Condition Survey (PCS) and 5 Year Management Plan. The PCS is a technical, unbiased analysis of the condition of all Town streets. State, private, and unpaved roads are not included in the PCS. The PCS is used to establish maintenance and repair plans with cost estimates for a 5-year period. The plan provides the data through the pavement condition index (PCI) to assist in developing the annual maintenance and resurfacing plan that is included in the Budget.

The presentation will cover the purpose of the PCS, how the survey is conducted, PCI data results, budget scenarios, and how the PCS fits into the Town asset management goals.

**Attachments:**

None

.

**Item Title:**

Locally Administered Projects Program (LAPP) Update – U-6244 & EB-6048 (Wendell Boulevard Pedestrian and Intersection Improvements)

**Report to the Board of Commissioners:**

Monday, September 28, 2020 – Project Update

**Specific Action Requested:**

No action is needed. Staff is only providing information

**Item Summary:**

Locally Administered Projects Program (LAPP) is a competitive funding program managed by the Capital Area Metropolitan Planning Organization (CAMPO). The program prioritizes locally administered transportation projects in the region. These projects are funded using the federal funds directly allocated to the region with a minimum 20% local match. Currently, the Town is partnering with CAMPO and the North Carolina Department of Transportation (NCDOT) to expend federal funds for a project at the intersection of Wendell Falls Parkway and Wendell Boulevard.

The project is divided into two (2) separate LAPP grants:

- EB-6048 - will address the sidewalk extension along Wendell Boulevard and the intersection improvements to Marshburn Road.
- U-6244 - will address operational improvements to the Wendell Boulevard and Wendell Falls Parkway intersection, including signalizing the intersection and closing Wall Street.

This project advances several strategic initiatives of the 2019 Strategic Plan. Additionally, it addresses sidewalk recommendations made in 2016 Pedestrian Plan. The project will provide a continuous sidewalk along Wendell Boulevard from Wendell Elementary School (Downtown) to the Food Lion shopping center. The project also focuses on unsafe pedestrian crossings and provides a traffic signal at the intersection with Wendell Falls Parkway.

The initial improvements to Wendell Boulevard included:

- The construction of approximately 2000 LF of new sidewalk to fill existing gaps.
- Closing off Wall Street at its intersection with Wendell Blvd.
- Signalization/improvements to the Wendell Blvd/Wendell Falls Parkway intersection.
- Pedestrian Improvements and modifications to the Marshburn Road/Wendell Blvd. intersection.

## **Chronology**

February 2019 – Town adopts Strategic Plan which notes enhancements to this intersection.

May 2019 – Town adopts budget which provides funding for design and engineering.

July 2019 - Town Board authorizes the Town Manager to negotiate with Kimley Horn to provide design and engineering services for this project.

July 2019 - Town pursues funding through CAMPO's Locally Administered Planning Program (LAPP) for Right-of-Way (ROW) and Construction phases of the project.

August 2019 - Kimley Horn was contracted to assist the Town in preparing material for the LAPP submittal.

October 2019 – Town Board authorizes design services for Kimley Horn in the amount of \$268,790

October 30, 2019 - LAPP submittal deadline.

September 2020 – Drainage issues were discovered within the project area and Kimley Horn was directed to investigate and recommend options to resolve the problem.

September 2020 – The scope of the project has expanded to address the drainage issues. The scope expansion necessitates an increase in the project budget.

## **Staff Recommendation:**

None. The presentation is for information only.

## **Fiscal Impact:**

None currently.

**Item Title:**

Continued Discussion of Downtown Service Comparatives for Parking, Food Trucks, Electric Vehicle Charging, Lighting, and Solid Waste Service.

**Report to the Board of Commissioners:**

Monday, September 28, 2020

**Specific Action Requested:**

Discussion only, no action requested.

**Item Summary:**

Continued discussion around the topics presented at the September 14 Board Meeting: Parking, Food Trucks, Electric Vehicle Charging, Lighting, and Solid Waste Service. Staff presented information at the September 14 Board meeting defining the issue, identifying the specific area impacted, providing a comparative analysis, and provided the Board with information to consider moving forward. On September 28, staff will provide policies for each topic that illustrate how each comparative is currently being handled and give the Board the opportunity to review and provide feedback.

**Attachments:**

None

**Item Title:**

Motion on a Zoning Map Amendment request to rezone 50.63 acres from Rural Residential (RR) to Residential-3 (R3)

**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 September 14, 2020.

**Item Summary:**

The applicant is requesting to rezone a 50.63-acre parcel that is currently located in the town’s extraterritorial jurisdiction (ETJ) from RR to R3.

In March 2019, a conditional district request proposed at this location was recommend for denial by the Planning Board mostly due to challenges with access to the site.

In November 2019, the Planning Board approved a request by the current applicant to rezone the property to R2. The request was withdrawn before proceeding to the Town Board.

Currently, the applicant is requesting a rezoning to R3, that is not part of a conditional district. Issues regarding access to the site have been resolved by the Anderson Estate Deed (see attachment D).

This type of rezoning allows for all permitted uses within the R3 zoning district (see attachment B).

<b>Property Information Summary</b>	
<b>Location</b>	East side of Eagle Rock Road along the north side of the railway <b>Addresses:</b> 0 Eagle Rock Road <b>PINs:</b> 1774-72-4863
<b>Current Zoning</b>	RR
<b>Requested Zoning</b>	R3
<b>Area of Request</b>	50.63 acres
<b>Corporate Limits</b>	ETJ – will need to be annexed
<b>Property Owner</b>	520 State Street, LLC
<b>Applicant</b>	Amanda S. Bambrick

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

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Agricultural	RR
South	Residential/Vacant	RR/RA
East	Residential/Vacant	RA
West	Residential	R3/R-30

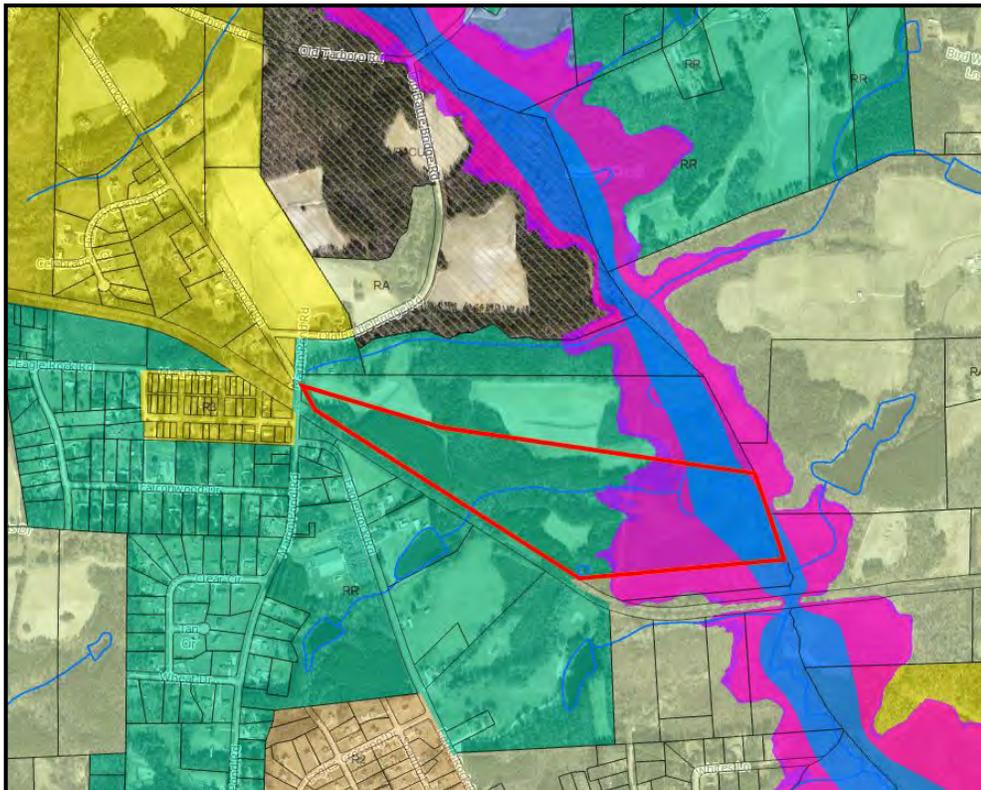
**Zoning District:**

This property is located within the town’s extraterritorial jurisdiction and is zoned RR. The surrounding properties are currently zoned RA, RR, R3 and Wake County R-30. The RA district allows a minimum lot size of 1 acre, the RR district allows a minimum of 25,000 sq. ft. and the R3 minimum lot size is 10,000 sq. ft. The Anderson Farm subdivision which is a few parcels north, is zoned R4-CU with a minimum lot size of 6,000 square feet.

The R3 zoning district has the following minimum dimension standards;

- 60ft Lot Width
- 25ft Front Setback
- 20% of lot width combined, Side Setback
- 20ft rear setback
- 3 stories, maximum height

**Current Zoning Map (Requested Property outlined in red):**



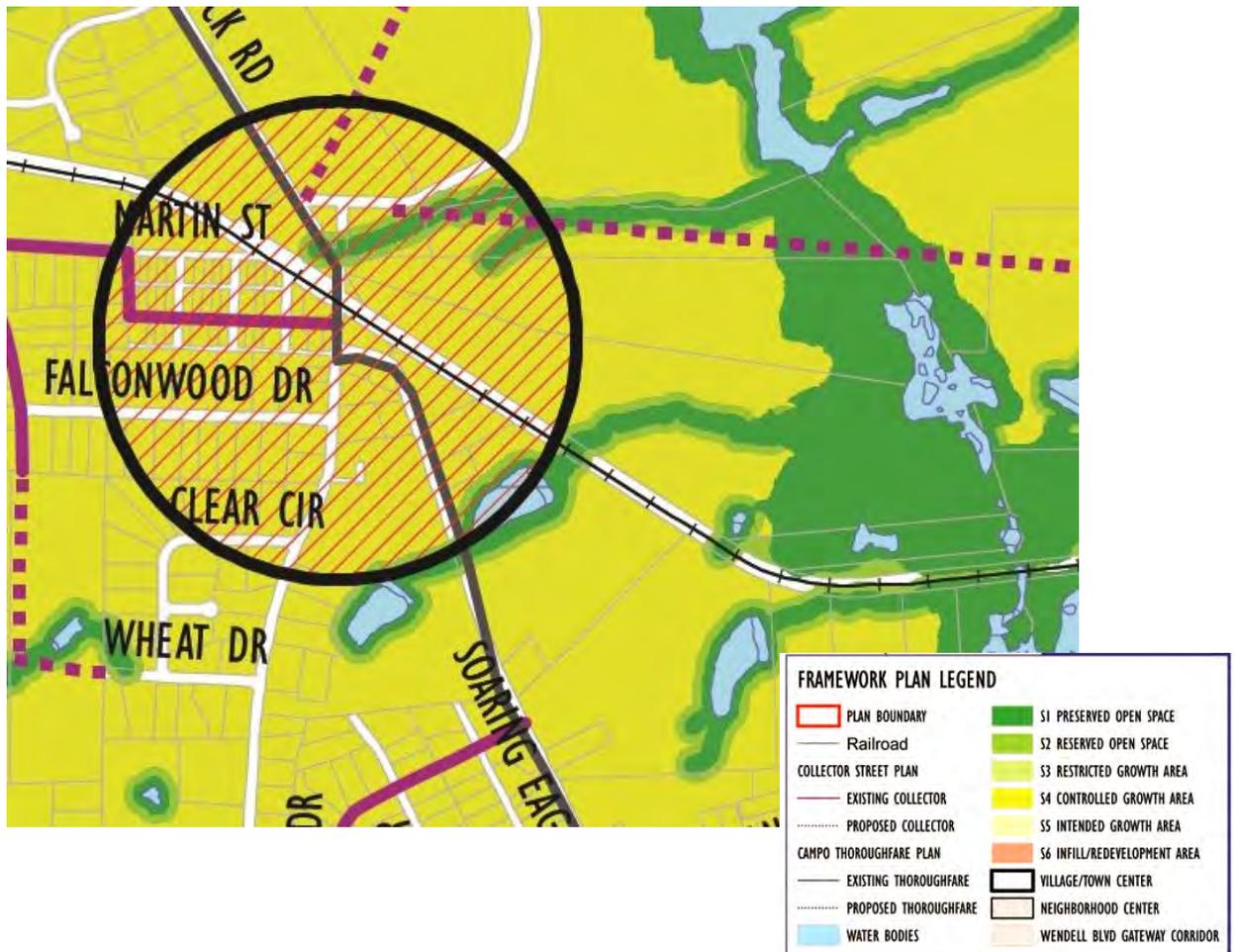
**Comprehensive Plan:**

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.”

Neighborhood Centers are intended to be mixed-use, serving surrounding neighborhoods with retail services, civic uses and higher density housing.

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



**Planning Board Recommendation:**

At their July 20, 2020 meeting, the Planning Board voted 7-1 to recommend approval of the requested zoning map amendment.

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

**Voting Against:** Allen Swaim

**Absent:** Michael Firstbrook

**Statement of Plan Consistency Reasonableness:**

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

- 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 be consistent with adjoining zoning districts.

**Applicant Justification:**

The applicant lists the following reasons for rezoning the property from RR to R3:

“As Wendell continues to experience population growth, this rezoning will provide for a range of housing opportunities with reasonable access to the Town’s downtown core. While density would increase, this rezoning is not expected to unreasonably impact the level of available Town services and is expected to diversify and increase the Town’s tax base. By providing additional residential opportunities, we expect the rezoning to promote Wendell’s attractiveness to business and people. Open space in accordance with the Town ordinances will preserve the Town’s natural resources and amenities. While this property appears to be designated as “industrial” pursuant to the Town’s 2007 future land use map, we would note that industrial uses are perhaps disfavored over time and this use would likely be perceived as less impactful to neighboring properties. We would also note that per state statute, the future land use map would automatically be amended as part of the rezoning process if the rezoning is approved.”

**Staff Recommendation:**

Staff recommends approval of this rezoning request.

**Attachments:**

- A. Application
- B. R3 Zoning District Land Use Chart
- C. Ordinance
- D. Anderson Estate Deed



# 2019 TOWN OF WENDELL ZONING MAP AMENDMENT PACKET



Town of Wendell Planning Department  
15 E. Fourth St.  
Wendell, NC 27591

Phone: 919.365.4448  
Fax: 919.366.1462  
www.townofwendell.com

## ACKNOWLEDGEMENT OF ZONING MAP AMENDMENT INFORMATION

I, 520 State Street, LLC, acknowledge the receipt of the following items pertaining to the rezoning of the property located at 0 Eagle Rock Road, Wendell, NC

- Application for Traditional Zoning Map Amendment
- Submittal Schedule
- Future Land Use Map
- District Use Regulations Table
- Amendment Procedures

Submittal Deadline Date: May 15, 2020

  
Applicant

May 15, 2020  
Date

# PETITION TO AMEND THE ZONING MAP

In the reviewed by both the Planning Board and the Town Board of Commissioners Form last updated on 12/06

Date: 5/15/2020 PETITION # ZM-

Applicant's Name: Amanda S. Mann Phone: 919.213.7320 Fax: 919.882.8890

Mailing Address: 421 Fayetteville Street, Suite 530, Raleigh, NC 27601

Owner's Name: 520 State Street, LLC Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: 2912 Highwoods Blvd. Suite 100, Raleigh, NC 27604

*NOTE: If several properties are involved in this request, please attach a sheet listing each property, property owner, mailing address, telephone, and fax number.*

1. Relationship of Applicant to Property: <input type="checkbox"/> Owner <input type="checkbox"/> Lessee <input type="checkbox"/> Optionee <input checked="" type="checkbox"/> Other agent/attorney _____	
2. Location of Property: <u>0 Eagle Rock Road, Wendell</u>	PIN #: <u>1774724863</u>
3. Current Zoning: <u>RR</u>	4. Requested Zoning: <u>R-3</u>
5. Legal Description of Property: <i>(Please Label As ATTACHMENT A)</i> Include on a sheet of paper the property survey, Wake County Tax Map PIN Number, block or lot numbers with metes and bounds description of the area, or any other legal information available.	
6. Adjacent Property Owners: <i>(Please Label As ATTACHMENT B)</i> Include on a sheet of paper the names and addresses of the owners whose property abuts and is adjacent to the property in question.	
7. Why Property Should Be Rezoned: <i>(Please Label As ATTACHMENT C)</i> Include on a sheet of paper an explanation in detail of why you feel the property should be rezoned. The explanation should include if the rezoning coincides with the Comprehensive Land Use Plan and if the impact of the proposed rezoning effects adjacent or surrounding properties. Also within this attachment should be the impact on governmental services (utilities, schools, police protection, streets, etc.), that the uses permitted within the requested district would create.	

After completing the attachments listed above, I certify that I am the owner or have the consent of the owner and act on his or her behalf in making this petition for an amendment to the zoning map.

 \_\_\_\_\_ May 15, 2020  
 Applicant's Signature Date

**OFFICE USE ONLY** Fee Paid: \_\_\_\_\_ Date Paid: \_\_\_\_\_

**PLANNING BOARD** Date Petition Was Reviewed: \_\_\_\_\_ Recommendation:  Approval  Denial

The decision of the Planning Board was based on the following considerations: \_\_\_\_\_

---

The decision was consistent with the Comprehensive Plan:  Yes  No

Conditions of Approval: \_\_\_\_\_

---

**TOWN BOARD OF COMMISSIONERS** Date Public Hearing Scheduled: \_\_\_\_\_ Date Sign Erected: \_\_\_\_\_

Dates Public Hearing Advertised: (#1): \_\_\_\_\_ in \_\_\_\_\_ AND (#2): \_\_\_\_\_ in \_\_\_\_\_

Town Board Recommendation:  Approval  Denial

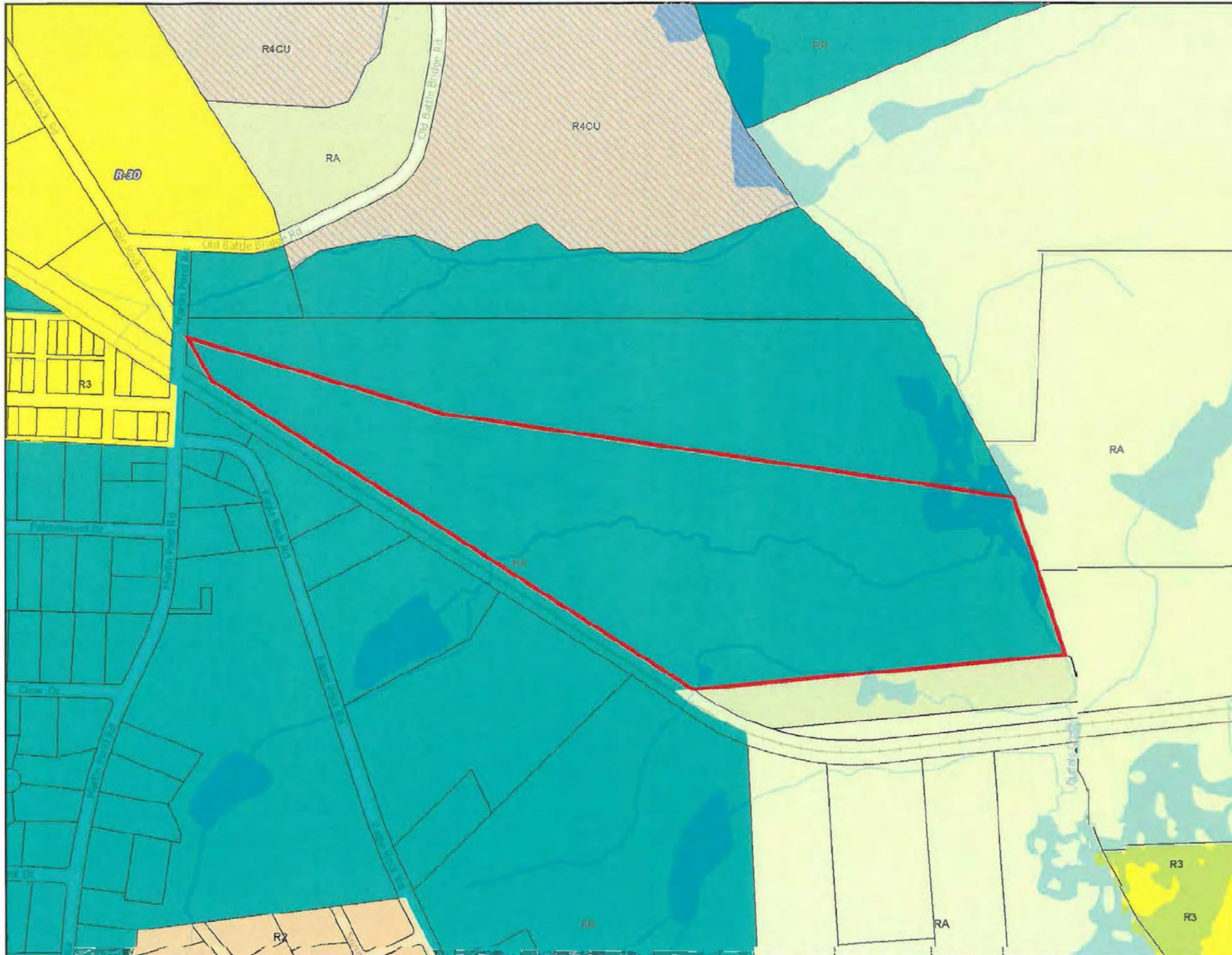
Conditions of Approval: \_\_\_\_\_

---

Town Clerk's Signature \_\_\_\_\_ Date \_\_\_\_\_

Mayor's Signature \_\_\_\_\_ Date \_\_\_\_\_

# ATTACHMENT A



PIN: 1774724863  
 PIN Ext: 000  
 Real Estate ID: 0001922  
 Map Name: 1774 04  
 Owner: 520 STATE STREET LLC  
 Mail Address 1: 2912 HIGHWOODS BLVD STE 100  
 Mail Address 2: RALEIGH NC 27604-1095  
 Mail Address 3:  
 Deed Book: 016956  
 Deed Page: 01017  
 Deed Acres: 50.63  
 Deed Date: 10/31/2017  
 Building Value: \$0  
 Land Value: \$365,096  
 Total Value: \$365,096  
 Biling Class: Business  
 Description: TR2 SAMUEL ANDERSON HEIRS BM2001 -01415  
 Heated Area:  
 Street Name: EAGLE ROCK RD  
 Site Address: 0 EAGLE ROCK RD  
 City:  
 Planning Jurisdiction: WE  
 Township: Mark's Creek  
 Year Built:  
 Sale Price: \$0  
 Sale Date:  
 Use Type:



0 220 440 880 ft

1 inch = 400 feet

**Disclaimer**  
 iMaps makes 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.

**ATTACHMENT B**

DMC Concrete Pumping Misc LLC, 4501 NEW BERN AVE STE 130, RALEIGH NC 27610-1550

Lisa Clark Pearce, 1532 EAGLE ROCK RD, WENDELL NC 27591-9063

Chester Ray Smith, 1029 EAGLE ROCK RD, WENDELL NC 27591-9047

Central Baptist Church of Wendell Inc, 11109 POOLE RD, WENDELL NC 27591-8748

Town of Wendell, 15 E FOURTH ST, WENDELL NC 27591-9042

William G & Jean W Dean, 105 LILES DEAN RD, WENDELL NC 27591-9033

James Edward and Mathew Edward Bailey, PO BOX 338, WENDELL NC 27591-0338

Trustee for the Bunn Family Irremovable Trust, 313 OLD BATTLE BRIDGE RD, WENDELL NC 27591-9077

**ATTACHMENT C**

As Wendell continues to experience population growth, this rezoning will provide for a range of housing opportunities with reasonable access to the Town's downtown core. While density would increase, this rezoning is not expected to unreasonably impact the level of available Town services and is expected to diversify and increase the Town's tax base. By providing additional residential opportunities, we expect the rezoning to promote Wendell's attractiveness to business and people. Open space in accordance with the Town ordinances will preserve the Town's natural resources and amenities. While this property appears to be designated as "industrial" pursuant to the Town's 2007 future land use map, we would note that industrial uses are perhaps disfavored over time and this use would likely be perceived as less impactful to neighboring properties. We would also note that per state statute, the future land use map would automatically be amended as part of the rezoning process if the rezoning is approved.



**BOHLER**<sup>TM</sup>  
ENGINEERING NC, PLLC

4130 ParkLake Avenue, Suite 130  
Raleigh, NC 27612  
PHONE 919.578.9000

Date: September 13, 2019



**Legal Description of a  
50.632 Acre  
Property of 520 State Street LLC  
(DB 16956, PG 1017)  
(BM 2001, PG 1415)  
Wendell, NC**

Beginning at an existing iron stake, said iron stake also being located on the easterly rights-of-way line of SR-1003, as shown on a survey recorded at Book of Maps 2001, Page 1415, said point also being THE POINT OF BEGINNING;

Thence leaving said easterly rights-of-way line of SR-1003 the following courses and distances:  
S 72° 56' 51" E 1,107.43' to an existing iron pipe;  
S 81° 12' 02" E 2,409.84' to no point installed, passing through a new iron pipe at 367.06', said point being shown in the centerline of Buffalo Creek;

Thence with said centerline of Buffalo Creek S 20° 16' 59" E 663.66' to no point installed;

Thence leaving said Creek S 84° 28' 35" W 1,562.99' to an existing iron pipe, passing through a new iron pipe at 1,040.64', and passing through an existing iron pipe at 1,271.96', said pipe being along the northerly rights-of-way line of the Southern Railroad;

Thence with said northerly rights-of-way line of the Southern Railroad N 57° 14' 53" W 2,383.05' to an existing iron stake;

Thence leaving said northerly rights-of-way line of the Southern Railroad N 31° 55' 30" W 208.68' to THE POINT OF BEGINNING and containing 2,205,518 square feet or 50.632 acres, more or less.

This legal description is based solely on a map recorded at Book of Maps 2001, Page 1415, in Wake County Register of Deeds, titled Samuel G. Anderson Heirs, prepared by Gil Clark Surveying and dated May 9th, 2001. This legal description does not represent a field survey by this firm

The property described hereon is subject to all easements, rights-of-way and restrictions of record.

Town of Wendell, NC  
 Residential (3) Zoning District  
 Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
Bed and Breakfast Inns Dwelling-Single Family Government Services Schools - Elementary & Secondary	Animal Services Cemetery Child/Adult Day Care Home (8 or less persons) Cultural or Community Facility Dwelling-Secondary Family Care Home (6 or fewer residents) Home Occupation Housing Services for the Elderly Manufactured Housing Meeting Facility/Indoor Event Venue Recreation Facilities, Indoor Recreation Facilities, Outdoor Transit Station - Passenger Utilities - Class 1 Utilities - Class 2	Public Safety Station Religious Institutions Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower

O-27-2020

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 3 (R3) zoning district the property described below, said property formerly being zoned Rural Residential (RR); 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 September 14, 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 3 (R3)** zoning district 50.63 acres of land located within the parcel located at 0 Eagle Rock Road (PIN # 1774-72-4863).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM20-02 from Rural Residential (RR) to **R3** 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 28th Day of September 2020

(Town Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney

Wake County, NC 219  
Laura M Riddick, Register Of Deeds  
Presented & Recorded 10/11/2001 11:50:01  
Book : 009110 Page : 00190 - 00192

Excise Tax \$.00

Recording Time, Book and Page

Tax Lot No. 0001861; 0001922 Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_

Mail after recording to ~~THE DOYLE LAW FIRM / BOX 55~~  
This instrument was prepared by **HOWARD G DOYLE**

*Hamrick #191*

Brief Description for the index

[Empty box for brief description]

**NORTH CAROLINA NON-WARRANTY DEED**

THIS DEED made this **October 3, 2001** by and between

GRANTOR

GRANTEE

**SAMUEL G. ANDERSON, JR. EXECUTOR  
OF THE ESTATE OF SAMUEL G. ANDERSON;  
SAMUEL G. ANDERSON, JR. AND WIFE,  
RAMONA M'LOU ANDERSON;  
ANGELA ANDERSON BATEMAN AND HUSBAND,  
RONALD BRUCE ANDERSON**

**ANGELA ANDERSON BATEMAN**  
*P.O. Box 847  
Wendell, N.C.  
27591*

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of , **MARKS CREEK** Township, **WAKE** County, North Carolina and more particularly described as follows:

**TRACT ONE:**

BEING all of Tract 2, containing 23.94 gross acres (23.29 net acres) as shown on the map entitled "Property Survey for Samuel G. Anderson Heirs, Marks Creek Township, Wake County, North Carolina" recorded in Book of Maps 2000, Page 2174, Wake County Registry.

**TRACT TWO:**

BEING all of Tract 2, containing 50.632 acres as shown on map recorded in Book of Maps 2001, Page 1415, Wake County Registry, together with a perpetual easement of ingress, egress and regress over and to that certain 60 foot wide easement shown on map recorded in Book of Maps 2001, Page 1415, Wake County Registry, for the purpose of providing access to SR 1003 and a perpetual easement over the area within the 60 foot wide easement as shown on said recorded map for the installation and maintenance of a street and utilities, including, but not limited to, such utilities as water, sewer, electrical power, telephone, cable and/or natural gas lines.

It is anticipated that the Grantee, or the Grantee's heirs or assigns, will subdivide Tract 2 and develop it as a residential subdivision. In that event, it is specifically understood and agreed by the Grantor that all owners of any lot developed within Tract 2 shall have the same perpetual easement of ingress, egress and regress over the said 60 foot wide easement as is granted to the Grantee. If in the future, the Grantee or the Grantee's heirs or assigns, might desire to have any road or street installed over the 60 foot wide easement area dedicated to the public and taken over for maintenance by the appropriate governmental authority, that such action shall be permitted. This shall in no way limit Grantor, or Grantor's heirs or assigns, rights to use or improve the easement area.

The property hereinabove described was acquired by Grantor by instrument recorded in Book , Page .  
(Office of the Clerk of Superior Court, 00 E 1813, Estates Division)

A map showing the above described property is recorded in

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

\_\_\_\_\_  
(Corporate Name)

By: \_\_\_\_\_

President

ATTEST: \_\_\_\_\_

Secretary (Corporate Seal)

USE BLACK INK ONLY

Samuel G. Anderson, Jr. (SEAL)  
SAMUEL G. ANDERSON, JR., EXECUTOR OF THE  
ESTATE OF SAMUEL G. ANDERSON

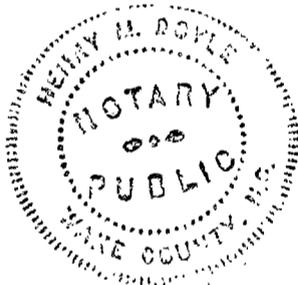
Samuel G. Anderson, Jr. (SEAL)  
SAMUEL G. ANDERSON, JR.,

Ramona M'Lou Anderson (SEAL)  
RAMONA M'LOU ANDERSON

Angela Anderson Bateman (SEAL)  
ANGELA ANDERSON BATEMAN

Ronald Bruce Bateman (SEAL)  
RONALD BRUCE BATEMAN

SEAL-STAMP



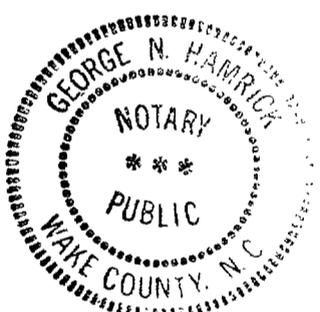
USE BLACK INK ONLY

NORTH CAROLINA, WAKE County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that SAMUEL G. ANDERSON, JR, EXECUTOR OF THE ESTATE OF SAMUEL G. ANDERSON; SAMUEL G. ANDERSON, JR. and RAMONA M'LOU ANDERSON, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 10 day of October, 2001.

My commission expires: 4/05/05 [Signature] Notary Public

SEAL-STAMP



USE BLACK INK ONLY

NORTH CAROLINA, WAKE County.

I, the undersigned, a Notary Public of the County and State aforesaid, certify that ANGELA ANDERSON BATEMAN and RONALD BRUCE BATEMAN, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 9th day of October, 2001.

My commission expires: 5-21-02 [Signature] Notary Public

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By \_\_\_\_\_ REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY  
Deputy/Assistant-Register of Deeds.

Laura M Riddick  
Register of Deeds  
Wake County, NC



Book : 009110 Page : 00190 - 00192

**Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

**North Carolina - Wake County**

The foregoing certificate of \_\_\_\_\_  
\_\_\_\_\_ *Geary M. Doyle*  
\_\_\_\_\_ *George M. Riddick*

\_\_\_\_\_ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds  
By: *Christina Baker*  
~~Assistant~~ Deputy Register of Deeds

**This Customer Group**  
\_\_\_\_\_ # of Time Stamps Needed

**This Document**  
\_\_\_\_\_ *3* New Time Stamp  
\_\_\_\_\_ # of Pages

**Item Title:**

Locally Administered Projects Program (LAPP) Update – U-5323

**Report to the Board of Commissioners:**

Monday, September 28, 2020

**Specific Action Requested:**

No action is needed. Staff is only providing information

**Item Summary:**

Locally Administered Projects Program (LAPP) is a competitive funding program managed by the Capital Area Metropolitan Planning Organization (CAMPO). The program prioritizes locally administered transportation projects in the region. These projects are funded using the federal funds directly allocated to the region with a minimum 20% local match.

The project U-5323 was awarded funding via LAPP. The intent of the project was to conduct traffic engineering and planning for the intersection of Wendell Boulevard and Rolesville Road/Eagle Rock Road. The project anticipated high traffic volumes and potential future safety and access challenges. Ultimately, the project envisioned a realignment of Rolesville Road and Eagle Rock Road to shift traffic and turning movements further from the interchange.

The receipt of federal funding for the U-5323 project came with an obligation to complete construction (or at least obtain construction authorization) within 10 years. That 10-year deadline is set to expire in September of 2021. Failure to obtain construction authorization within this timeline requires the return of federal funding

Currently the Town has partial design plans (25% roadway design). However, before the Town can pursue Right-of-Way (ROW) or construction funds, it would need to complete the design plans and obtain all necessary NEPA documentation (environmental analysis which demonstrates the impact of a transportation project).

**Chronology**

2011 - the Town received federal funds in the amount of \$131,160.42 to assist in the design and engineering for the project.

2014 - Ramey Kemp & Associates, Inc. was hired by the Town to develop the plans and subsequently delivered 25% roadway design plans to the Town

2017 - staff initiated an evaluation of the Arterial and Collector Street (ACS) plan - specific focus on the U-5323 alignment

2017 - the Town Board approved changes to the Town's ACS plan which included the removal of the northern segment of the U-5323 project.

- This change amended the original plan from a full realignment of Rolesville Road and Eagle Rock Road to the creation of two offset T-intersections.

September 2020 – staff met with CAMPO to discuss options for moving the project forward.

- After several meetings, staff realized that the sequence of events that needed to occur prior to the September 2021 deadline could not realistically occur.

**Staff Recommendation:**

Retain the 25% design which details the Eagle Rock Road alignment as shown on the Town's transportation plan and return the \$131,160.42 to Federal Highway Administration.

**Fiscal Impact:**

The Town has already paid for the 25% design using federal funds. The Town would be required to pay back \$131,160.42 for the project. These funds would come from the General Fund balance at the end of the year after a budget amendment.

**Attachments:**

None

**Item Title:**

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

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

 Technical Review Committee – Mayor Pro Tempore John Boyette

**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