



**Wendell Town Board of Commissioners**

**Board Room**

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

**Town Board Meeting Agenda**

**Monday, May 11, 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 May 11, 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) 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, May 8<sup>th</sup> at 5 p.m.

**CALL TO ORDER**

- Welcome – Mayor Virginia Gray
- Pledge of Allegiance – Police Chief Bill Carter
- Invocation – Pastor Wallace Johnson, Wendell United Methodist Church

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

**2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the May 11, 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, May 8<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, May 8<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. Ratification of Temporary Personnel Policy related to Covid-19 for Designation of Essential Personnel, Exempt Employees, and Allowance Pay

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

- 3b. Approval of the February 10, 2020 Board of Commissioners Meeting Minutes.

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

- 3c. Approval of the February 24, 2020 Board of Commissioners Meeting Minutes.

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

- 3d. Approval of the March 9, 2020 Board of Commissioners Meeting Minutes.

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

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

- 4a. Capital Area Metropolitan Planning Organization (CAMPO) Northeast Area Study Update Presentation

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

- 4b. Proclamation recognizing the Week of May 3<sup>rd</sup> to May 9<sup>th</sup> 2020 as Professional Municipal Clerks Week

Presenter: Mayor Virginia Gray

- 4c. Proclamation recognizing the Week of May 10<sup>th</sup> to May 16<sup>th</sup> 2020 as National Police Week

Presenter: Mayor Virginia Gray

- 4d. Proclamation recognizing the Week of May 17<sup>th</sup> to May 23<sup>rd</sup> as National Public Works Week

Presenter: Mayor Virginia Gray

## 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:

- Public participation for public hearing items on the agenda for the May 11<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) by Friday, May 8<sup>th</sup> at 5 p.m. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, May 8<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 non-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: Budget Hearing for the *Proposed Fiscal Year 2021 Budget*

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

**6. ADMINISTRATIVE ITEMS**

6a. Amendment of *Article VII Holidays and Leaves of Absence of the Town of Wendell Personnel Policy* related to Sick Leave and compliance with the Family Medical Leave Act (FMLA).

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

6b. Resolution Declaring Official Intent for the Reimbursement of Capital Expenditures and to Finance the Cost of the Projects through the Issuance of Debt pursuant to United States Treasury Regulations Section 1.1 50-2

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

6c. Amendment to the Solid Waste Services Contract between the Town of Wendell and Waste Industries LLC (dba GFL Environmental) to Extend the Contract Five (5) Years effective July 1, 2020.

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

6d. Update to the Pay Plan and Position Classifications to reflect the Piedmont Triad Regional Council Study completed in January 2020.

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

- Commissioner Jason Joyner – Wendell Volunteer Fire Department Board of Directors

**8. COMMISSIONERS' REPORTS / COMMENTS**

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

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

## **11. ADJOURN**

**Item Title:**

Ratification of Temporary Personnel Policy related to Covid-19 for Designation of Essential Personnel, Exempt Employees, and Allowance Pay.

**Report to the Board of Commissioners:**

Monday, May 11, 2020

**Specific Action Requested:**

Ratify the determination of the Town Manager to determine essential and exempt employees eligible for a Covid-19 Allowance pay.

**Item Summary:**

The current State of Emergency due to the COVID-19 requires employees to telework and/or alter work arrangements to maintain social distancing and limiting exposure to the public or other coworkers for periods less than 10 minutes. This is or can be accomplished for nearly all Town employee work environments for most if not all of the time.

However, by the nature of the work and duties assigned under Covid-19, law enforcement officers are unable to maintain this work environment in order to safely perform their duties. Additionally, employees may be asked to perform work duties not contemplated in their approved job descriptions for their classification (assigned to the Wake County EOC for example).

The current Town of Wendell Personnel Policy authorizes the Town Manager to compensate employees that are assigned duties outside of their job classification for periods greater than three (3) months for an amount up to 5% above their current pay. The proposed policy is an extension of that authority to allow such consideration for Covid-19 for specific eligible employees.

Additionally, Federal, State, and Local proclamations and orders have defined government and public safety activities as essential duties. Under the Family First Coronavirus Response Act (FFCRA), guidance provides that employees that are determined essential may be exempted from the temporary sick leave allowances due to the critical nature of the work (law enforcement for example). The policy clarifies that the Town Manager may identify such exempt employees if conditions warrant such action to ensure that critical public services are maintained.

**Attachments:**

- A. Covid-19 Allowance Pay Policy

## **TOWN OF WENDELL – COVID ALLOWANCE PAY POLICY**

### **Temporary Policy Related to COVID-19: COVID Allowance Pay**

**Effective Date:** May 12, 2020 for eligible employees and any Town of Wendell employees that have been assigned to the County's Emergency Operations Center (EOC).

#### **I. Purpose of COVID Allowance Pay**

Government entities are considered Essential Operations as defined in both the state and county "Stay-at-Home" Orders related to the COVID-19 virus. As a result, certain employees must continue to perform their normal duties and responsibilities in positions where teleworking is not possible and/or the work site does not allow for adequate social distancing. Additionally, employees may be reassigned from their regular duties to support work directed by the County's Emergency Operation Center (EOC). These duties are being performed in the field or public facing work locations where employees have limited control over their environment and limited ability to social distance. Therefore, eligible employees will be provided a COVID Allowance Pay.

#### **II. Determination of COVID Allowance Pay**

The Town Manager will determine when duties are essential and meets the eligibility requirements of receiving COVID Allowance Pay. Department Heads will inform the Town Manager of any employee within their departments whose duties require them to be considered for COVID Allowance Pay. The Town Manager will make the decision as to whether the duties are essential and if the COVID Allowance pay is to be granted; along with the percentage of pay and the duration of pay.

#### **III. Eligibility for COVID Allowance Pay**

- A. Full- and part-time regular and temporary employees (both exempt and non- exempt) are eligible for Allowance Pay if the employee is:
  - 1. Performing regular duties in the field and/or at a public facing work site where social distancing cannot be achieved. Social distancing is defined as maintaining a physical distance from other persons of six (6) feet or more for a duration of 10 minutes or less.
- B. Employees not eligible for COVID Allowance Pay are:
  - 1. Department Heads and Town Manager
  - 2. Employees who are teleworking
  - 3. Employees who are not working in public facing departments
  - 4. Employees who are not working and are on approved long-term leave, such as FMLA or Military Leave
  - 5. Employees not specifically identified for the Allowance.
- C. The Town Manager with the assistance of the Department Heads will determine eligibility for COVID Allowance Pay.

#### **IV. Duration of COVID Allowance Pay**

The COVID Allowance Pay will remain in effect as long as the following conditions are met:

1. The employee continues to meet the eligibility requirements; and
2. The County's Emergency Operation Center (EOC) is activated due to COVID-19 to Level I, II, or III and the Town's employees are working in connection with those efforts (such as Police, first responders and other essential personnel).

#### **V. COVID Pay Allowance Administration**

- A. COVID Allowance Pay is a temporary 5% pay adjustment.
  1. For hourly (non-exempt employees), the allowance is a fixed amount of 5% based on the employee's hourly rate and scheduled hours.
  2. For salaried (exempt employees), the allowance is a fixed amount of 5% of annual salary.
  3. The COVID Allowance Pay is considered eligible income for retirement purposes.
- B. Department Heads are responsible for notifying the Town Manager and Payroll/Finance when an employee's eligibility changes.

Addition to Temporary Personnel Policies during COVID19 State of Emergency ratified on April 27, 2020:

##### ADD to Leave Policies

8. The Town Manager with guidance from Human Resources may determine that certain employees, due to the essential nature of their work, are exempt from the leave allowances provided for by the FFCRA. Exemptions may include a classification of employees (law enforcement for example) or individual employees due to the nature of the work assigned (employee assigned to assist with Wake County EOC efforts).



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, February 10, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**ABSENT:**

**STAFF PRESENT:** Town Manager Marc Collins, Assistant to the Manager and Deputy Clerk Stephanie Smith, Town Attorney Jim Cauley, Planning Director David Bergmark, Public Works Director Brian Bray, Parks and Recreation Director Jeff Polaski, and Police Chief Bill Carter.

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

Lake Myra Elementary Student, Jordan Allen led the Pledge of Allegiance.

Bruce Tarnaski of the Wendell Council of Churches provided the invocation.

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

**ACTION**

Mover: Mayor Pro Tem John Boyette moved to put Items 5f, 5g, and 5h ahead of Item 5a under Public Hearings.

Vote: 5-0

**ACTION**

Mover: Mayor Pro Tem John Boyette moved to approve the Agenda, as amended.

Vote: 5-0

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

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

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

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

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- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*
- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

### **3. CONSENT AGENDA**

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- 3a. Approval of the January 13, 2020 Town Board Meeting Minutes
- 3b. Approval of the January 25, 2020 Town Board Organizational Retreat Minutes
- 3c. Approval of the January 27, 2020 Town Board Meeting Minutes
- 3d. Town of Wendell Interlocal Agreement with PEG Media Partners

#### **ACTION**

Mover: Mayor Pro Tem John Boyette moved to approve the Consent Agenda, as amended.

Vote: 5-0

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

- 4a. Recognition of Lake Myra Elementary School Teacher, Phillip Solano  
Speaker: Mayor Virginia Gray

Mayor Virginia Gray presented the following recognition:

Phillip Solano graduated from NC State University as a North Carolina Teaching Fellow in Elementary Education with a concentration in Science. After 3 years as a fourth-grade teacher, Phillip found himself at Lake Myra Elementary as the Cross Categorical Resource Instructional Assistant. Phillip founded the Serving Otters Club at his school, a group dedicated to serving the local community. Mr. Solano and his club have had two successful drives, collecting blankets for local animal shelters, as well as toys for Zach's Toy Chest, a charity that provides toys for children in hospitals. Mr. Solano has been selected as Lake Myra's instructional assistant of the year and is also one of the ten finalists for WCPSS for the instructional assistant of the year. We can also count on Mr. Solano to bring creativity and humor to everything he does. We are so grateful to have him in our school community.

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Mr. Solano thanked the Town for the recognition and invited the public to a book fair at Lake Myra Elementary School at the end of February. He asked citizens to thank a teacher for all the hard work that they do.

## **5. PUBLIC HEARINGS**

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**Public Hearing Guidelines:**

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

- 5f. PUBLIC HEARING:** CD19-03 – Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.  
Speaker: Planning Director David Bergmark

Mayor Gray opened the Public Hearing and asked to hear from the applicant.

Tony Tate, Landscape Architect and Planner with TMTLA Associates, of 5011 South Park Drive, Suite 200 in Durham said that he has members of the building development team with him: Mike Reynolds, Bob Mischler and Wrenn Raymond Rinkler. Mr. Tate said that he also had with him Don Sever with Summit Engineering who is their civil engineer. Kevin Dean, who is their traffic engineer, Jessica Rossey, who is their fiscal analyst and Chris Rokowski who is also an architect were all expressed to be present at this meeting by Mr. Tate. He said that all of his team is excited about Overlook at Weathers Farm.

Mr. Tate presented the following image to the Board, saying that this is an image that will give them an idea of what the neighborhood will look like:

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Mr. Tate said that the neighborhood's location would be bound by Rolesville Road, Davistown Road, and Weathers Road, within a mile of the Regional Activity Center and lots of other activity where the Town will eventually expand to. Mr. Tate said that the total project area is 151 acres and the development area is 119 acres with 39 acres of open space. He said that there is also an additional 32 acres of land which will be dedicated to a future Town Park.

Mr. Tate said that there would be 275 Single Family Homes and 99 Townhomes for a total of 374 homes. He said that the average lot size is greater than 8,300 square feet, with 66% of the lots having between 6,000 and 8,000 square feet; 11% having between 8,000 and 10,000 square feet, and 23% will have 10,000 or more square feet. He said that a majority of the 6,000 square foot lots will be concentrated towards the center of the project. Mr. Tate said there is a lot of shared open space that the lots will be able to enjoy.

Mr. Tate expressed that a lot of standards and conditions were made for this project after many meetings with stakeholders. The architectural conditions are as follows:

- Vinyl siding is prohibited
- All units shall be designed with at least two of the following materials on the front/primary facae facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten.
- Roof eaves shall have a minimum 10' overhang.

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- Create a 10' landscape easement along the rear property line of lots on Davistown Rd, containing the planting requirements of a Type B Buffer.
- Front-loaded garages shall feature windows or carriage style adornments.
- All townhome units shall be rear-loaded with garages facing the alley.
- All residential lots shall have Bermuda sod on the front, sides, and at least 25' beyond the rear of the primary structure.
- The neighborhood shall be governed by a Homeowner's Association (HOA) that shall maintain all open space that is dedicated to the HOA.
- The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.
- Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, and maintenance.
- All townhome lots shall be maintained by the HOA to include mowing, turf treatments, pruning, and mulch.

Mr. Tate listed the following amenities that the neighborhood plans to have:

- A 6-lane Junior Olympic pool
- A pool house
- Grills and covered picnic seating areas
- A Dog Park
- A Playground
- Walking Trails and Sidewalks
- 3 Common Green, nearly 2 football fields in size
- Disc Golf Course
- 39 Acres Community Open Space
- 32 Acres for a future Town Park.

Mr. Tate asked Mr. Kevin Dean of McKinley Horn, 421 Fayetteville Street in Raleigh to come up and present the findings of the traffic study.

Mr. Dean said that the process for conducting a Traffic Study involved starting by scoping the site with the Town and NCDOT to discuss methodology and assumptions that are going to be used. He said they collect traffic counts and look at how traffic is going to grow in the area, and take site traffic into account. Mr. Dean said that the initial development plan listed a higher number of homes than they're currently proposing. He said that when they conducted the study, they assumed that more homes were going to be in place than they're proposing now. Mr. Dean said that when they develop the improvements in the future that would be required to accommodate that traffic, there would be a lower intensity than was expected, previously. The list of improvements included:

- Turn lanes into the site driveway on Rolesville Road.
- Building a right turn lane from Rolesville Road onto Davistown Road.

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Mr. Dean said that two groups from NCDOT reviewed this traffic study: the district office, and NCDOT congestion management office which is under the Transportation Mobility Safety Group. After this was done, the Town's independent consultant reviewed the study and found it to be sufficient to mitigate the site traffic that the development is adding to the network. Mr. Dean said this was at the intersection-level of the study, while also conducting studies during peak travel hours.

Mr. Dean said that they also looked at daily capacity, which determines how much traffic a segment of roadway can carry. For a two-lane road like Rolesville Road, NCDOT indicated that the capacity is between 11-14,000 vehicles, a day. After reviewing current traffic, traffic in the next 7 years, and adding the site traffic on top of that, Mr. Dean said they're at the 50-60% build-out volumes of what the road can handle.

Mr. Dean said they would also conduct thoroughfare widening, which involves widening to meet the ultimate section of the roadway and will increase capacity.

Senior Planner and Economist Jessica Rossey, 200 South Tryon Street in Charlotte said that she performed the fiscal benefits program for this project. She said that she looked at the gross revenue that the project would generate for the Town of Wendell through buildout of the property and to find out what it would look like at full buildout. Mrs. Rossey noted that when talking about the property in its entirety, the fiscal study only looked at the 119 acres of developable land, assuming that the 32-acre park would be Town property and not on the tax roll. So they didn't include the 32-acre park in the fiscal study.

Mrs. Rossey said that they calculated a total value for the property at over \$99 million at full buildout. Based on the Town's 2019-2020 tax rates, both for real property tax and for fire, the total annual revenue to the Town of Wendell would be over \$580,000 per year, which would grow over time as the property is annexed in and reaches full buildout in 2025. Mrs. Rossey said that, based on the Town's current budget, this would represent about a 15% increase over those revenue sources as they stand, today.

Mr. Tate went over the project modifications that TMTLA Associates had done after receiving feedback.

- Increased total Project Area from 119 acres to 151 acres.
- Reduced total homes from 428 to 374.
- Moved townhomes an additional 50' off Rolesville Road and doubled the planting requirements.
- Donated 32 acres of land for a Town Park.
- Substantial Voluntary Architectural Conditions.
- Increased buffer, planting, and privacy fence for adjacent parcels on Rolesville Road.
- Added a 10' Type B Buffer on the lots along Davistown Road.
- Street sections were modified to exceed the Town Standards;



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- One-way street at the Common Green is restricted to no parking.
- Main entrance street is median-divided and wider than required.
- Alleys are 4' wider than Town Standards.
- Voluntarily added Bump Outs for On Street Parking.

Mr. Tate thanked the Board for the time to present and said he and his staff would be available for any questions they might have.

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

***Item Summary:***

*The applicant's proposed conditional district has a mix of single-family homes and townhomes, with an overall density of 2.88 dwellings units per acre. The 2.88 DUA figure only includes 10 acres of the 32-acre Yancey property within the Conditional District. The 2.88 DUA figure does not account for an additional 22 acres of open space within the Yancey property, which is now offered to the Town in its entirety as public open space. The remainder of the Yancey Property would be rezoned to Residential Agricultural (RA) at a subsequent meeting if the Conditional District is approved.*

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

*Following the August Planning Board meeting, the applicant amended their R4 conditional district request to include a 10-acre portion of the Yancey property in order to meet the 3-mile rule established by general statute for satellite annexations. They also made the following amendments in response to comments received from the Planning Board and broader community:*

1. *Total unit count was reduced to 374 (from 427) with an overall density of 2.88 DUA.*
2. *The number of Townhomes was reduced to 99 (from 161)*
3. *The average lot size of single-family home lots was increased to 8,462 (6,000 is required)*
4. *Additional open space was added with the Yancey Property, as well as a public green in the townhome section along Street B.*
5. *Along Rolesville Rd, they expanded the street yard from 20 ft wide to 50 ft wide, with double the plantings required. This also effectively pushed the Townhomes further back from Rolesville Rd.*
6. *The townhome layout was revised south of Avenue 'A' to reduce the number of townhomes and meet the connectivity index (eliminating this as a condition).*
7. *The lots bordering Shady View drive have been changed from Townhomes to Single Family homes to create a more gradual transition for neighboring homes. A Type B buffer was still maintained between abutting property.*

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8. *Requests for concessions to front yard and rear yard planting requirements were removed from their conditional district submittal.*
9. *Schedules for installation of amenities have been included as conditions*

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

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

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

***Purpose of a Conditional District:***

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

*A CD may depart from the strict application of the requirements of the town's general zoning districts. The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.*

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

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



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**Location and History:**

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

**Project Profile:**

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

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

**CURRENT ZONING DISTRICT:** Wake County R-40

**CROSS REFERENCES:** N/A

**PROPERTY OWNERS:** Amy Weathers Nuttall & John J Nuttall III  
4501 Rolesville Rd  
Wendell, NC 27591

Eva Weathers Herring  
1800 Eastwood Rd, Apt 219  
Wilmington, NC 28403

George Yancey  
3632 Willow Bluff Drive  
Raleigh, NC 27604

**APPLICANT:** Chris Rurkowski  
5011 Southpark Dr, Ste 200  
Durham, NC 27713

**PROPERTY SIZE:** 129.59 acres

**CURRENT LAND USE:** Vacant

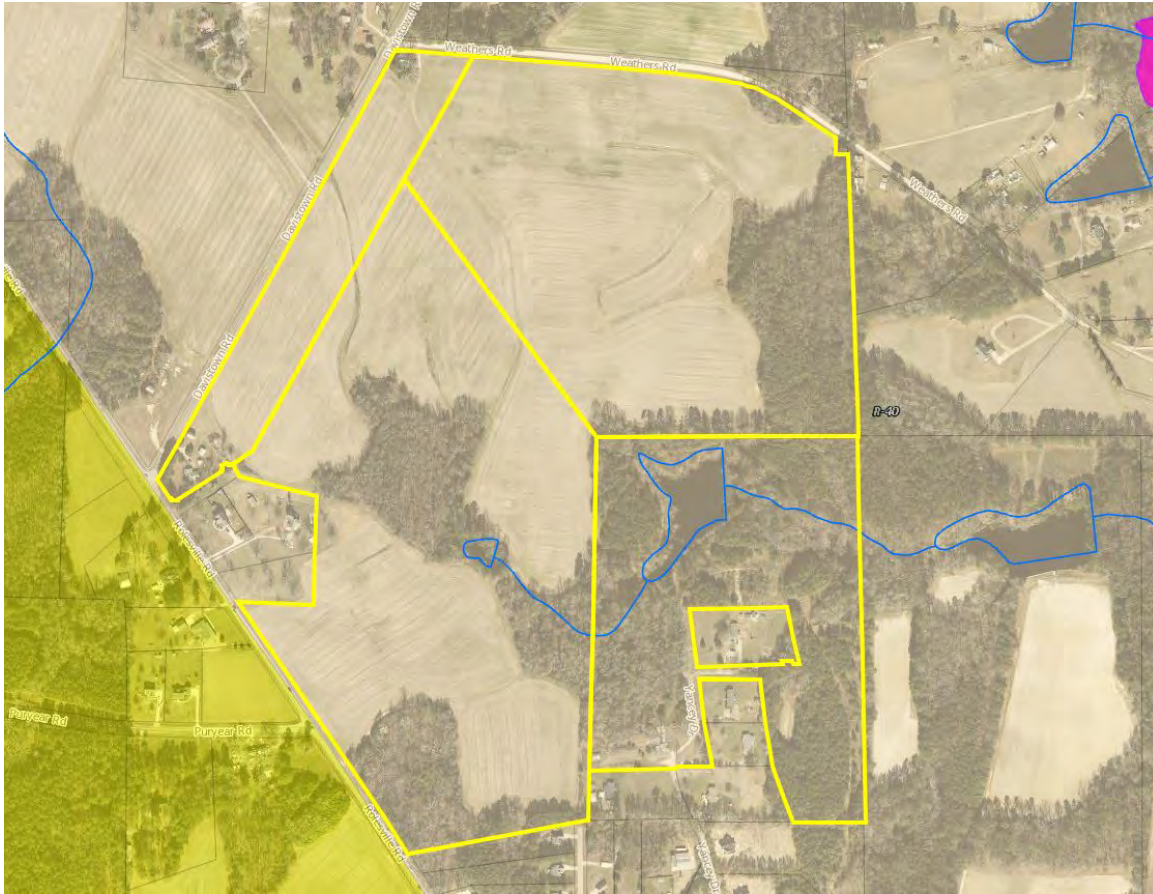
**PROPOSED LAND USE:** Residential

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

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

**Current Zoning Map:**

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***Proposed Conditional District Conditions:***

*The applicant is proposing 26 conditions for the proposed CD, as detailed below. Only 2 of the 26 conditions represent concessions. The remaining 24 conditions are clarifications or represent improvements beyond what the UDO requires. Conditions added following the Planning Board action meeting are underlined>.*

1. *[Improvement] The developer proposed to preserve a minimum of 35 acres as open space. The development shall exceed all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance (UDO).*
2. *[Improvement] The developer shall dedicate approximately 32 contiguous acres of land (PIN 1775042139) to the Town for a future Town park prior to the recording of the plat for Phase 1. This dedication brings the total open space and dedicated land to approximately 65 acres. This dedication will include a minimum of 2 access points to public streets.*
3. *[Improvement] The use of vinyl siding shall be prohibited. Trim Elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.*

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4. *[Improvement] All units shall be designed to provide for a combination of at least two of the following materials on the front/primary façade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten, unless the front elevation is entirely brick or cultured stone.*
5. *[Improvement] Roof eaves shall have a minimum 10" overhang.*
6. *[Improvement] Front-loaded garage doors shall either contain windows or carriage style adornments.*
7. *[Clarification] The maximum number of townhomes shall not exceed one hundred (100).*
8. *[Clarification] All townhome units shall be rear loaded with garages facing the alley.*
9. *[Improvement] All residential lots shall have Bermuda sod on the front, sides, and up to 25' beyond the rear line of the primary structure.*
10. *[Clarification] The neighborhood shall be governed by a Homeowner's Association (HOA) that shall maintain all open space that has been dedicated to the HOA.*
11. *[Clarification] The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.*
12. *[Clarification] Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, parking, and maintenance.*
13. *[Clarification] The Townhome lots shall be maintained by the HOA to include mowing, turf treatments, pruning, and mulch.*
14. *[Improvement] The developer shall complete the amenity area to include a 6 lane Jr. Olympic pool, poolhouse, bathrooms, covered seating area, and grilling area prior to the issuance of the 75th CO of Phase 1.*
15. *[Improvement] The developer shall construct a playground to include a central play structure and benches prior to the issuance of the 75th CO of Phase 1.*
16. *[Improvement] The developer shall complete the dog park to include a fenced mulch area, benches, and water station prior to the issuance of the 25th CO of Phase 2.*
17. *[Improvement] The developer shall complete a gravel walking trail connecting the dog park area and Phase 2 to the amenity center and Phase 1 prior to the 25th CO of Phase 2.*
18. *[Improvement] The developer shall construct an approximately 200 yard by 30 yard common green area to include a seating area, gazebo, walkway, and plantings in the median area of Avenue 'I' prior to the issuance of the 25th CO of Phase 3.*
19. *[Improvement] The developer shall construct a 9-hole disc golf course in the northeast open space area prior to the issuance of the 25th CO of Phase 3.*
20. *[Improvement] The developer shall add 30' to the required 20' buffer to create a 50' wide streetyard buffer along the project's frontage along Rolesville Rd. This buffer shall be planted at double the required 20' streetyard buffer design and contain a minimum of four (4) canopy trees and sixteen (16) shrubs per 100 linear feet.*

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21. *[Improvement] The developer shall construct a 35' wide Type 'B' perimeter buffer along the southern project boundary between Rolesville Rd and Shady View Dr.*
22. *[Improvement] The developer shall construct a 40' wide Type 'B' perimeter buffer along the project boundary bordering the N/F K&J Construction (PIN 1765-74-8520), N/F Oliver Winslow (PIN 1765-84-0581), and N/F Efren Castro (PIN 1765-84-0246) properties.*
23. *[Improvement] The developer shall construct a 6' privacy fence along the back of the project lots bordering with properties N/F Oliver Winslow (Wake County PIN 1765-84-0581) and N/F Efren Castro (Wake County PIN 1765-84-0246).*
24. *[Clarification] The developer shall pay a fee in lieu for ½ of improvements to Weathers Road for the rural road cross section as described on MP-4 of the Master Plan.*
25. *[Concession] There shall be two (2) cul de sacs allowed a length greater than 300' but not longer than 425'.*  
*•Staff note – Environmental site conditions warrant this deviation.*
26. *[Clarification] The developer shall complete Rolesville Road improvements for ½ of the ultimate 110' cross section of Rolesville Rd prior to the 1st CO for the project.*  
*•Staff note – a bond would also be required by staff in order to approve the final plat. This note is for clarification. This is an existing requirement and does not have to be included within their condition language.*

**Condition Amendments Recommended by Staff:**

1. *Amend Condition #7 to request Townhomes to be permitted by right (not to exceed 100 units). This would be considered a concession of the conditional district request.*

**Applicant's Justification:**

*"4501 Rolesville Rd, 1401 Davistown Rd, and 0 Davistown Rd and 6201 Yancey Dr, commonly referred to as Weather's Property, is requesting rezoning to R4-CD as well as annexation into the Town of Wendell's ETJ. We are seeking a rezoning to R4-CD to allow flexibility for the development of this property which would allow appropriate lot sizes, slight variations to the street cross sections, and a modification that would allow a maximum of 100 townhomes in the R4-CD district, as requested in the conditions above. The conditional district allows the design to take into account environmental barriers, wetlands, topography, and the parcel shape and allow for design flexibility to appropriately accommodate and utilize these features as amenities to the residents. Any conditions not herein modified or expressly stated shall defer to the Town of Wendell UDO standards for the R4 zoning district.*



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*Included in this submittal is a Master Plan document which will define the general layout, configuration and quantity of lots, amenities, open space, park space, preliminary utility locations, and street cross sections. All elements of the Master Plan are subject to minor changes, as deemed so by the Town of Wendell Planning Department. The town framework plan indicates these parcels as S3, Restricted Growth Area. The development of this project is limited by the sewer capacity of the proposed offsite sewer extension to the nearest sewer location located at East Wake High School.*

*This project will have no negative impacts on surrounding properties. The property will be buffered appropriately from all developed or vacant surrounding parcels and recommended road improvements per the Traffic Impact Analysis (TIA) shall be constructed or a payment in lieu shall be made to the Town of Wendell until such time as it is appropriate to make the road improvements. The Comprehensive Land Use Plan does not include the parcels that are to be rezoned so consistency with the Comprehensive Land Use Plan cannot be assessed. Impacts on all other public and governmental services have been analyzed with the guidance of Town of Wendell Staff or the appropriate governing body to verify that there are no negative impacts and no capacities are exceeded.”*

**Parking:**

*Off-street parking shall be required for any active open space areas. The applicant is showing a total of 61 off-street parking spaces to serve their Pool/Amenity Center, Dog Park, and Disc Golf course.*

*The applicant is also showing 78 on-street parking spaces within their Townhome section, utilizing bump-outs for increased safety.*

**Open Space:**

*The applicant is required to provide 13.31 acres of passive open space and 3.33 acres of park space (with 1.11 acres of the park space being fully active). The applicant is providing well above the total amount of open space required (49.35 acres of open space is being provided within the conditional district boundary and ~20 more acres within the remainder of the Yancey Property offered to the Town), as well as much more improved open space than what is required. The applicant is providing 2.54 acres of fully active open space (1.11 acres required), comprised of a junior Olympic pool and clubhouse, playground, and 9-hole disc golf course. Additionally, the applicant is providing 4 acres of Park Space (2.5 acres required).*

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

**Public Utilities:**

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

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**Streets:**

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

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

*Staff recommends that 'No Parking' signs be shown on the construction drawings for the one-way street cross-section (part of Avenue I forming a loop).*

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

**Traffic Impact Assessment (TIA)**

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

*Recommended improvements for this project include:*

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

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

**Landscaping:**

*All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan, unless otherwise specified through the approved Master Plan. The applicant has included 4 conditions (#20-23) improving the site's landscaping beyond what is required.*

**Phasing:**

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

**Comprehensive Plan:**

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

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

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

*The proposed development on the site consists of single-family detached home and townhomes, with an overall density of 2.88 DUA. The S-2 sector to the east is buffered from the proposed development with the inclusion of the disc golf course. The densest portion of the development (Townhomes) are clustered close to Rolesville Road, which is to be widened to a 4-lane road.*

**TRC Review:**

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

**Planning Board Recommendation:**

*At their November 18, 2019 meeting, the Planning Board voted 4-3 in favor of the requested Conditional District.*

*Voting in Favor: Jonathan Olson, Brett Hennington, Ryan Zakany and Levin Jones*

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

*Absent: Jimmena Huffman-Hall*

**Statement of Plan Consistency and Reasonableness**

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- *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.*
  - o *In Staff's opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and reasonable due to its location along Rolesville Road and its proximity to I-87.*

**Technical corrections:**

1. *Add 'No-Parking' signs along the one-way street for clarity.*

*Staff Recommendation:*

- *Staff recommends approval of the proposed Weathers Property Master Plan, with inclusion of the 1 technical correction referenced and the amendment to Condition #7.*
  - o *The applicant has included numerous conditions improving buffers, open space, public park land, and architectural standards. In exchange, they are seeking concessions related to cul-de-sac length and to permit Townhomes.*
  - o *Proposed lot size is notably smaller than surrounding properties (which are served by well and septic), but overall project density is 2.88 dwelling units per acre, which is less than what would normally be allowed in the R4 zoning district.*
  - o *This site is located less than a mile from an Interstate, on a future 4-lane thoroughfare, near an existing high school, with access to municipal water and sewer. All of these factors support a growth pattern other than 'rural'.*
  - o *Concerns were expressed by neighbors that the proposed development would negatively impact property values. Staff analyzed all single-family homes within ¼ mile of the site (which captures Ridge Haven and Candlewick subdivisions to the north), and the average building value was \$122,305, with an average land value for half acre lots at \$32,000 (for a total value of \$154,305).*

Planning Director David Bergmark asked Parks and Recreation Director Jeff Polaski to speak about the future park space.

Mr. Polaski said that the proposed park has value to the Town and Parks and Recreation department. He said it speaks to the Parks and Recreation Master Plan need for more neighborhood parks in the Town that is passive in nature, without ballparks or large crowds. He said that the connectivity to the Town is important and this future park is close to Roberson Mill Pond, which Wake County plans to build a greenway through in the future. This future park would get the Town 1 parcel away from the county property that is adjacent to Green Mill Run. Mr. Polaski said that the appraisal value of the land of half of a million dollars would allow him to write a parks and recreation trust fund grant similar to the grant that the Town received a couple of years ago. This grant is a matching grant, where donations are acceptable for the Town's payment. With that land being donated to the Town, it would allow the Town to qualify for this grant to use for the project.



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Mayor Virginia Gray asked if any members of the public would like to speak for or against this project.

David Kozart, 6324 Weathers Road, said that appropriate management of development in the Town and the surrounding area is an important issue because land and water are precious, limited resources. Mr. Kozart expressed that a part of the development would not be a part of the Town's tax base and that there would be no commercial development proposed in this project. Mr. Kozart said he disapproves of the development due to its density and asked the Board to deny the rezoning and annexation request.

Brandon Strickland, 4428 Rolesville Road, said he's lived in Wendell his whole life and has been an active community member with his family in the Town. He said that the developer chose this land for the project because it's a cheaper plot of land. Mr. Strickland said that they should have bought land closer to downtown that was already zoned for this use. Mr. Strickland asked the Board to vote while considering what's best for the Town and its residents.

Frank Braswell, 4116 Rolesville Road, said that the latest maps show that the density list the houses at 2.88 and said that the density should be 5.62 units. Mr. Braswell said there was nothing wrong with a developer wanting to build homes on small lots, but there is no similarity with this development to other developments like Wendell Falls, because this development has surrounding homes and developments nearby. Mr. Braswell said that he would prefer that each lot be on a quarter of an acre of land.

Mike Strickland, 6213 Robertson Pond Road, said he's been a long-time resident of Wendell and said that he's concerned about Townhomes. Mr. Strickland voiced his concerns about infills and police response time of getting to that area of Wendell. He said he's also concerned about traffic impacts and East Wake High School's young drivers. Mr. Strickland expressed walkability issues with new residents having the ability to walking to local stores.

Darlene Rider, 2409 Davistown Road, spoke about the traffic impacts of the new development. Mrs. Rider voiced her concern that the traffic will be higher due to stay-at-home moms taking their kids to school and running errands. She said that East Wake High school also has buses dropping kids off during the time when people leave their homes for work. She said there's a visibility issue with Rolesville Road and Davistown Road and she's concerned about speeding. Mrs. Rider said that the additional entrances will make it more difficult for people to turn on these roads. Mrs. Rider asked the Board to deny the development.

Tyler Ayscue, 839 Industrial Drive, asked the Board to discontinue a development he thinks is disastrous to the community. Mr. Ayscue said that 6 houses to an acre is too dense.

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Jason Rider, 2409 Davistown Road, said there's been a lot of proposed changes to the development, but not to properties A, B, and C, which he said are not within Wendell's corporate limits and therefore cannot be annexed into the Town.

Lori Massey, 2133 Davistown Road, asked how far down Davistown Road the Town planned on annexing. Mrs. Massey said that she moved to the county to stay out of a city and she would like to continue living in the county. She voiced her concerns about traffic with buses and tractors during farm season. Mrs. Massey said that she didn't think the schools could handle the added density of children.

Audrey Weathers Crawford, Davistown Road, said that she's the fourth generation to live on Davistown Road. She said that Wendell Falls is different from this development, due to the added town amenities such as a fire department. Mrs. Weathers Crawford said that this development has no commercial development plans which will not help repave the roads. She said that Wendell residents will have an increase in taxes to maintain the proposed satellite property. Mrs. Weathers Crawford asked the Town Board to say no to this proposed development.

Pat Shellington, 133 Candlewick Drive, expressed his concern about water hookups to the development. He said the maximum fire hydrant flow at East Wake High School wouldn't be able to accommodate the same flow rate to the development, due to elevation differences. He said there would be a friction loss through the pipes. Mr. Shellington said additional studies must be done before approving the development.

Jimmy Parker, 6317 Weathers Road, expressed his concern about clean water and the runoff the development could create after pulling off the topsoil. He said that runoff could potentially contaminate their irrigation ponds and Robertson Mill Pond. Mr. Parker said the park land has flooding issues. He said the map provided didn't show the water issues the development would potentially have.

Judy Compton, 119 Parka Disara Place, Clayton, said she has great concerns. Mrs. Compton said that the developers don't understand the community's needs. She mentioned the narrow roads creating a traffic hazard for residents and the number of police officers being able to take care of residents. Mrs. Compton voiced her concerns about water contamination.

Greg Jones, 6141 Robertson Pond Road, said he's a lifelong resident of Wendell. Mr. Jones said he disapproves of the development, as he is concerned about the density impact on the community. Mr. Jones said he doesn't believe that this development achieves any of the Town's policy goals. He voiced his concern about depending on grants in order to meet funding needs. Mr. Jones asked the Town Board to deny the development.

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Ben Weathers, 1625 Davistown Road, said that he lives across the street from the proposed development. Mr. Weathers said that the second proposed entrance comes out in front of his house. Mr. Weathers said he doesn't want to see lights pulling in and out from his home. He said that he's concerned about the wetlands being acquired to meet the 3-mile required distance for annexation. Mr. Weathers said that affordable housing already exists in Wendell and he doesn't think Wendell needs any more.

Andy Pettish of Pettish Law, 127 W Hargett Street, Raleigh, said he was present on behalf of Joy Davis, 1729 Davistown Road. Mr. Pettish said that he has analyzed the application and the Town's UDO and concludes that it would be unlawful for the Board to approve the annexation and rezoning. Mr. Pettish presented the following memorandum to the Town Board:

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**Peteschlaw Law**

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E: andy@peteschlaw.com

**MEMORANDUM**

Date: February 10, 2020

To: Wendell Town Board of Commissioners  
15 E. Fourth Street  
Wendell NC 27591

Re: CD19-03 (Application for Conditional District Rezoning)

This rezoning application (CD19-03; hereinafter, the "Application") seeks to bring approximately 130 acres of land zoned R-40 in Wake County's planning jurisdiction into the Town of Wendell via annexation as a Conditional District with a base zoning of R-4. The Application's conditions show that the purpose of this request is to develop a residential subdivision comprised of 275 single family homes and 99 Townhomes. After analyzing the Application and the Town of Wendell's Unified Development Ordinance ("UDO"), it is my conclusion and legal opinion that the Application does not comply with the black letter requirements of the UDO and would be unlawful if approved for the reasons outlined in this memorandum.

**I. Foundational Elements**

The Application seeks approval to include townhomes within the proposed conditional district. According to the UDO, townhomes are considered a "Multifamily Dwelling," which is defined as:

a dwelling unit that is part of a structure containing more than one unit. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include triplexes, or fourplexes (buildings under one ownership with two to four dwelling units in the same structure), as well as townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard), and apartments.

(See UDO § 19.3 (emphasis added)).

The UDO establishes sixteen (16) base zoning districts in the Town's planning jurisdiction. (UDO §§ 2.1. & 2.2). The UDO's Table of Permitted Uses provides a chart which clearly shows which uses are allowed in each base zoning districts. (UDO § 2.3.C). Uses are separated into one of eight categories, which includes a residential category. (UDO § 2.3.A.1). The UDO also provides rules for reading and interpreting the Table of Permitted Uses. (UDO § 2.3.B). Of note in this case, UDO § 2.3.B.1 states "[u]ses not listed as

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permitted (P); permitted with additional standards (PS); or requiring a special use permit (SUP) **are presumed to be prohibited** from the applicable zoning district." (emphasis added). The Table of Permitted Uses legend also indicates that a "—" within the use matrix means a use is "Not Permitted" in that zoning district. (See UDO § 2.3.C).

The UDO plainly prohibits Multifamily Dwellings in R4 zoning districts.

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	EXPAND
<b>Residential</b>														
Dwelling- Single Family	P	P <sup>A</sup>	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling- Multifamily	-	P <sup>A</sup>	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	-	SUP

II. Even in Conditional Districts, the Town Board of Commissioners Does Not Have Authority to Permit a Use in a Zoning District in Which It Is Otherwise Prohibited

The UDO provides for the creation of conditional districts:

Where lands are classified in a conditional zoning district, any conditions approved by the Board of Commissioners shall apply in addition to the regulations governing development in the corresponding base zoning district. The procedure for the establishment of these districts is found in Section 15.13. See Section 2.18, Conditional Districts, for additional details. Each District has a corresponding Conditional District.

(UDO § 2.1.D; see also UDO § 2.18). As discussed further below, the Board of Commissioners are permitted to approved conditions in addition to the UDO's standard regulations, but that authority does not extend to adding uses otherwise prohibited in the base zoning district.

The purpose and intent of conditional districts is to provide for both an "orderly and flexible development" option under the UDO "without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, **they establish their own building, street, block, and lot pattern** which may be unique from other surrounding blocks or neighborhoods." (UDO § 2.18.A (emphasis added)).



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However, the UDO makes clear there is a material difference between adding allowable uses within a base district and altering the UDO's development requirements and standards. UDO § 2.18.C expressly states that "[w]ithin a Conditional District (CD), **all permitted uses of the corresponding Base District must be met.**" (emphasis added). UDO § 2.18 goes on to provide that it "shall be the Board of Commissioner's final decision to grant approval or denial of the zoning amendment **in light of the revised development standards** presented to the Town Board." (emphasis added). The limitation with respect to adding uses otherwise prohibited in a base zoning district is further illustrated in a chart showing portions of the UDO that may be modified as part of a conditional district request:

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by the Code. The manner of approval (i.e., permitted by right, special use permit required, etc.) may be modified as part of the Conditional District request.

(See UDO § 2.18).

The distinctions between existing uses, undefined uses, uses not contemplated, and general developmental standards is also highlighted in the UDO's administrative chapter. (See UDO § 15.13). For example:

- A Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not currently defined or contemplated by the Code. (UDO § 15.13.A).
- Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice. (UDO § 15.13.B.2).

The limitation against adding a defined, yet otherwise prohibited use to a base zoning district is again stated with clarity in UDO § 15.13.B.3.d, which provides:

In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. **Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.**

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## SECTION B103 MODIFICATIONS

### B103.1 Decreases.

The fire chief is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

### B103.2 Increases.

The fire chief is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

### B103.3 Areas without water supply systems.

For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

## SECTION B104 FIRE-FLOW CALCULATION AREA

### B104.1 General.

The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in Section B104.3.

### B104.2 Area separation.

Portions of buildings which are separated by fire walls without openings, constructed in accordance with the International Building Code, are allowed to be considered as separate fire-flow calculation areas.

### B104.3 Type IA and Type IB construction.

The fire-flow calculation area of buildings constructed of Type IA and Type IB construction shall be the area of the three largest successive floors.

**Exception:** Fire-flow calculation area for open parking garages shall be determined by the area of the largest floor.

## SECTION B105 FIRE-FLOW REQUIREMENTS FOR BUILDINGS

### B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.

The minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(1) and B105.1(2).

TABLE B105.1(1)  
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0-3,600	Section 903.3.1.3 of the International Fire Code or Section P2004 of the International Residential Code	500	1/2
3,601 and greater	Section 903.3.1.3 of the International Fire Code or Section P2004 of the International Residential Code	1/2 value in Table B105.1(2)	1

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 gallon per minute = 3.785 L/min.

60,000 gallons  
Total

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TABLE B105.1(2)  
REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) <sup>b</sup>	FLOW DURATION (hours)
Type IA and IB <sup>a</sup>	Type IIA and IIIA <sup>a</sup>	Type IV and V-A <sup>a</sup>	Type IIB and IIIB <sup>a</sup>	Type V-B <sup>a</sup>		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,000	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,001-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	4
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

- a. Types of construction are based on the *International Building Code*.  
b. Measured at 20 psi residual pressure.

## B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.

The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.2 and B105.1(2).

TABLE B105.2  
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) <sup>b</sup>	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

- a. The reduced fire-flow shall be not less than 1,000 gallons per minute.  
b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

540,000 gpm  
7.5 hr



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\* Supplement provided  
by applicant  
(David should have  
copy)

The Overlook at Weathers Farm additional conditions

- The developer shall create a 10' landscape easement along the rear property line of lots on Davistown Road containing the planting requirements of a Type B Buffer.
- #7 revised as follows to include "by right"
  - Townhomes shall be allowed by right. The maximum number of townhomes shall not exceed one hundred (100).

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Wendell BOC Memorandum, Page 4

III. Conclusion

The Application requests a Conditional District with a R-4 base zoning district, which would allow both single family and multifamily dwellings. Multifamily dwellings are a contemplated and defined use, which the UDO prohibits in R4 districts. The UDO does not grant the Board of Commissioners authority to add uses that are contemplated and defined by the UDO, but otherwise prohibited in a base zoning district as part of a conditional district application.

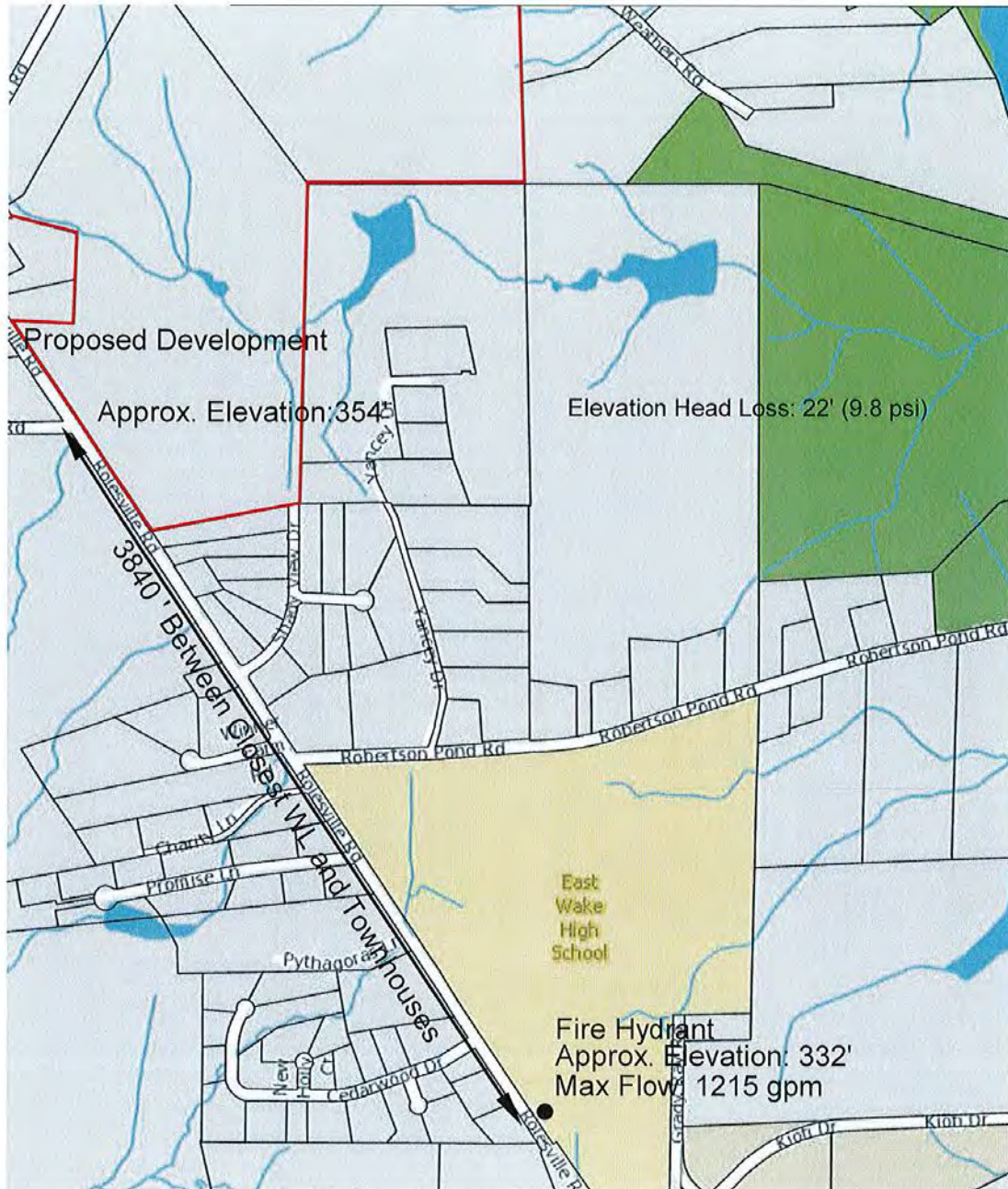
Therefore, approval of this Application would be in violation of the UDO and unlawful. The Application must be denied.

Yours truly,

A handwritten signature in black ink, appearing to read "Andrew J. Petesch", with a horizontal line extending to the right.

Andrew J. Petesch

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Mr. Pettish said that the Town's providing a zoning for this property is a legislative process, subject to the strict compliance with regulations in the UDO. Mr. Pettish referenced Mr. Bergmark's presentation, specifically condition #7, saying that the application was changed to be permitted by right instead of going through Special Use Permit requirements. He said that this would only be allowed under the UDO if it could have been permitted with a Special Use Permit to begin with in the base zoning district. Mr. Pettish said that the memorandum he provided states that the inclusion of townhomes in the proposal is what makes it unlawful application. Mr. Pettish said that the UDO expressly defines multifamily dwellings to include townhomes in section 19.3. He said that Chapter 2 of the UDO discusses the districts and provides a use table, which shows that the R4 in which it describes a conditional use district with a base zoning district of R4 does not permit multifamily dwellings in R4. Mr. Pettish referred to page 3 of the memorandum he provided, which he said gets into the specifics about how the UDO expressly states that if the underlying zoning district does not allow a use, that use cannot be included in a conditional district, which he said the applicant is doing with this proposed development. Mr. Pettish referred to the specific standards regarding conditional districts in section 2.18 and the modifications listed with exceptions as to what can be modified in the conditional district. He said that the UDO states "Uses may not be added unless the use proposed is not currently defined or contemplated by the code." Mr. Pettish said that townhomes are clearly contemplated and defined by the UDO as multifamily dwellings, which are not permitted in R4. Mr. Pettish referred to Mr. Bergmark's presentation referencing the UDO, saying "The manner of approval may be modified as part of a conditional district request, whether it's permitted by right, special use, or permit required." Mr. Pettish said that this presumes that there is some level of permitted use, whether that's permitted by right or special use permit in that base district. He said that there are other sections which highlight this distinction in the UDO, such as section 15.13.A, saying "The conditional district alternative may allow uses which are not currently defined or contemplated by the code..." and then it goes on in section 15.13.B3D to show what must be included in a Master Plan submitted by the applicant. Mr. Pettish said that it states, "the applicant shall provide the exact land use classifications for the proposed district." He said that this proposed development's classification is listed as R4. The UDO further states, "Such use classifications may be selected from any of the uses, whether permitted by right or conditional allowed in the general zoning district upon which the conditional district is based (R4,) unless use is otherwise not permitted within the general zoning district shall not be permitted within the conditional district." Mr. Pettish said that it is the law that this use as R4 with townhome multifamily dwellings is not consistent with the requirements of the UDO and therefore must be denied.

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Dan Edwards, 155 Luton Lane, said he doesn't live in the Wendell city limits. Mr. Edwards said that at the Planning Board meeting in November, the chairman of the board, Mr. Swaim, described this project as a "gerrymandered piece of land" when the 10 acres were added to the project to make it comply with the legal requirements of the 3-mile limit. Mr. Edwards said that Mr. Swaim also pointed out that 94% of the property wasn't even within the 3-mile limit and that no homes would be built within the 3-mile limit. Mr. Edwards said that the applicant was seeking water and sewer from the town for a high-density project in a rural area. He mentioned the Town taking a water allocation from the city of Raleigh in the past that has increased water bills for Town residents. Mr. Edwards asked the Board not to use that allocation for a project that's 3 miles from town.

Dennis Lane, 301 Rose Place, asked the Board to put aside emotions regarding this project and consider what's practical. He said there's 347 residents in that neighborhood and the engineers don't travel that road like people who have lived in that neighborhood. He said he considered 2,000 more vehicles will be added to that road. Mr. Lane said that what concerns him is where the main entrance comes out, where he expected there to be a lot of accidents. Mr. Lane said he felt the same way about Davistown Road coming into Wendell due to the site distance. He said he didn't believe the infrastructure could handle the development on a police department level.

Jamie Pursley, 5705 Quail Cubby Lane, said he moved into his home to get out of the city. He asked what the interest of the Town is to have a satellite development. Mr. Pursley referred to the roads that were available to empty out the traffic coming out of that development. He said he was concerned about traffic safety with the amount of traffic. Mr. Pursley said that his family moved there for a reason and that they were in disapproval of the development.

Mayor Gray closed the public hearing and asked the board if there were any questions.

Commissioner Joyner asked to take a 5-minute recess.

<b>ACTION</b>
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Mayor Gray ordered to take a 5-minute recess at 9:02 PM.
--

<b>ACTION</b>
---------------

Mayor Gray called the meeting back to order at 9:16 PM.
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Applicant Tony Tate, Landscape Architect and Planner with TMTLA Associates, of 5011 South Park Drive, Suite 200 in Durham, asked the Town Board for a deferral to have their legal team consult with the Town's legal team to make sure that their proposal is legal.



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Mayor Gray asked if 30 days would be enough time.

Mr. Tate confirmed.

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to table the CD19-03—~~Public Hearing on~~  
—~~an~~ R-4 Conditional District request for properties located at 4501 Rolesville Rd,  
0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive for 30 days.

**Vote:** 5-0

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to table item 5g annexation petition A-19-04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a 50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract located on Yancey Drive, PIN # 1775-04-2139 for 30 days.

**Vote:** 5-0

Town Attorney Jim Cauley said that 30 days would be the first meeting in March.

Mayor Gray said that the Town would be taking items 5f and 5g back up at the first meeting in March on March 9, 2020.

~~5g. **PUBLIC HEARING:** for annexation petition A-19-04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a 50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract located on Yancey Drive, PIN # 1775-04-2139~~

~~—Speaker: Planning Director David Bergmark~~

**Item 5g has been postponed until the March 9, 2020 Town Board Meeting.**

**5h. EVIDENTIARY HEARING:** Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).

Speaker: Planning Director David Bergmark

Town Attorney Jim Cauley went over the Quasi-Judicial hearing guidelines and Deputy Clerk Stephanie Smith swore in all who planned to provide testimony.

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

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**Item Summary:**

*James A. Harrell, III, on behalf of Wendell/Larue, LLC, has requested a Special Use Permit for a two-story, 84-unit apartment complex at 0 Wendell Blvd (Behind Industrial Drive).*

*This item was tabled during the April 22, 2019 Board of Commissioners meeting in order to address procedural requirements related to development review. Following the April 22nd meeting, a text amendment was approved by the Town Board permitting Special use Permit applications to be reviewed and approved by the Board in advance of review by the Town's Technical Review Committee (TRC). Under this new procedure, applicants may submit Special Use Permit requests with a reduced site plan for Town Board review. If the Town Board approves the Special Use request, then applicants must submit a full development plan for review and approval by the Town's TRC. The applicant has revised their special use permit application to satisfy the Town's new Special Use Permit procedure.*

*The proposed special use request would allow for the development of a multi-family apartment complex on a 17 acre tract located at 0 Wendell Blvd. In order to address access concerns expressed at the last board meeting, the applicant's site plan includes roadway access to Wendell Boulevard through the adjacent lot at 3030 Wendell Boulevard under common ownership. This connection would need to be included as a condition of approval, if the SUP request is approved.*

**Applicant's Justification:**

*The applicant's justification and SUP responses are included within Attachment C.*

**Project Profile:**

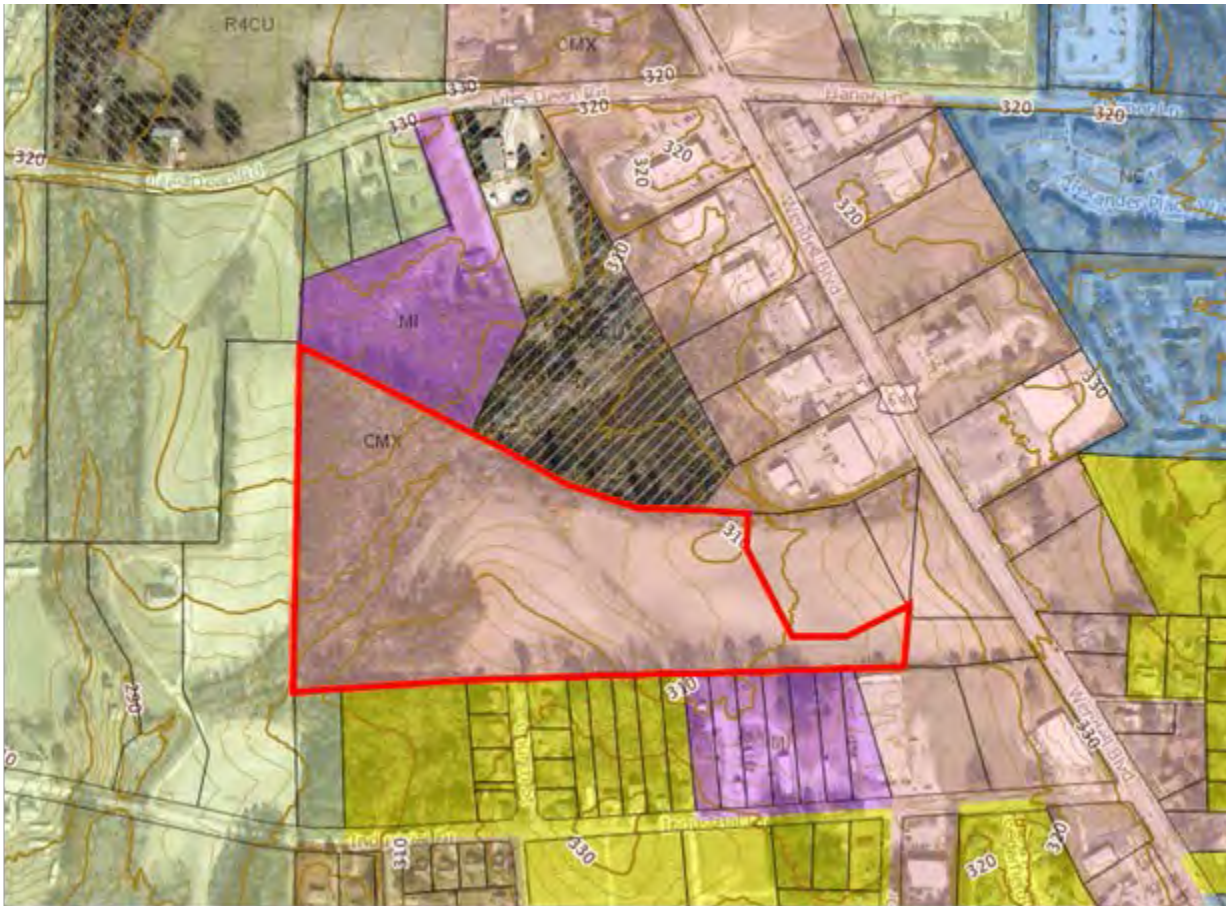
PROPERTY LOCATION:	0 Wendell Blvd. (Behind Industrial Drive)
WAKE COUNTY PIN:	1784 32 6835
ZONING DISTRICT:	CMX
PROPERTY SIZE:	17 ac.
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Multi-family

PROPERTY OWNER:	Wendell/Larue, LLC 9101 Glenwood Avenue Raleigh, NC 27617-7507
-----------------	--

APPLICANT:	James A. Harrell, III 2600 Fairview Road, Suite 200 Raleigh, NC 27608
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**Existing Zoning Map:**

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**Zoning District:**

*This site is located in the Corridor Mixed Use (CMX) Zoning District. Multifamily dwellings require Special Use Permit approval within the CMX district.*

**Off Street Parking:**

*The parking requirement for residential use is 1 spaces per bedroom, up to 2 per unit. Using this standard, the proposed 84-unit apartment complex will require 154 parking spaces. The applicant's concept map shows 170 new parking spaces. The applicant will be required to meet all Wendell Parking Standards at the time of preliminary plat approval.*

**Public Utilities:**

*Gravity sewer lines and manholes currently exist on the property and water lines are located adjacent to the site.*

**Buffering:**



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*The applicant has proposed a 35-foot setback along the south property boundary and 25-foot setback along the west, north and east property boundaries. The south and west property boundaries abut residential uses and would require a Type B Buffer Yard. The applicant plans to use existing vegetation along the majority of the western property boundary to act as a buffer. Existing or newly planted landscaping that meets Type B Buffer Yard, as outlined in Chapter 8 of the UDO, will be required along the remainder of the western and southern boundaries that abut residential uses. These areas should be labeled as 'Type B Buffer' on the site plan.*

**Stormwater Management:**

*The proposed site changes will require review by Wake County for conformity with the Town's stormwater regulations. While the reduced site plan does show a stormwater device on the southwest corner of the lot, the final stormwater plan could vary from what is shown based on review of the Construction Drawings.*

**Staff Comments:**

- *This property is located within the area designated as the S-6 Section in the Towns' Comprehensive Plan, which is identified as the most efficient and most attractive area for redevelopment of underutilized sites or infill of vacant parcels. Thus, a dense residential development, due to its proximity to the downtown and existing services, would align with the goals of the Comprehensive Plan.*
- *The proposed driveway connection to Wendell Boulevard significantly improves access concerns. However, the applicant is proposing the Church Street connection as an 'emergency entrance/exit'. Staff does not support this limited access to Church Street. To facilitate access and the flow of traffic, Church Street should be extended to connect to the internal private roads without the limitation of being for emergency access.*
- *An 84-unit apartment complex does not generate enough peak hour trips to automatically require a Transportation Impact Analysis (TIA). However, per Section 15.15 of the UDO, the Town Board reserves the right to require a TIA for any Special Use Permit when they believe it is warranted.*
- *If the SUP request is approved, inclusion of the access drive to Wendell Boulevard should specifically be listed as a condition of approval, as it is an off-site improvement.*

Mr. Bergmark pulled up the site map for reference and mentioned that some units had been moved from one side of the berm/drainage area. Mr. Bergmark offered to answer any questions that the Board might have.

Commissioner Jon Lutz asked about the exit at Church Street and if it's been blocked out.

Mr. Bergmark said that they had it labeled as emergency entry/exit, meaning it would likely be blocked with ways for only emergency services to get into, which is not something that staff would support.

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Dr. Lutz asked why staff didn't support it.

Mr. Bergmark said that, for better circulation, you want to have multiple connection points. He said you don't want to force everything through one entry point for residents and their guests.

Mayor Gray asked to hear from the applicant.

Brady Herman with Brough Law Firm, 1526 E Franklin St, Chapel Hill, said he was present on behalf of applicant Jim Harrell and Wendell/Larue, LLC. Mr. Herman said that the Town's UDO provides certain standards that help guide the Board's decision, based on competent, substantial, and material evidence. Mr. Herman said he would have Mr. Harrell and Billy Gillette testify to the standards of the project. He said he would ask them additional questions to help build the record.

Mr. Harrell thanked the Board and said that he's hopeful that the new main entrance and what they're proposing provides an opportunity for direction from the Town. Mr. Harrell said that if the Town would prefer that the development have two entrances, that they would be willing to proceed with that direction. He said that they had located the structures so that there would be a lot of green space and adequate buffering. Mr. Harrell said that there would be 6 two-story residential buildings with a community center with a combination of 1-, 2-, and 3-bedroom units. He said the community center is proposing to have a computer lab, laundry room, and community space with a small kitchen for residents. He said that the community center would have a full-time manager and maintenance staff with 24/7 emergency response responsibilities. Mr. Harrell said that they had a lighting consultant that ensures safety and they are willing to work with the Town on any emergency services. He said there is also a playground and tot lot proposed with a covered picnic area and benches. All residents in the development are required to have a parking pass, with designated parking spots for visitors for a certain amount of time, with parking being monitored. Mr. Harrell said he would let Mr. Gillette speak next and then would follow with the traffic study expert.

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

Mr. Herman said that one of the standards of the Town UDO is that the proposed use will not adversely affect the health and safety of the residents in the area and asked Mr. Harrell to speak more to that and how this project meets that standard.

Mr. Harrell said that the project is in full compliance with all laws as far as health, safety and welfare. Mr. Harrell said that he believes they have gone above and beyond by paying attention to open space and traffic, particularly with the emergency exit with maneuvering within the facility which he is more than happy to change, if needed.

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Mr. Herman said that another standard of the Town's UDO is that the proposed use will not be detrimental to the use and development of the adjacent properties in the surrounding area. He asked Mr. Harrell to explain how this proposal meets that standard.

Mr. Harrell said that they started this project as a down-zoning and said that he thinks the use fits for Wendell Boulevard.

Mr. Herman asked Mr. Harrell to go over the parking requirements and the setback and how this project conforms to the other general requirements under the ordinance.

Mr. Gillette said that they're well over the required parking by 40 parking spots and the setbacks meet all of the Town's requirements according to the ordinance and that they will comply with the Technical Review Committee site plan review.

Mr. Herman called Kevin Dean from Kimley-Horn Associates, Inc. to speak to the Board about the Traffic Assessment. Mr. Dean provided the following memorandum to the Town Board:

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KIMLEY-HORN AND ASSOCIATES, INC  
NC License #F-0102

**MEMORANDUM**

To: Mr. James A. Harrell, III  
From: Kevin Dean, P.E.  
Kimley-Horn and Associates, Inc.  
Date: February 10, 2020  
Subject: Wendell Place – Traffic Assessment



Kimley-Horn has performed an updated Traffic Assessment for the proposed Wendell Place residential development located on the north side of Industrial Drive at Church Street in Wendell, North Carolina. As currently envisioned, the development will include 84 apartments and is proposed to be accessed via a driveway on Wendell Boulevard north of Industrial Drive. The development has a projected build-out year of 2022.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the 2022 study year. The site location and proposed site plan are shown on Figures 1 and 2, respectively.

**Existing and Background Traffic**

AM and PM peak hour turning movement counts were collected on April 17, 2019 at the following intersection:

- Wendell Boulevard (US 64 Business) at Industrial Drive

The existing AM and PM peak hour turning movement volumes are shown on Figures 3 and 4, respectively, and the count data is attached. It should be noted that while peak hour turning movement counts at Industrial Drive were collected while Wake County Public Schools were not in session, volumes were balanced with counts at an adjacent intersection on Wendell Boulevard (at Wendell Falls Parkway) when schools were in session to be conservative.

Historic daily traffic volumes indicate that volumes along Wendell Boulevard in the vicinity of Industrial Drive have decreased since 2013, which generally aligns with the construction of Wendell Falls Parkway and the interchange on US-264 Bypass/I-87. However, to present a conservative analysis, an annual growth factor of 3% was applied to the existing traffic volumes up to the year 2021 to calculate background traffic volumes. Additionally, site traffic from the approved nearby 49-unit Wendell Crossing residential development was also included in this analysis as background traffic. While no traffic study was performed for that development, site traffic was generated using the ITE *Trip Generation Manual* and distributed to the roadway network. To be conservative, it was assumed that development would be fully constructed and occupied prior to the build-out of this development. Peak hour background traffic volumes, which include historic growth traffic and approved development traffic, are shown on Figures 3 and 4.

40 trips am  
53 trips pm



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### Trip Generation

The trip generation potential of the development was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017). The trip generation for the development is summarized in [Table 1](#). For reference, based on the proposed 2-story building height and guidance from ITE and the North Carolina Department of Transportation (NCDOT) related to trip generation for multifamily housing developments, the analysis was performed using the "Multifamily Housing (Low-Rise)" land use (LUC 220).

Table 1 ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
220	Multifamily Housing (Low-Rise)	84	d.u.	297	297	9	31	32	19

The proposed Wendell Place project is expected to generate 594 new daily trips, 40 new trips in the AM peak hour and 51 new trips in the PM peak hour.

### Trip Distribution and Assignment

The proposed generated trips were assigned to the surrounding roadway network. The directional distribution and assignment were based on land uses and existing travel patterns in the area.

- 80% to/from the north on Wendell Boulevard (US 64 Business)
- 20% to/from the south on Wendell Boulevard (US 65 Business)

The site traffic distribution and percent assignment for the net new site trips are shown on [Figure 5](#).

The attached [Figures 6](#) and [7](#) show the AM and PM peak hour site traffic volumes at the study intersections, respectively, as well as the total build-out peak hour traffic volumes.

Existing peak hour factors (PHF) were used for all of the traffic conditions at the intersection of Wendell Boulevard at Industrial Drive, while a PHF of 0.90 was used per NCDOT Congestion Management Guidelines at the new site driveway intersection.

### Capacity Analysis

Capacity analyses were performed using Synchro Version 10 software. Synchro intersection level-of-service (LOS) reports are attached. The LOS for the study intersections are summarized in [Table 2](#).



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Table 2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
<b>Wendell Boulevard at Industrial Drive (Unsignalized)</b>		
Existing (2019) Traffic	EB – C (18.6) NBL – A (8.2)	EB – C (18.2) NBL – A (9.7)
Background (2021) Traffic	EB – C (23.7) NBL – A (8.3)	EB – C (22.0) NBL – B (10.2)
Build-out (2021) Traffic	EB – C (23.9) NBL – A (8.3)	EB – C (22.2) NBL – B (10.2)
<b>Wendell Boulevard at Site Driveway (Unsignalized)</b>		
Build-out (2021) Traffic	EB – C (17.2) NBL – A (8.1)	EB – C (21.2) NBL – B (10.4)

Analysis indicates that the study intersections are expected to operate with short delays at project build-out with only minor increases in delays and queues with the addition of site traffic.

### Recommendations

As both study intersections are expected to operate with short delays at project build-out, and as the addition of site traffic results in only minor increases in intersection delays and queues, no roadway improvements are recommended to be performed to accommodate projected site traffic.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or [kevin.dean@kimley-horn.com](mailto:kevin.dean@kimley-horn.com).

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**Kimley»Horn**

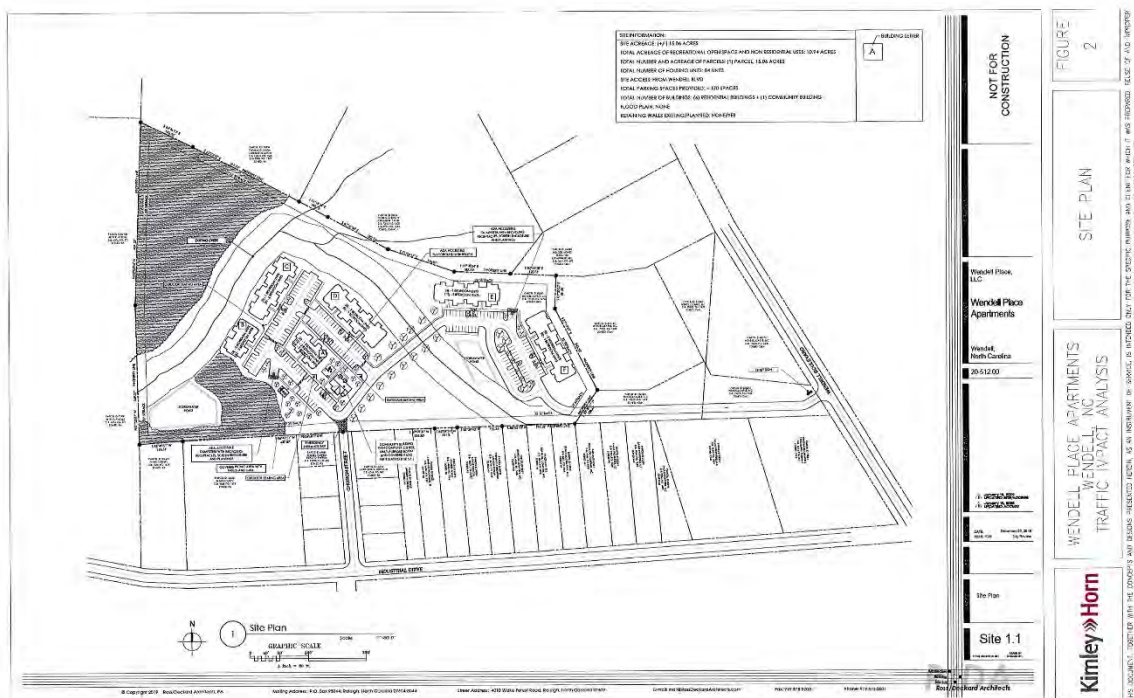
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

SITE LOCATION

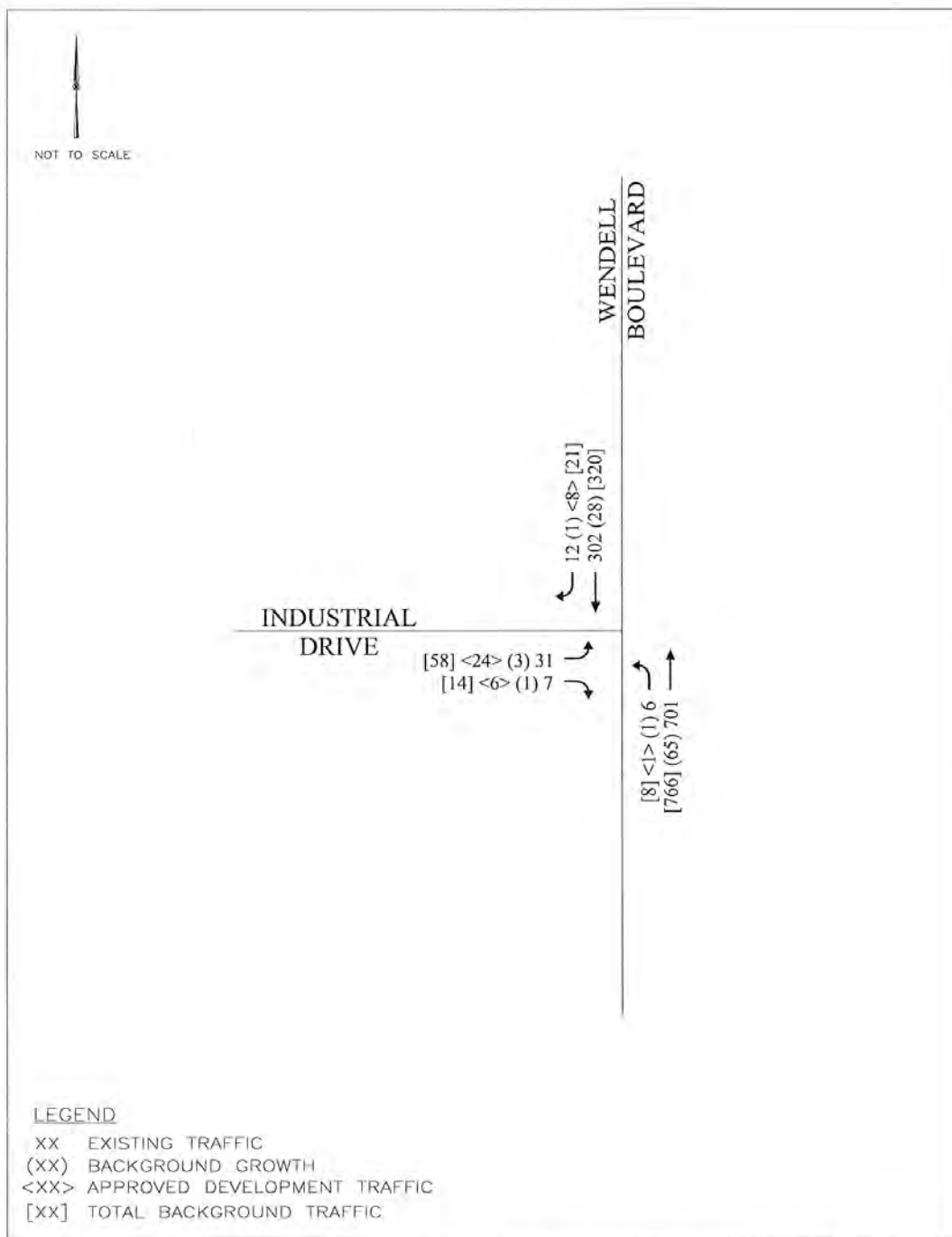
FIGURE  
1

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.





**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**Kimley»Horn**

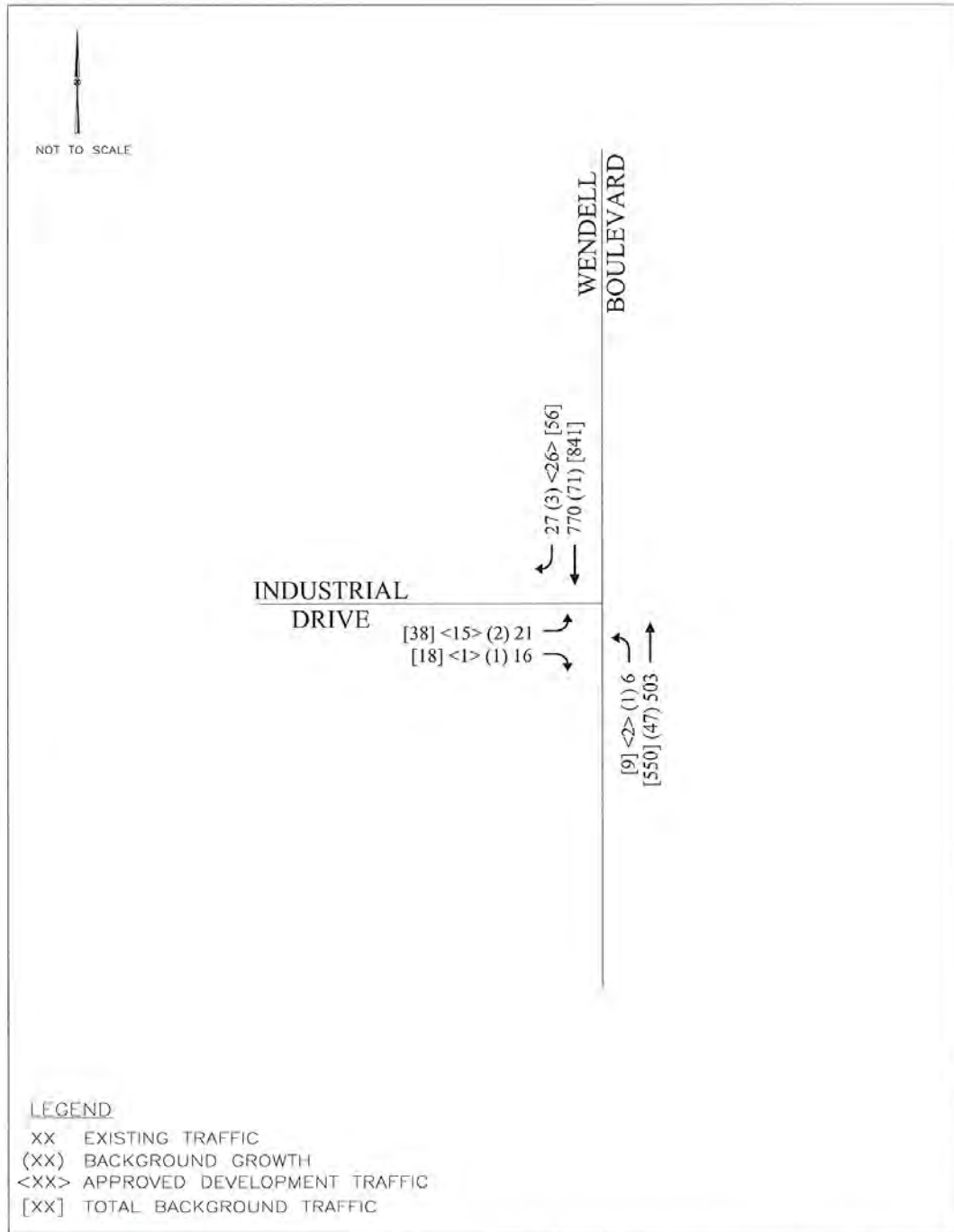
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

EXISTING AND PROJECTED  
(2022) BACKGROUND AM PEAK  
HOUR TRAFFIC VOLUMES

FIGURE  
3

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**Kimley»Horn**

WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

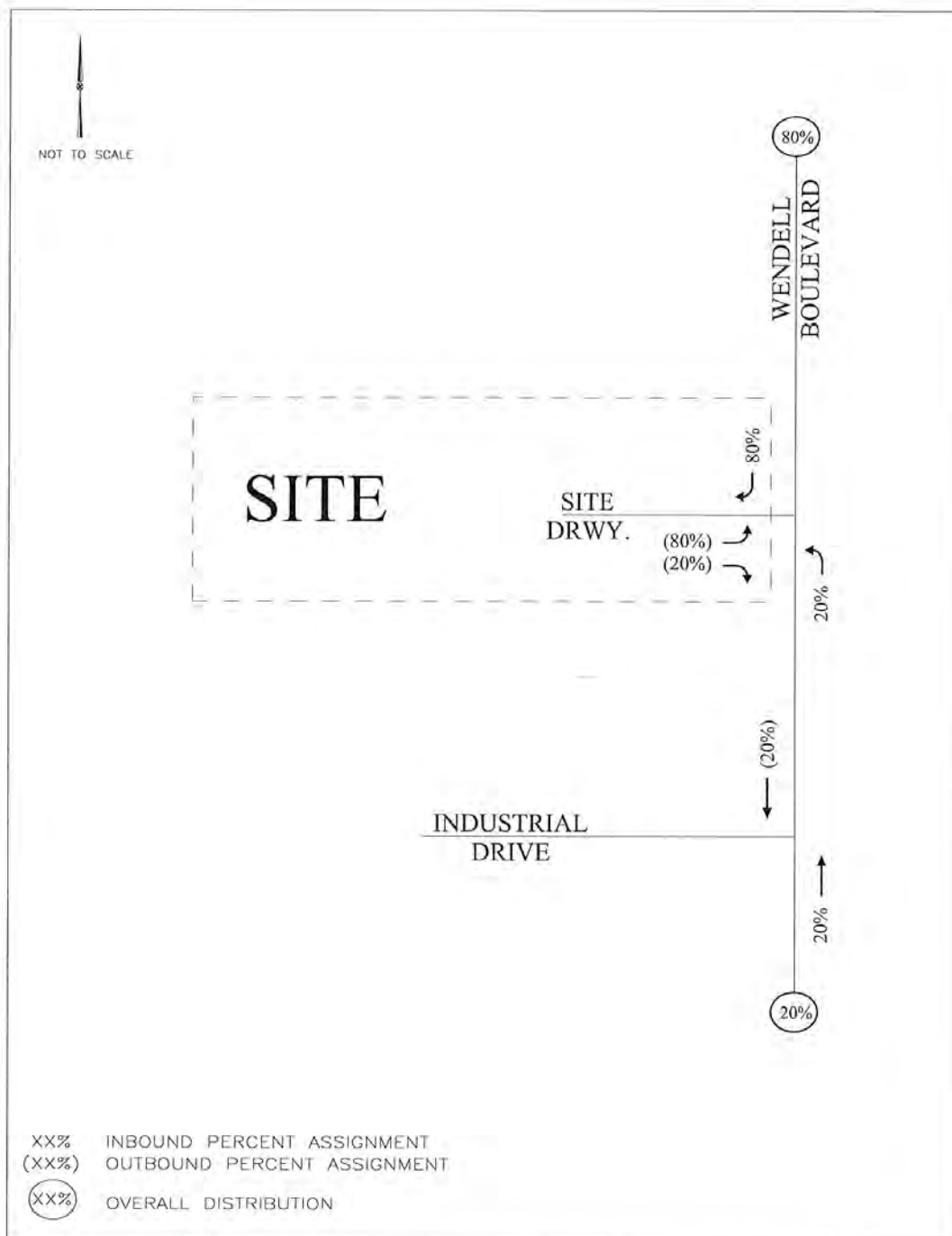
EXISTING AND PROJECTED  
(2022) BACKGROUND PM PEAK  
HOUR TRAFFIC VOLUMES

FIGURE  
4

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**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**Kimley»Horn**

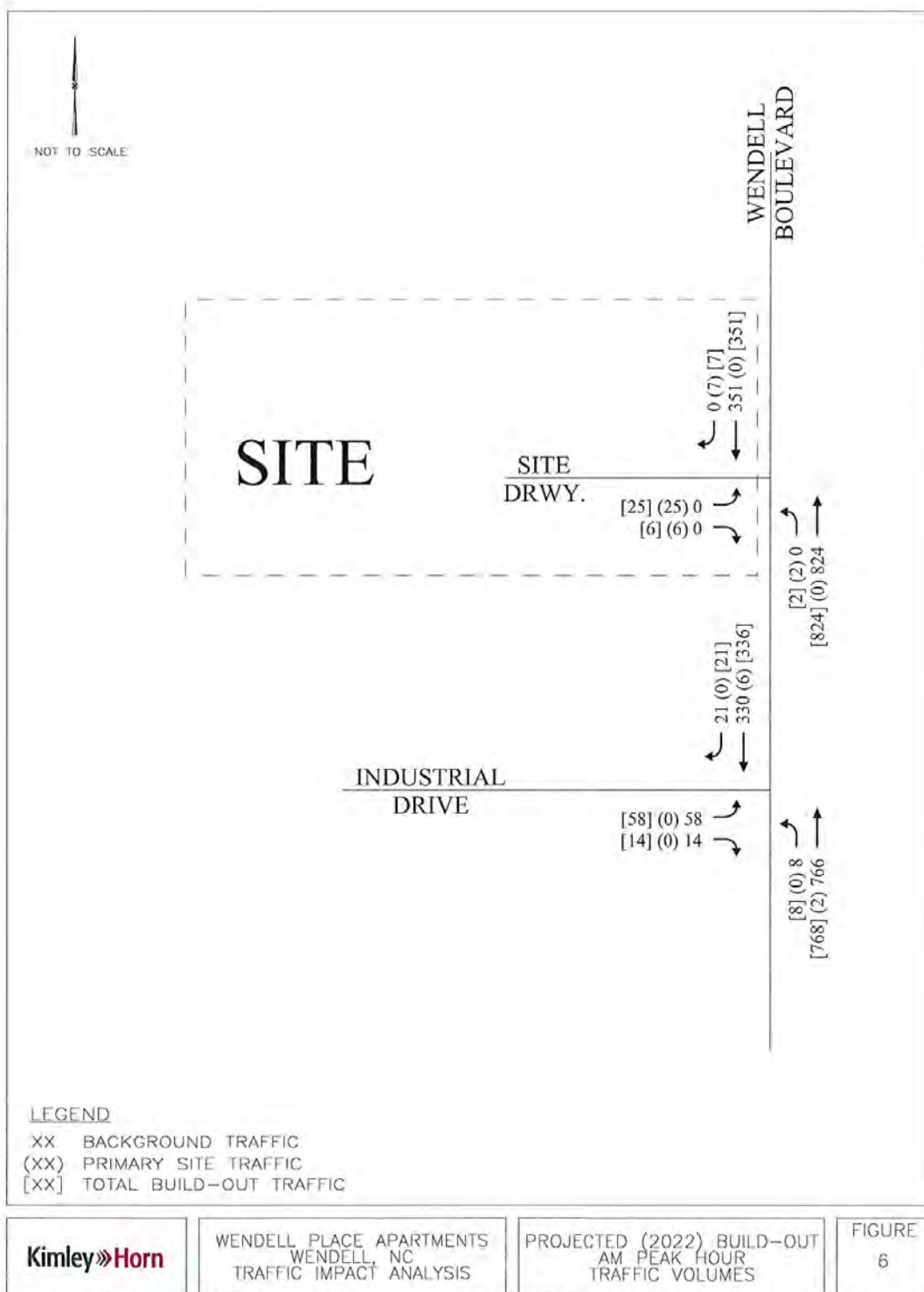
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

SITE TRAFFIC DISTRIBUTION  
AND PERCENT ASSIGNMENT

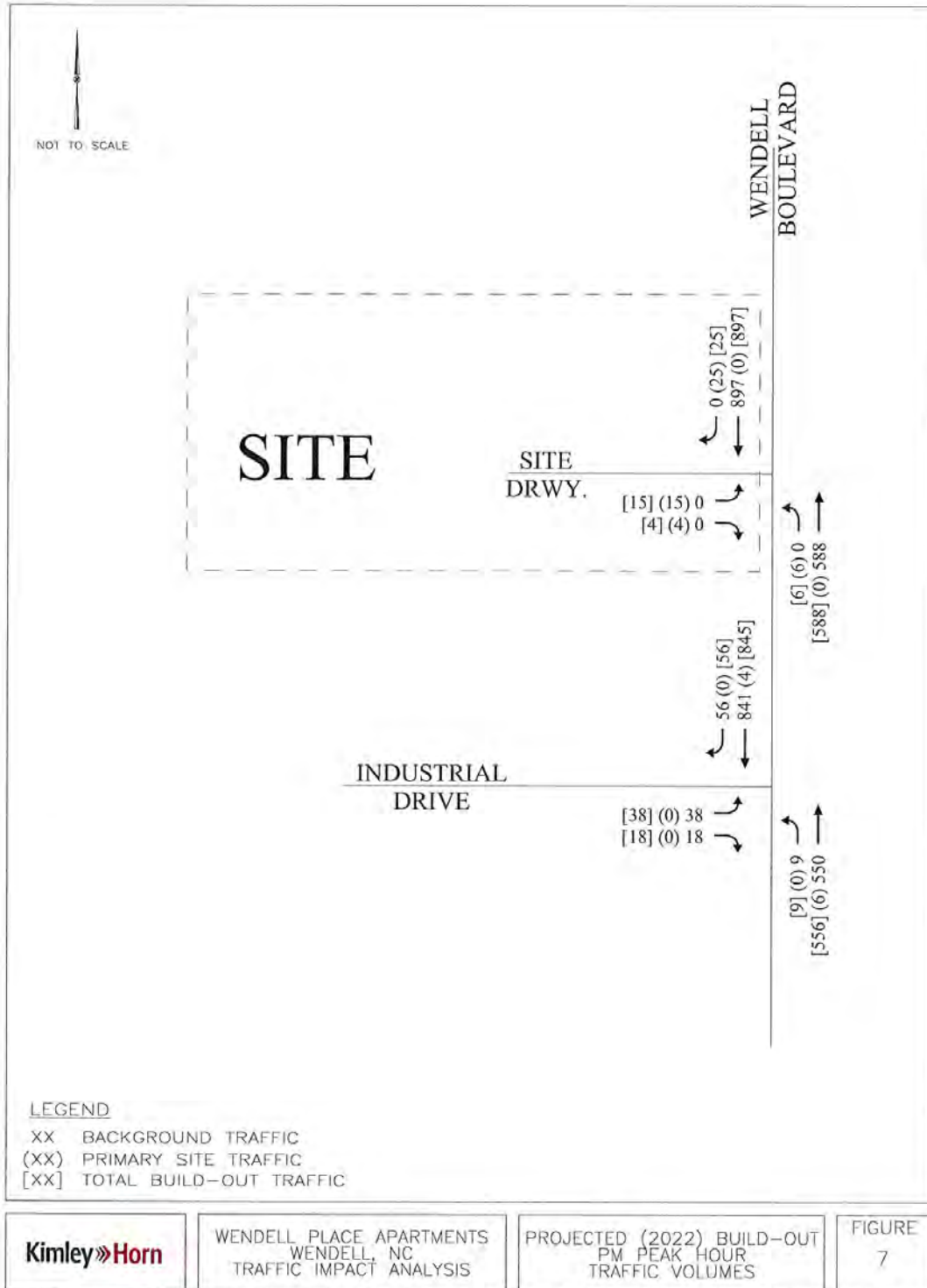
FIGURE  
5

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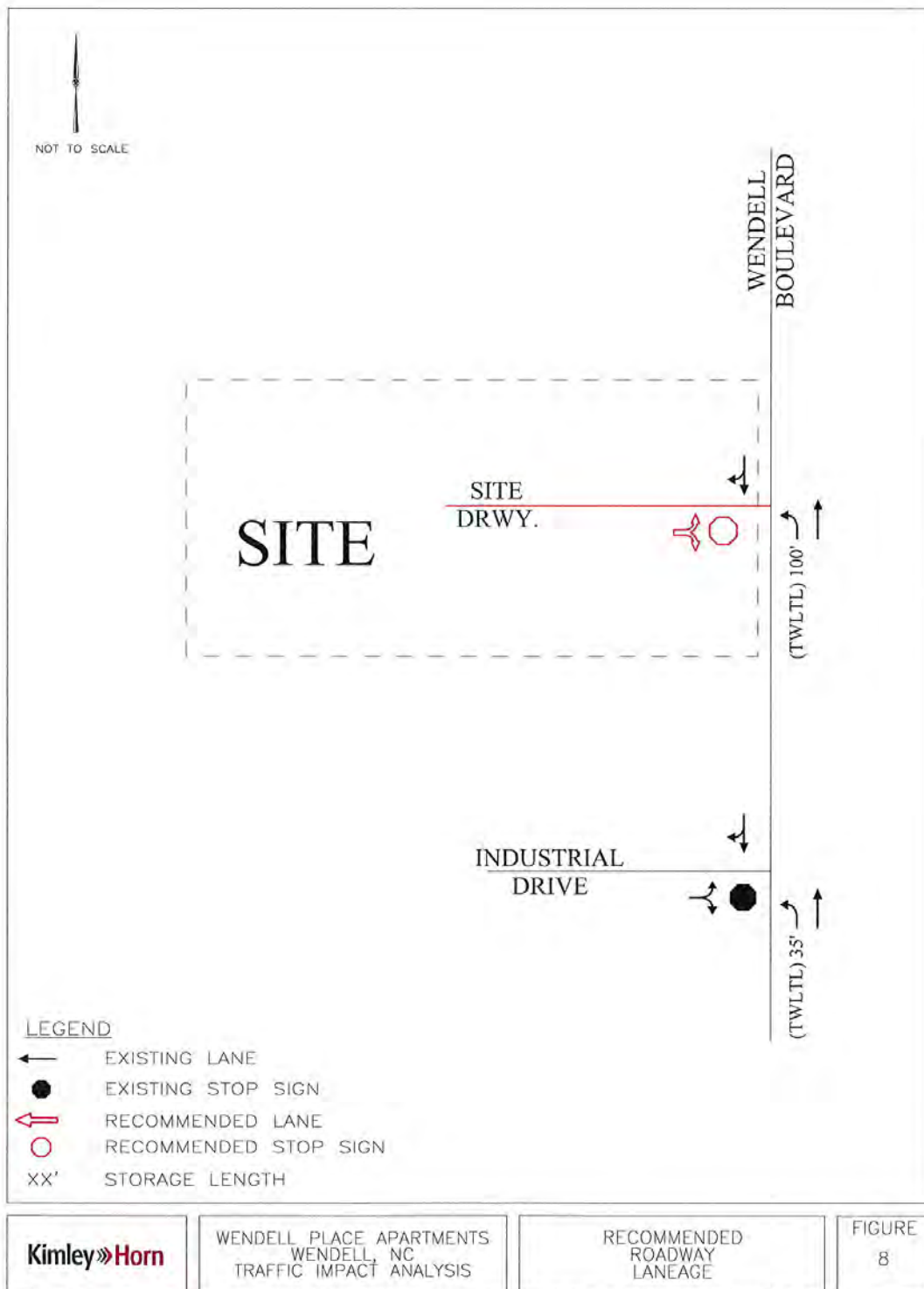
**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**TOWN OF WENDELL  
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FEBRUARY 10, 2020**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

***Traffic Suevey Services, Inc.***

7909 Old Stage Rd.  
Raleigh, NC 27603

*We are your eyes in the field*

Industrial Dr. @ Wendell Blvd.  
Wendell, NC  
Counter: JCG  
Weather: Clear

File Name : IndustrialWendell  
Site Code : 00019131  
Start Date : 4/17/2019  
Page No : 1

Groups Printed- Vehicles

	Wendell Blvd. From North				From East	Wendell Blvd. From South				Industrial Dr. From West				
Start Time	Right	Thru	Left	App. Total	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
07:00 AM	2	42	0	44	0	0	145	0	145	0	0	5	5	194
07:15 AM	1	51	0	52	0	0	117	0	117	1	0	7	8	177
07:30 AM	1	46	0	47	0	0	128	1	129	1	0	2	3	179
07:45 AM	7	84	0	91	0	0	121	1	122	1	0	5	6	219
Total	11	223	0	234	0	0	511	2	513	3	0	19	22	769
08:00 AM	4	63	0	67	0	0	98	0	98	0	0	3	3	168
08:15 AM	3	69	0	72	0	0	106	2	108	2	0	10	12	192
08:30 AM	2	58	0	60	0	0	120	2	122	1	0	9	10	192
08:45 AM	3	112	0	115	0	0	144	2	146	4	0	9	13	274
Total	12	302	0	314	0	0	468	6	474	7	0	31	38	826
*** BREAK ***														
04:00 PM	8	195	0	203	0	0	101	2	103	4	0	5	9	315
04:15 PM	6	191	0	197	0	0	92	1	93	3	0	5	8	298
04:30 PM	7	178	0	185	0	0	96	4	100	2	0	6	8	293
04:45 PM	7	171	0	178	0	0	95	6	101	5	0	6	11	290
Total	28	735	0	763	0	0	384	13	397	14	0	22	36	1196
05:00 PM	6	193	0	199	0	0	103	3	106	7	0	5	12	317
05:15 PM	7	213	0	220	0	0	113	1	114	5	0	5	10	344
05:30 PM	8	177	0	185	0	0	103	1	104	3	0	5	8	297
05:45 PM	6	183	0	189	0	0	116	1	117	1	0	6	7	313
Total	27	766	0	793	0	0	435	6	441	16	0	21	37	1271
Grand Total	78	2026	0	2104	0	0	1798	27	1825	40	0	93	133	4062
Approch %	3.7	96.3	0			0	98.5	1.5		30.1	0	69.9		
Total %	1.9	49.9	0	51.8	0	0	44.3	0.7	44.9	1	0	2.3	3.3	



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

*Your Company Name Here*

Wendell Blvd. @ Wendell Falls Pkwy./Wall  
Wendell, NC  
Counter:JG/LV/JF  
November7, 2019

File Name : WwendellBLvd  
Site Code : 00001942  
Start Date : 11/7/2019  
Page No : 1

**Groups Printed- Vehicles**

Start Time	Wall St. Eastbound					Wendell Blvd Westbound					Wendell Falls Pkwy. Northbound					Wendell Blvd Southbound					Int. Total
	Left	Thru	Right	Peds	App. Total	LT Wall	LT Falls	Thru	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Thru	RS Falls	RS Wall	Peds	App. Total	
06:00 AM	3	0	1	0	4	0	21	100	0	121	9	0	3	0	12	24	4	7	0	35	172
06:15 AM	0	0	1	0	1	0	18	102	0	120	10	0	7	0	17	33	5	0	0	38	176
06:30 AM	2	0	1	0	3	0	20	147	0	167	11	0	5	0	16	33	11	0	0	44	230
06:45 AM	0	0	0	0	0	0	27	152	0	179	16	0	5	0	21	44	7	0	0	51	251
Total	5	0	3	0	8	0	86	501	0	587	46	0	20	0	66	134	27	7	0	168	829
07:00 AM	2	0	0	0	2	0	29	186	0	215	15	0	7	0	22	53	14	2	0	69	308
07:15 AM	0	0	1	0	1	0	30	141	0	171	12	0	8	0	20	55	14	2	0	71	263
07:30 AM	0	0	1	0	1	1	11	140	0	152	21	0	13	0	34	61	14	0	0	75	262
07:45 AM	0	0	0	0	0	1	27	174	0	202	18	0	6	0	24	81	11	0	0	92	318
Total	2	0	2	0	4	2	97	641	0	740	66	0	34	0	100	250	53	4	0	307	1151
08:00 AM	0	0	0	0	0	1	6	93	0	100	18	0	6	0	24	97	38	1	0	136	260
08:15 AM	1	0	0	0	1	0	15	100	0	115	19	0	11	0	30	69	36	0	0	105	251
08:30 AM	1	0	1	0	2	1	16	122	0	139	22	0	10	0	32	78	24	0	0	102	275
08:45 AM	0	0	3	0	3	1	18	109	0	128	20	0	11	0	31	87	26	0	0	113	275
Total	2	0	4	0	6	3	55	424	0	482	79	0	38	0	117	331	124	1	0	456	1061
09:00 AM	0	0	0	0	0	3	18	125	0	146	11	0	15	0	26	82	20	0	0	102	274
09:15 AM	2	0	0	0	2	1	15	99	0	115	8	0	6	0	14	78	17	0	0	95	226
09:30 AM	2	0	0	0	2	0	10	87	0	97	11	0	7	0	18	63	18	1	0	82	199
09:45 AM	0	0	1	0	1	2	6	93	0	101	11	0	8	0	19	80	9	1	0	90	211
Total	4	0	1	0	5	6	49	404	0	459	41	0	36	0	77	303	64	2	0	369	910
10:00 AM	0	0	3	0	3	3	12	91	0	106	10	0	8	0	18	73	10	0	0	83	210
10:15 AM	0	0	0	0	0	0	10	81	0	91	13	0	14	0	27	65	16	0	0	81	199
10:30 AM	2	0	1	0	3	0	15	78	0	93	11	0	10	0	21	84	14	1	0	99	216
10:45 AM	1	0	0	0	1	2	9	95	0	106	8	0	11	0	19	67	10	0	0	77	203
Total	3	0	4	0	7	5	46	345	0	396	42	0	43	0	85	289	50	1	0	340	828
11:00 AM	0	0	0	0	0	1	5	94	0	100	10	0	7	0	17	86	13	1	0	100	217
11:15 AM	0	0	0	0	0	1	15	99	0	115	14	0	12	0	26	75	9	0	0	84	225
11:30 AM	0	0	0	0	0	1	6	90	0	97	13	0	8	0	21	96	19	0	0	115	233
11:45 AM	0	0	0	0	0	1	10	89	0	100	7	0	8	0	15	96	19	0	0	115	230
Total	0	0	0	0	0	4	36	372	0	412	44	0	35	0	79	353	60	1	0	414	905
12:00 PM	0	0	0	0	0	1	18	118	0	137	8	0	10	0	18	100	19	0	0	119	274
12:15 PM	1	0	3	0	4	1	9	87	0	97	10	0	7	0	17	109	23	0	0	132	250
12:30 PM	0	0	1	0	1	2	12	107	0	121	6	0	7	0	13	101	12	7	0	120	255
12:45 PM	2	0	2	0	4	2	7	101	0	110	16	0	9	0	25	98	13	0	0	111	250
Total	3	0	6	0	9	6	46	413	0	465	40	0	33	0	73	408	67	7	0	482	1029
01:00 PM	0	0	2	0	2	3	11	105	0	119	12	0	15	0	27	91	18	0	0	109	257
01:15 PM	1	0	0	0	1	0	10	109	0	119	19	0	11	0	30	102	18	1	0	121	271
01:30 PM	1	0	0	0	1	3	7	96	0	106	18	0	15	0	33	101	19	1	0	121	261
01:45 PM	1	0	1	0	2	2	12	106	0	120	14	0	8	0	22	117	10	1	0	128	272
Total	3	0	3	0	6	8	40	416	0	464	63	0	49	0	112	411	65	3	0	479	1061
02:00 PM	1	0	0	0	1	0	9	85	0	94	8	0	12	0	20	100	16	2	0	118	233
02:15 PM	1	0	0	0	1	1	5	85	0	91	11	0	7	0	18	115	12	1	0	128	238
02:30 PM	3	0	2	0	5	0	11	87	0	98	13	0	9	0	22	109	25	1	0	135	260
02:45 PM	0	0	0	0	0	0	10	107	0	117	21	0	6	0	27	99	23	2	0	124	268
Total	5	0	2	0	7	1	35	364	0	400	53	0	34	0	87	423	76	6	0	505	999
03:00 PM	0	0	2	0	2	1	7	92	0	100	20	0	10	0	30	123	27	0	0	150	282
03:15 PM	0	0	0	0	0	1	15	107	0	123	11	0	13	0	24	121	37	0	0	158	305
03:30 PM	0	0	3	0	3	0	14	91	0	105	14	0	12	0	26	132	22	0	0	154	288
03:45 PM	3	0	2	0	5	1	19	123	0	143	16	0	9	0	25	155	28	3	0	186	359
Total	3	0	7	0	10	3	55	413	0	471	61	0	44	0	105	531	114	3	0	648	1234
04:00 PM	2	0	1	0	3	1	18	111	0	130	14	0	10	0	24	184	30	2	0	216	373

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

*Your Company Name Here*

Wendell Blvd. @ Wendell Falls Pkwy./Wall  
Wendell, NC  
Counter: JG/LV/JF  
November 7, 2019

File Name : WwendellBLvd  
Site Code : 00001942  
Start Date : 11/7/2019  
Page No : 3

	Wall St. Eastbound					Wendell Blvd Westbound					Wendell Falls Pkwy. Northbound					Wendell Blvd Southbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Thru	Right	Peds	App. Total	Int. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:00 PM																					
04:00 PM	2	0	1	0	3	1	18	111	0	130	14	0	10	0	24	184	30	2	0	216	373
04:15 PM	1	0	1	0	2	1	9	122	0	132	14	0	17	0	31	175	30	2	0	207	372
04:30 PM	0	0	0	0	0	1	11	90	0	102	14	0	13	0	27	164	22	1	0	187	316
04:45 PM	1	0	0	0	1	0	18	132	0	150	12	0	14	0	26	165	22	0	0	187	364
Total Volume	4	0	2	0	6	3	56	455	0	514	54	0	54	0	108	688	104	5	0	797	1425
% App. Total	66.7	0	33.3	0		0.6	10.9	88.5	0		50	0	50	0		86.3	13	0.6	0		
PHF	.500	.000	.500	.000	.500	.750	.778	.862	.000	.857	.964	.000	.794	.000	.871	.935	.867	.625	.000	.922	.955

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

***Traffic Sweeney Services, Inc.***

7909 Old Stage Rd.  
Raleigh, NC 27603

*We are your eyes in the field*

Industrial Dr. @ Church/East St.  
Wendell, NC  
Counter: JG/JE  
Weather: Clear

File Name : industrialeast  
Site Code : 00019132  
Start Date : 4/17/2019  
Page No : 2

	Church St. From North				Industrial Dr. From East				Church St. From South				Industrial Dr. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:00 AM																	
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3	3
07:15 AM	0	0	1	1	0	0	0	0	2	0	0	2	0	3	0	3	6
07:30 AM	0	1	0	1	0	1	0	1	1	0	0	1	0	2	0	2	5
07:45 AM	1	0	0	1	1	1	0	2	0	0	0	0	0	1	0	1	4
Total Volume	1	1	1	3	1	2	0	3	3	0	0	3	1	8	0	9	18
% App. Total	33.3	33.3	33.3		33.3	66.7	0		100	0	0		11.1	88.9	0		
PHF	.250	.250	.250	.750	.250	.500	.000	.375	.375	.000	.000	.375	.250	.667	.000	.750	.750
Peak Hour Analysis From 12:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 04:15 PM																	
04:15 PM	0	0	0	0	1	3	0	4	0	0	0	0	0	2	0	2	6
04:30 PM	0	1	0	1	1	4	1	6	1	0	0	1	0	1	0	1	9
04:45 PM	0	0	0	0	0	3	2	5	2	0	0	2	1	2	0	3	10
05:00 PM	0	0	0	0	0	4	0	4	1	0	0	1	1	2	0	3	8
Total Volume	0	1	0	1	2	14	3	19	4	0	0	4	2	7	0	9	33
% App. Total	0	100	0		10.5	73.7	15.8		100	0	0		22.2	77.8	0		
PHF	.000	.250	.000	.250	.500	.875	.375	.792	.500	.000	.000	.500	.500	.875	.000	.750	.825

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

**Wendell Place - Historic Growth**

	ADT				Growth Rate		
	2017	2015	2013	2011	2015-2017	2013-2017	2011-2017
Wendell Boulevard S of Academy	14000	15000	16000	15000	-3.39%	-3.28%	-1.14%
Marshburn N of Academy	2100	2000	2000	2100	2.47%	1.23%	0.00%
Industrial W of Wendell Boulevard*	810	840	750	700	-1.80%	1.94%	2.46%
Academy W of Wendell Boulevard*	340	370	300	340	-4.14%	3.18%	0.00%
Wendell Boulevard E of Cypress	13000	13000	13000	13000	0.00%	0.00%	0.00%
Wendell Boulevard W of Liles Dean	12000	13000	14000	13000	-3.92%	-3.78%	-1.33%

\*Provided volumes from 2015, 2013, 2011, 2009

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

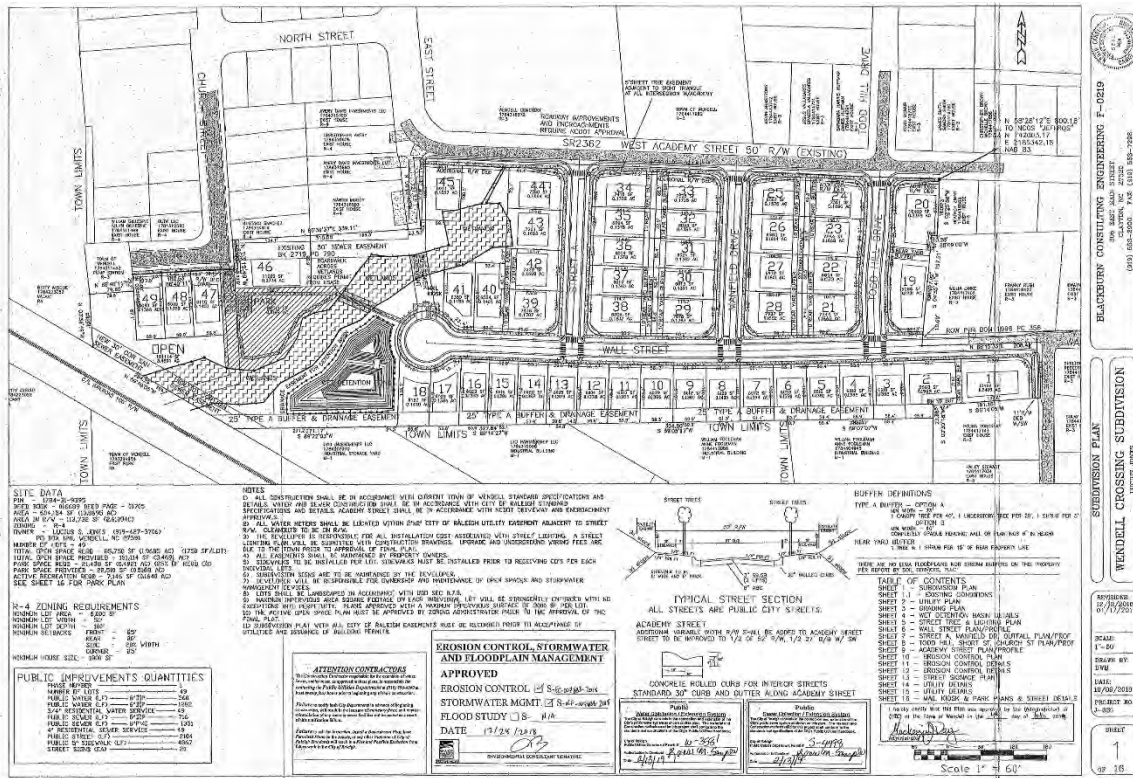
Approved Development Trip Generation - Wendell Crossing										
Table A - Trip Generation										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
210 Single Family Detached Housing	49 d.u.	540	270	270	40	10	30	51	32	19

K:\DUR\_LDEV\Wendell Place Apartments\T4 - Analysis\WendellPlaceApts-TIA Data.xls\AppDevTripGen-Wendell Crossing

4/19/19



# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

Wendell Place Apartments Table 1 - Trip Generation										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
220 Multifamily Housing (Low-Rise)	84 d.u.	594	297	297	40	9	31	51	32	19

K:\DUR\_LDEV\Wendell Place Apartments\T4 - Analysis\WendellPlaceApts-TIA Data.xls\Trip Gen

4/19/19

# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

## INTERSECTION ANALYSIS SHEET

Project: Wendell Place Apartments  
Location: Wendell, NC  
Ct. Date: 4/17/2019  
N/S Street: Wendell Boulevard (US 64 Bus.)  
E/W Street: Industrial Drive

AM In	AM Out	PM In	PM Out
9	31	32	19
0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2019
Growth Factor:	0.092727	Buildout Year:	2022

### AM PEAK HOUR AM PHF = 0.75

Description	Industrial Drive Eastbound			Industrial Drive Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	31	0	7	0	0	0	6	468	0	0	302	12
Count Balancing	0	0	0	0	0	0	0	233	0	0	0	0
2019 Existing Traffic	31	0	7	0	0	0	6	701	0	0	302	12
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	3	0	1	0	0	0	1	65	0	0	28	1
Committed Projects												
Wendell Crossing	24	0	6	0	0	0	1	0	0	0	0	8
Total Committed Traffic	24	0	6	0	0	0	1	0	0	0	0	8
2022 Background Traffic	58	0	14	0	0	0	8	766	0	0	330	21
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	2	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	6	0
Total Project Traffic	0	0	0	0	0	0	0	2	0	0	6	0
2022 Buildout Total	58	0	14	0	0	0	8	768	0	0	336	21
Percent Impact (Approach)		0.0%						0.3%			1.7%	
Overall Percent Impact 0.7%												

### PM PEAK HOUR PM PHF = 0.92

Description	Industrial Drive Eastbound			Industrial Drive Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	21	0	16	0	0	0	6	435	0	0	766	27
Count Balancing	0	0	0	0	0	0	0	68	0	0	4	0
2019 Existing Traffic	21	0	16	0	0	0	6	503	0	0	770	27
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	2	0	1	0	0	0	1	47	0	0	71	3
Committed Projects												
Wendell Crossing	15	0	1	0	0	0	2	0	0	0	0	26
Total Committed Traffic	15	0	1	0	0	0	2	0	0	0	0	26
2022 Background Traffic	38	0	18	0	0	0	9	550	0	0	841	56
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	6	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	4	0
Total Project Traffic	0	0	0	0	0	0	0	6	0	0	4	0
2022 Buildout Total	38	0	18	0	0	0	9	556	0	0	845	56
Percent Impact (Approach)		0.0%						1.1%			0.4%	
Overall Percent Impact 0.7%												

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# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

## INTERSECTION ANALYSIS SHEET

Project: Wendell Place Apartments  
Location: Wendell, NC  
Ct. Date: 4/17/2019  
N/S Street: Wendell Boulevard (US 64 Bus.)  
E/W Street: Site Driveway

	AM In	AM Out	PM In	PM Out
Net New Trips:	9	31	32	19
Pass-By Trips:	0	0	0	0

Annual Growth Rate: 3.0% Existing Year: 2019  
Growth Factor: 0.092727 Buildout Year: 2022

### AM PEAK HOUR AM PHF = 0.90

Description	Site Driveway Eastbound			Site Driveway Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	0	0	0	0	0	0	0	0	0	0	0	0
Count Balancing	0	0	0	0	0	0	0	732	0	0	314	0
2019 Existing Traffic	0	0	0	0	0	0	0	732	0	0	314	0
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	0	0	0	0	0	0	0	68	0	0	29	0
Committed Projects												
Wendell Crossing	0	0	0	0	0	0	0	24	0	0	8	0
Total Committed Traffic	0	0	0	0	0	0	0	24	0	0	8	0
2022 Background Traffic	0	0	0	0	0	0	0	824	0	0	351	0
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	80%
Inbound Project Traffic	0	0	0	0	0	0	2	0	0	0	0	7
Percent Assignment Outbound	80%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	25	0	6	0	0	0	0	0	0	0	0	0
Total Project Traffic	25	0	6	0	0	0	2	0	0	0	0	7
2022 Buildout Total	25	0	6	0	0	0	2	824	0	0	351	7
Percent Impact (Approach)			100.0%			-		0.2%			2.0%	
Overall Percent Impact	3.3%											

### PM PEAK HOUR PM PHF = 0.90











Description	Site Driveway Eastbound			Site Driveway Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	0	0	0	0	0	0	0	0	0	0	0	0
Count Balancing	0	0	0	0	0	0	0	524	0	0	797	0
2019 Existing Traffic	0	0	0	0	0	0	0	524	0	0	797	0
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	0	0	0	0	0	0	0	49	0	0	74	0
Committed Projects												
Wendell Crossing	0	0	0	0	0	0	0	15	0	0	26	0
Total Committed Traffic	0	0	0	0	0	0	0	15	0	0	26	0
2022 Background Traffic	0	0	0	0	0	0	0	588	0	0	897	0
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	80%
Inbound Project Traffic	0	0	0	0	0	0	6	0	0	0	0	25
Percent Assignment Outbound	80%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	15	0	4	0	0	0	0	0	0	0	0	0
Total Project Traffic	15	0	4	0	0	0	6	0	0	0	0	25
2022 Buildout Total	15	0	4	0	0	0	6	588	0	0	897	25
Percent Impact (Approach)			100.0%			-		1.0%			2.7%	
Overall Percent Impact	3.3%											



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Existing AM  
02/07/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	31	7	6	701	302	12
Future Volume (vph)	31	7	6	701	302	12
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.976				0.995	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1747	0	1770	1863	1853	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1747	0	1770	1863	1853	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	41	9	8	935	403	16
Shared Lane Traffic (%)						
Lane Group Flow (vph)	50	0	8	935	419	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 46.9%	ICU Level of Service A					
Analysis Period (min) 15						







# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive











Existing AM  
02/07/2020

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	31	7	6	701	302	12
Future Vol, veh/h	31	7	6	701	302	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	41	9	8	935	403	16
Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1362	411	419	0	-	0
Stage 1	411	-	-	-	-	-
Stage 2	951	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	163	641	1140	-	-	-
Stage 1	669	-	-	-	-	-
Stage 2	375	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	162	641	1140	-	-	-
Mov Cap-2 Maneuver	284	-	-	-	-	-
Stage 1	664	-	-	-	-	-
Stage 2	375	-	-	-	-	-
Approach	EB		NB		SB	
HCM Control Delay, s	18.6		0.1		0	
HCM LOS	C					
Minor Lane/Major Mvmt	NBL		NBT EBLn1		SBT SBR	
Capacity (veh/h)	1140		- 316		- -	
HCM Lane V/C Ratio	0.007		- 0.16		- -	
HCM Control Delay (s)	8.2		- 18.6		- -	
HCM Lane LOS	A		- C		- -	
HCM 95th %tile Q(veh)	0		- 0.6		- -	

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Existing PM  
02/07/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	21	16	6	503	770	27
Future Volume (vph)	21	16	6	503	770	27
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.943				0.995	
Flt Protected	0.972		0.950			
Satd. Flow (prot)	1707	0	1770	1863	1853	0
Flt Permitted	0.972		0.950			
Satd. Flow (perm)	1707	0	1770	1863	1853	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	23	17	7	547	837	29
Shared Lane Traffic (%)						
Lane Group Flow (vph)	40	0	7	547	866	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	52.2%			ICU Level of Service A		
Analysis Period (min)	15					



# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive











Existing PM  
02/07/2020

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↔	
Traffic Vol, veh/h	21	16	6	503	770	27
Future Vol, veh/h	21	16	6	503	770	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	23	17	7	547	837	29
Major/Minor						
	Minor2	Major1		Major2		
Conflicting Flow All	1413	852	866	0	-	0
Stage 1	852	-	-	-	-	-
Stage 2	561	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	152	359	777	-	-	-
Stage 1	418	-	-	-	-	-
Stage 2	571	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	151	359	777	-	-	-
Mov Cap-2 Maneuver	285	-	-	-	-	-
Stage 1	414	-	-	-	-	-
Stage 2	571	-	-	-	-	-
Approach						
	EB	NB		SB		
HCM Control Delay, s	18.2	0.1		0		
HCM LOS	C					
Minor Lane/Major Mvmt						
	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	777	-	313	-	-	
HCM Lane V/C Ratio	0.008	-	0.128	-	-	
HCM Control Delay (s)	9.7	-	18.2	-	-	
HCM Lane LOS	A	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.4	-	-	

# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Background AM  
02/07/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	58	14	8	766	330	21
Future Volume (vph)	58	14	8	766	330	21
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.973				0.992	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1742	0	1770	1863	1848	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1742	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	77	19	11	1021	440	28
Shared Lane Traffic (%)						
Lane Group Flow (vph)	96	0	11	1021	468	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	51.0%			ICU Level of Service A		
Analysis Period (min)	15					



# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Background AM  
02/07/2020

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W		W	↑	↑	
Traffic Vol, veh/h	58	14	8	766	330	21
Future Vol, veh/h	58	14	8	766	330	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	77	19	11	1021	440	28
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	1497	454	468	0	-	0
Stage 1	454	-	-	-	-	-
Stage 2	1043	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	135	606	1094	-	-	-
Stage 1	640	-	-	-	-	-
Stage 2	339	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	134	606	1094	-	-	-
Mov Cap-2 Maneuver	255	-	-	-	-	-
Stage 1	634	-	-	-	-	-
Stage 2	339	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	23.7	0.1		0		
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1094	-	287	-	-	
HCM Lane V/C Ratio	0.01	-	0.334	-	-	
HCM Control Delay (s)	8.3	-	23.7	-	-	
HCM Lane LOS	A	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	1.4	-	-	













# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Background PM  
02/07/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	38	18	9	550	841	56
Future Volume (vph)	38	18	9	550	841	56
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.956				0.992	
Flt Protected	0.967		0.950			
Satd. Flow (prot)	1722	0	1770	1863	1848	0
Flt Permitted	0.967		0.950			
Satd. Flow (perm)	1722	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	41	20	10	598	914	61
Shared Lane Traffic (%)						
Lane Group Flow (vph)	61	0	10	598	975	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	57.7%			ICU Level of Service B		
Analysis Period (min)	15					

# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Background PM  
02/07/2020











Intersection						
Int Delay, s/veh	0.9					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔	↔	↔	↔	↔	↔
Traffic Vol, veh/h	38	18	9	550	841	56
Future Vol, veh/h	38	18	9	550	841	56
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	41	20	10	598	914	61
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	1563	945	975	0	-	0
Stage 1	945	-	-	-	-	-
Stage 2	618	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	123	318	707	-	-	-
Stage 1	378	-	-	-	-	-
Stage 2	538	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	121	318	707	-	-	-
Mov Cap-2 Maneuver	254	-	-	-	-	-
Stage 1	373	-	-	-	-	-
Stage 2	538	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	22	0.2		0		
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	707	-	272	-	-	
HCM Lane V/C Ratio	0.014	-	0.224	-	-	
HCM Control Delay (s)	10.2	-	22	-	-	
HCM Lane LOS	B	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.8	-	-	



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Build AM  
02/07/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	58	14	8	768	336	21
Future Volume (vph)	58	14	8	768	336	21
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.973				0.992	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1742	0	1770	1863	1848	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1742	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	77	19	11	1024	448	28
Shared Lane Traffic (%)						
Lane Group Flow (vph)	96	0	11	1024	476	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 51.2%	ICU Level of Service A					
Analysis Period (min) 15						

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Build AM  
02/07/2020

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W		W	U	W	
Traffic Vol, veh/h	58	14	8	768	336	21
Future Vol, veh/h	58	14	8	768	336	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	77	19	11	1024	448	28
Major/Minor						
	Minor2	Major1		Major2		
Conflicting Flow All	1508	462	476	0	-	0
Stage 1	462	-	-	-	-	-
Stage 2	1046	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	133	600	1086	-	-	-
Stage 1	634	-	-	-	-	-
Stage 2	338	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	132	600	1086	-	-	-
Mov Cap-2 Maneuver	253	-	-	-	-	-
Stage 1	628	-	-	-	-	-
Stage 2	338	-	-	-	-	-
Approach						
	EB	NB		SB		
HCM Control Delay, s	23.9	0.1		0		
HCM LOS	C					
Minor Lane/Major Mvmt						
	NBL	NBT EBLn1	SBT	SBR		
Capacity (veh/h)	1086	- 285	-	-		
HCM Lane V/C Ratio	0.01	- 0.337	-	-		
HCM Control Delay (s)	8.3	- 23.9	-	-		
HCM Lane LOS	A	- C	-	-		
HCM 95th %tile Q(veh)	0	- 1.4	-	-		



# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES











### FEBRUARY 10, 2020

Wendell Place Apartments

Build AM

2: Wendell Boulevard (US 64 Business) &amp; Site Driveway

02/07/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	25	6	4	824	351	7
Future Volume (vph)	25	6	4	824	351	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	100			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.973				0.997	
Flt Protected	0.962		0.950			
Satd. Flow (prot)	1744	0	1770	1863	1857	0
Flt Permitted	0.962		0.950			
Satd. Flow (perm)	1744	0	1770	1863	1857	0
Link Speed (mph)	25			30	30	
Link Distance (ft)	535			533	606	
Travel Time (s)	14.6			12.1	13.8	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	28	7	4	916	390	8
Shared Lane Traffic (%)						
Lane Group Flow (vph)	35	0	4	916	398	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 53.4%	ICU Level of Service A					
Analysis Period (min) 15						



# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
2: Wendell Boulevard (US 64 Business) & Site Driveway

Build AM  
02/07/2020

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	2	2	2	2	2	2
Traffic Vol, veh/h	25	6	4	824	351	7
Future Vol, veh/h	25	6	4	824	351	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	100	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	28	7	4	916	390	8

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1318	394	398
Stage 1	394	-	-
Stage 2	924	-	-
Critical Hdwy	6.42	6.22	4.12
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	2.218
Pot Cap-1 Maneuver	173	655	1161
Stage 1	681	-	-
Stage 2	387	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	172	655	1161
Mov Cap-2 Maneuver	295	-	-
Stage 1	679	-	-
Stage 2	387	-	-

Approach	EB	NB	SB
HCM Control Delay, s	17.2	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1161	-	330	-	-
HCM Lane V/C Ratio	0.004	-	0.104	-	-
HCM Control Delay (s)	8.1	-	17.2	-	-
HCM Lane LOS	A	-	C	-	-
HCM 95th %tile Q(veh)	0	-	0.3	-	-











# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Build PM  
02/09/2020

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	38	18	9	556	845	56
Future Volume (vph)	38	18	9	556	845	56
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.956				0.992	
Flt Protected	0.967		0.950			
Satd. Flow (prot)	1722	0	1770	1863	1848	0
Flt Permitted	0.967		0.950			
Satd. Flow (perm)	1722	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	41	20	10	604	918	61
Shared Lane Traffic (%)						
Lane Group Flow (vph)	61	0	10	604	979	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 57.9%	ICU Level of Service B					
Analysis Period (min) 15						



# TOWN OF WENDELL

## BOARD OF COMMISSIONER MEETING MINUTES

### FEBRUARY 10, 2020

Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Build PM  
02/09/2020

Intersection						
Int Delay, s/veh	0.9					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	FF		FF	↑	↑	
Traffic Vol, veh/h	38	18	9	556	845	56
Future Vol, veh/h	38	18	9	556	845	56
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	41	20	10	604	918	61
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	1573	949	979	0	-	0
Stage 1	949	-	-	-	-	-
Stage 2	624	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	121	316	705	-	-	-
Stage 1	376	-	-	-	-	-
Stage 2	534	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	119	316	705	-	-	-
Mov Cap-2 Maneuver	252	-	-	-	-	-
Stage 1	371	-	-	-	-	-
Stage 2	534	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	22.2	0.2		0		
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	705	-	270	-	-	
HCM Lane V/C Ratio	0.014	-	0.225	-	-	
HCM Control Delay (s)	10.2	-	22.2	-	-	
HCM Lane LOS	B	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.8	-	-	












# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

Wendell Place Apartments

Build PM

2: Wendell Boulevard (US 64 Business) &amp; Site Driveway

02/09/2020







						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	15	4	6	588	897	26
Future Volume (vph)	15	4	6	588	897	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	100			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.974				0.996	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1744	0	1770	1863	1855	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1744	0	1770	1863	1855	0
Link Speed (mph)	25			30	30	
Link Distance (ft)	535			533	606	
Travel Time (s)	14.6			12.1	13.8	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	17	4	7	653	997	29
Shared Lane Traffic (%)						
Lane Group Flow (vph)	21	0	7	653	1026	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	58.8%			ICU Level of Service B		
Analysis Period (min)	15					



# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

Wendell Place Apartments  
2: Wendell Boulevard (US 64 Business) & Site Driveway

Build PM  
02/09/2020

Intersection						
Int Delay, s/veh	0.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	15	4	6	588	897	26
Future Vol, veh/h	15	4	6	588	897	26
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	100	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	17	4	7	653	997	29

Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	1679	1012	1026	0	-	0
Stage 1	1012	-	-	-	-	-
Stage 2	667	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	104	290	677	-	-	-
Stage 1	351	-	-	-	-	-
Stage 2	510	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	103	290	677	-	-	-
Mov Cap-2 Maneuver	233	-	-	-	-	-
Stage 1	347	-	-	-	-	-
Stage 2	510	-	-	-	-	-

Approach	EB	NB		SB		
HCM Control Delay, s	21.2	0.1		0		
HCM LOS	C					

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	677	-	243	-	-
HCM Lane V/C Ratio	0.01	-	0.087	-	-
HCM Control Delay (s)	10.4	-	21.2	-	-
HCM Lane LOS	B	-	C	-	-
HCM 95th %tile Q(veh)	0	-	0.3	-	-



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**

Kevin Dean, Civil Engineer of Kimley-Horn, 421 Fayetteville Street, Raleigh, said he got his civil engineering degree from NC State and has been conducting traffic studies for 9 years. Mr. Dean said that the amount of traffic generated by this project isn't sufficient to meet Town or NCDOT standards/threshold for a traffic study. However, Mr. Dean said knowing that they needed to evaluate the impacts on traffic congestion, they performed an assessment. He said that the last time this project was presented to the Board, they had all of the traffic coming out through Church Street to get to Industrial, with that traffic going from Industrial to Wendell Boulevard. He said that most of the traffic from this site is expected to go north on Wendell Blvd. Mr. Dean said that this would take a considerable amount of traffic from this site off of Industrial Dr. Mr. Dean said that this development would generate 40 total trips in the morning, and 51 total trips in the afternoon. He said that traffic on Wendell Blvd has been decreasing due to Wendell Falls Parkway opening up. Mr. Dean said that they're expecting acceptable levels of service. Mr. Dean noted that they analyzed this as a single-access point only out to Wendell Blvd. He offered to answer any questions that the Board might have.

Commissioner Jon Lutz asked Mr. Dean to clarify that the only entrance that they included in their study was based off of the main entrance to the development.

Mr. Dean said they only looked at the main entrance and that their previous analysis looked at all of the traffic going out of Church Street going out to Industrial Drive also showed minimal impacts given how little additional traffic this development is going to generate.

Mayor Gray asked if any citizens would like to speak for or against the proposed development.

Attorney Stephan Bowens, 555 Fayetteville Street, Suite 300, Raleigh, said he was speaking on behalf of Geraldine Herndon and Carnell Herndon, 230 Church Street of Wendell. Attorney Bowens said he would like to make an opening statement before calling Mr. Herndon to speak. He said since this is an Evidentiary Hearing, he would be permitted to ask questions of Mr. Herndon as it relates to the proposal. With respect to the application, Attorney Bowens said that it appeared that the applicant has rested their case and therefore cannot come back before the Board with additional evidence. He said that under *Kenan vs. Board of Adjustment* Court of Appeals case, the applicant has failed to provide substantial evidence as it relates to a couple of areas that are required for the Board to grant the Special Use Permit. The four areas that the Court of Appeals case looked at are: 1) whether or not the proposed use does not materially create a danger to the public health or safety; 2) whether or not the proposed use meets all required conditions and specifications of the local government's ordinance; 3) whether the proposed use will not substantially injure the value of adjoining property or the proposed use is a public necessity; and 4) the proposed use will be in harmony with the area in which it is to be located or otherwise is in general conformity with the local government comprehensive plan. Attorney Bowens said that, in this case, two of those four factors have not been met and called attention to the sparsity of the application,

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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itself. He said that in the applicant's responses under Attachment B, the responses are insufficient to meet the statutory requirements. Attorney Bowens said that merely stating that water and sewer are available and are able to service the property as a means to meet the requirements for health and safety is insufficient under Attachment B number 2 for their listing of the questions that were proposed by the council to the applicant. Attorney Bowens said that the statement of the proposed community will not negatively affect the health and safety of anyone in Wendell and that it will provide additional safe and healthy living options that will benefit the citizens of Wendell is not substantial evidence and is in fact no evidence of whether or not the applicant has met the requirements of the statute. Regarding the statement that the proposed development states that it will positively affect the potential of surrounding properties for additional quality housing, commercial development and/or park opportunities, one of the requirements under *Kenan vs. Board of Adjustment* is that the proposed use will not substantially injure the value of adjoining properties. Attorney Bowens said there was no competent evidence offered by the applicant such as evidence from an appraiser, which the applicant didn't provide. Therefore, he would contend that the requirement hasn't been met for approval of the Special Use Permit. Attorney Bowens cited the Town's Ordinance, which says whether or not the proposed use will create a nuisance. He said that the applicant's response to this question was simply "no" without providing competent evidence. Attorney Bowens said that Mr. Dean's traffic analysis and the application was not provided for review prior to the hearing. He said that his office had contacted the town on Friday, February 7<sup>th</sup>, to confirm that no additional traffic analysis had been submitted in advance of the hearing for the project and was told that nothing in addition to the application itself, a copy of some renderings of the apartment units and a site plan were provided. **Attorney Bowens asked that the testimony of Mr. Dean be stricken from the record.** He said that another item in question was whether or not ample notice was required. Under the Town's ordinance and state law, notice must be provided to all residents adjacent or who abut the property. In this case, the notice included in the application does not include the address of Mr. Herndon at 210 Church Street as an adjacent property owner. He said that in this case, a mere statement from the applicant for the record is not sufficient enough for the Town Board to make the evidentiary finding that's necessary for substantial evidence. Attorney Bowens said that the Board has the authority to impose reasonable and appropriate conditions to safeguard the community with respect to the purpose of the permit. He said that one of the safeguards would be to keep the entrance and exit as an emergency on Church Street. Attorney Bowens said that it would make more sense to have the ingress and egress on Wendell Boulevard, alone. Attorney Bowens asked Mr. Herndon to come to the podium so that he could ask him a few questions.

Attorney Jim Cauley asked for clarification that this was the Mr. Carnell Herndon that did not receive notice.

Attorney Bowens confirmed. He asked Mr. Herndon to state where he lived.

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Mr. Herndon said that he lives at 230 Church Street and owns property at 210 Church Street.

Attorney Bowens asked Mr. Herndon, with respect to the proposed use, does his mother reside with him and how old she was.

Mr. Herndon said that his mother lived with him and she is 83 years old.

Attorney Bowens asked if she crosses the street.

Mr. Herndon confirmed that she does.

Attorney Bowens asked if his mother was nimble enough to navigate traffic.

Mr. Herndon said she's had two hip replacements.

Attorney Bowens asked if she's able to negotiate Church Street traffic, currently.

Mr. Herndon confirmed.

Attorney Bowens asked, if traffic on Church Street were to increase, would his mother still be able to cross the street?

Mr. Herndon said that she would not.

Attorney Bowens said that with increased traffic comes increased noise and noted that the traffic engineer cited that the increase would be 40 trips in the morning and 50 in the afternoon, an increase of at least 90 trips, not including what occurred in between peak hours and in the late evening. Mr. Bowens asked if that increase be a substantial increase for Church Street.

Mr. Herndon said that it would.

Attorney Bowens said that they don't have any information on the traffic analysis that was submitted for the record related to the specific wait times for the impact from Church Street to Industrial would be and asked if Mr. Herndon would confirm that.

Mr. Herndon confirmed.

Attorney Bowens asked, based on Mr. Herndon's knowledge of how many trips would currently occur on Church Street, would he believe that the increase from anywhere from 40 to 90 trips per day would adversely impact his use and enjoyment of his property.

Mr. Herndon confirmed.

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Attorney Bowens asked if Mr. Herndon had anything else he would like to say about this project.

Mr. Herndon said that he has lived in this town for over 55 years and has lived in a very quiet neighborhood. He's not opposed to progress, but the safety of his neighbors concerns him. Mr. Herndon pointed out that there aren't any sidewalks and is worried about the health and welfare of his neighborhood.

Attorney Bowens asked, in conclusion, if Mr. Herndon could read a statement as it relates to Attachment C of the application.

Mr. Herndon said "as the applicant, I agree that this permit—if granted—is issued on the presentation made herein."

Attorney Bowens said that, if he's understanding that to be the case, the presentation made herein with respect to the application are those sparse, unsubstantiated statements that are in the application for the Special Use Permit, itself. Attorney Bowens asked Mr. Herndon to confirm if this was the case.

Mr. Herndon confirmed.

Attorney Bowens asked if those were the statements that he referenced earlier.

Mr. Herndon confirmed.

Attorney Jim Cauley asked if Mr. Herndon got his mail at PO Box 811.

Mr. Herndon confirmed that it was.

Attorney Cauley said that this address was listed.

Attorney Bowens asked if Mr. Herndon's name was listed.

Attorney Cauley said no, it was under Geraldine Herndon's name.

Attorney Bowens said that since Mr. Herndon's name wasn't listed, it does not submit to the requirement of providing notice. The notice itself was deficient, meaning at a minimum, it would be necessary to defer this hearing to a later date so that proper service could be administered.

Attorney Cauley disagreed with this analysis.

Attorney Bowens thanked the Board and said it could be dealt with in a different way.

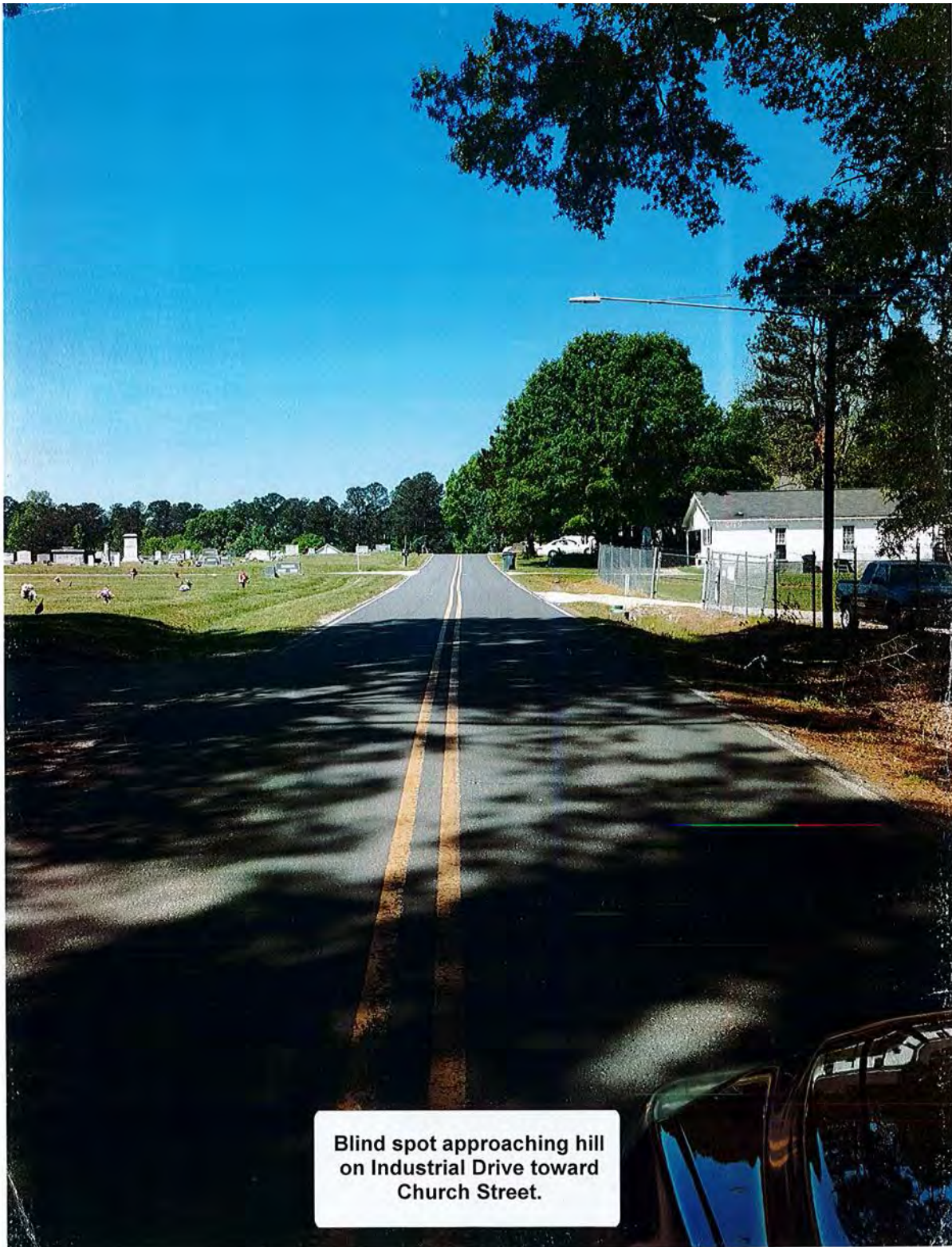
Mayor Gray asked if anyone else that was sworn in wished to speak.

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Tyler Ayscue, 839 Industrial Drive, said his family owned property directly behind the proposed development's property and it is used as a farm. Mr. Ayscue said that this is an 84-unit, low-income housing rental project. Mr. Ayscue said he had a copy of the application and he got in contact with the North Carolina Housing Finance Agency, that issues tax credits to project like this that are designated as low-income so that the builders can obtain lending easier and it's more profitable for them to build. Mr. Ayscue said that Chris Alston, the director of Rental Investment, sent him information stating that Lucius Jones applied for the tax credits. He said that Mr. Jones has a project within a few hundred yards of this project and that it's only had one spec-house bid on it. Mr. Ayscue said that he has a photo from April of 2019 showing that, other than roads being put in on this property, no differences in development are shown. He said that there's supposed to be over 40 houses being built on Mr. Jones' property. Mr. Ayscue said he didn't see how the Board can allow one project to be built without completing the first one. Mr. Ayscue said that Church Street should be blocked and that there should be no access coming in or out from Church Street. He said that the bulk of this apartment complex is at the back of this property and that people leaving will go down Industrial Drive. Mr. Ayscue said that they still didn't know what the traffic impact of Mr. Jones' development will cause. He said that he foresees many traffic issues with both developments on Industrial and Church Street. Mr. Ayscue showed his photographs to the Board.



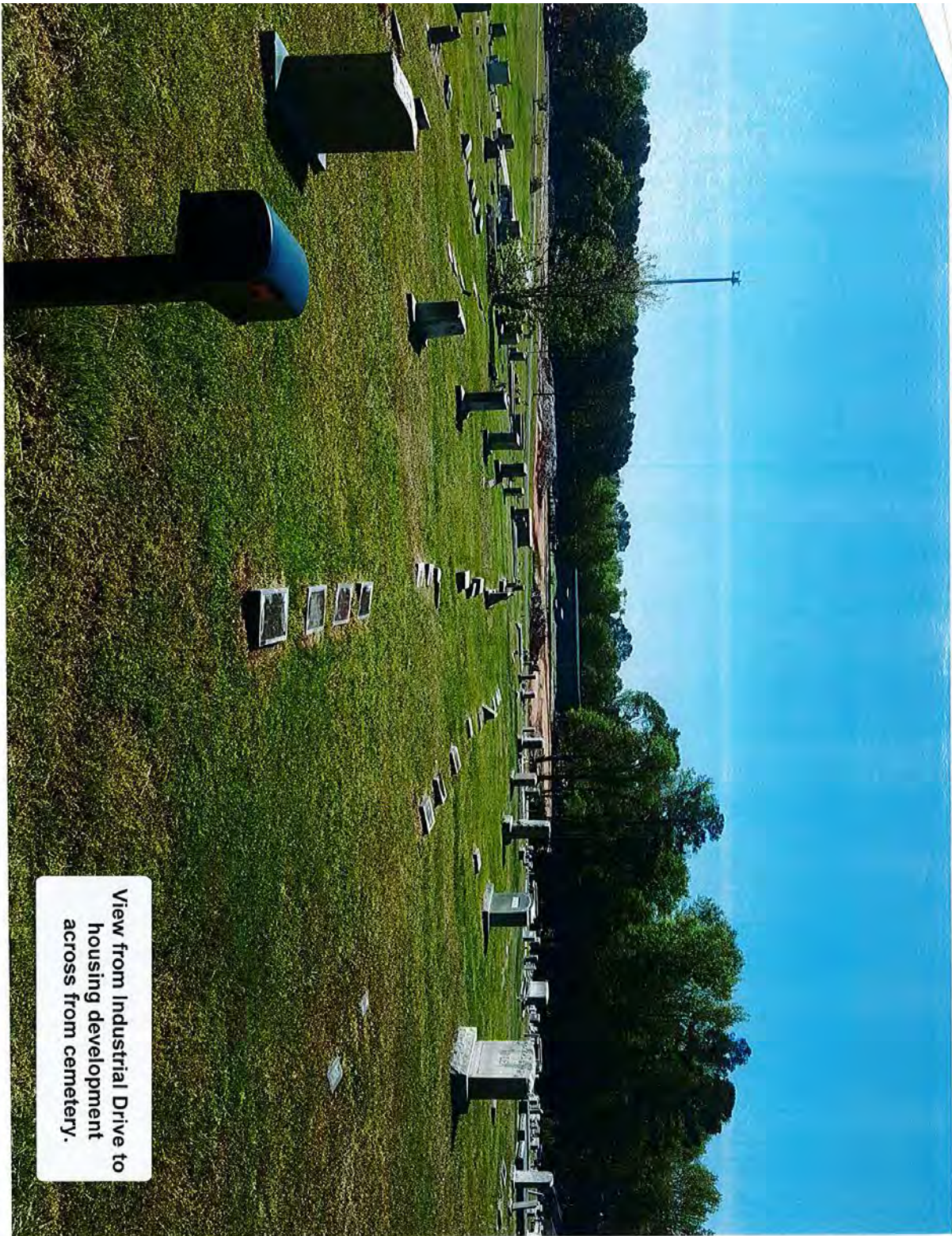
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**Blind spot approaching hill  
on Industrial Drive toward  
Church Street.**

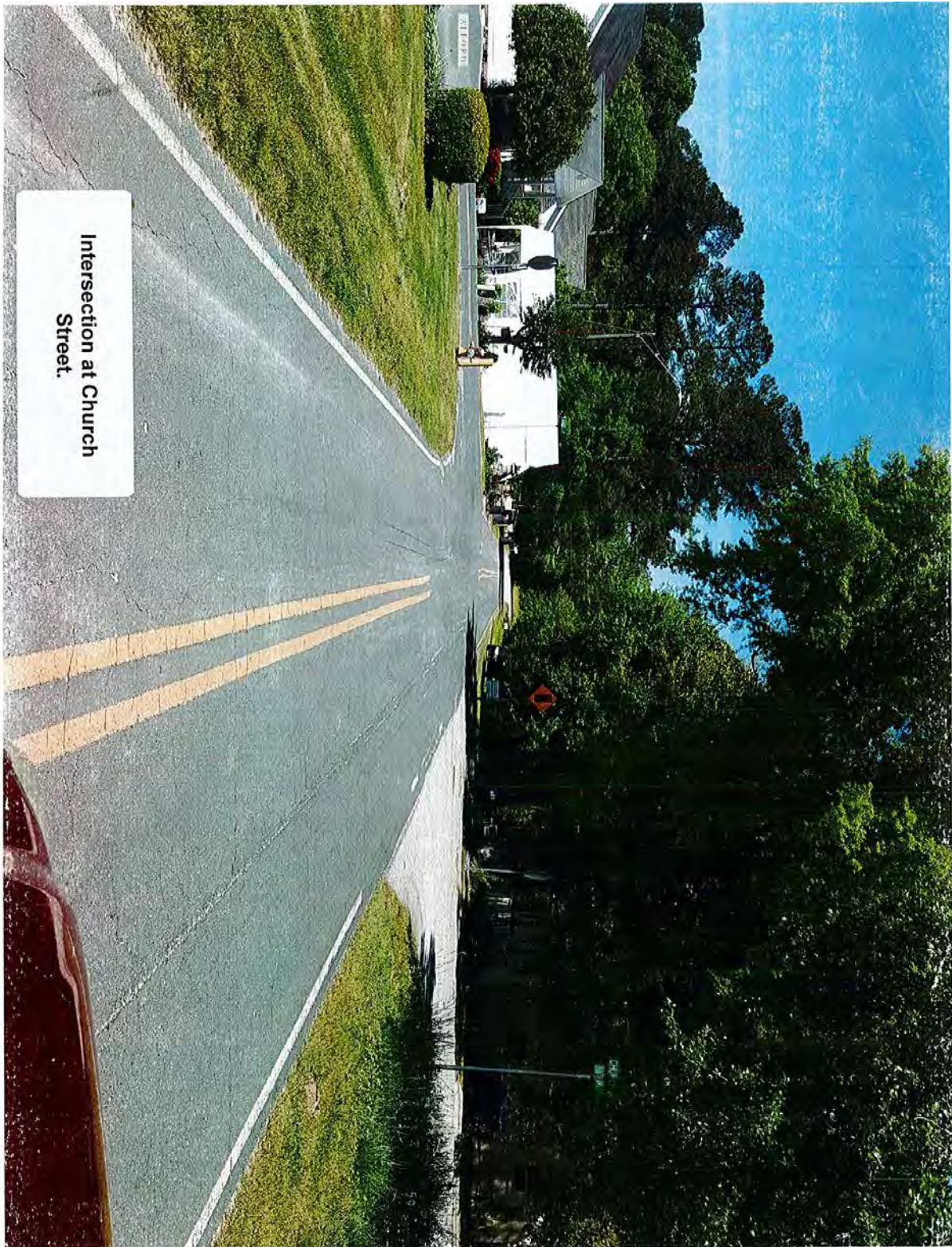


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**Church Street toward  
dead end.**



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Mail - Margaret Ayscue - Staff - WendellMS - Outlook

2/10/2020



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2/10/2020

Mail - Margaret Ayscue \_ Staff - WendellMS - Outlook





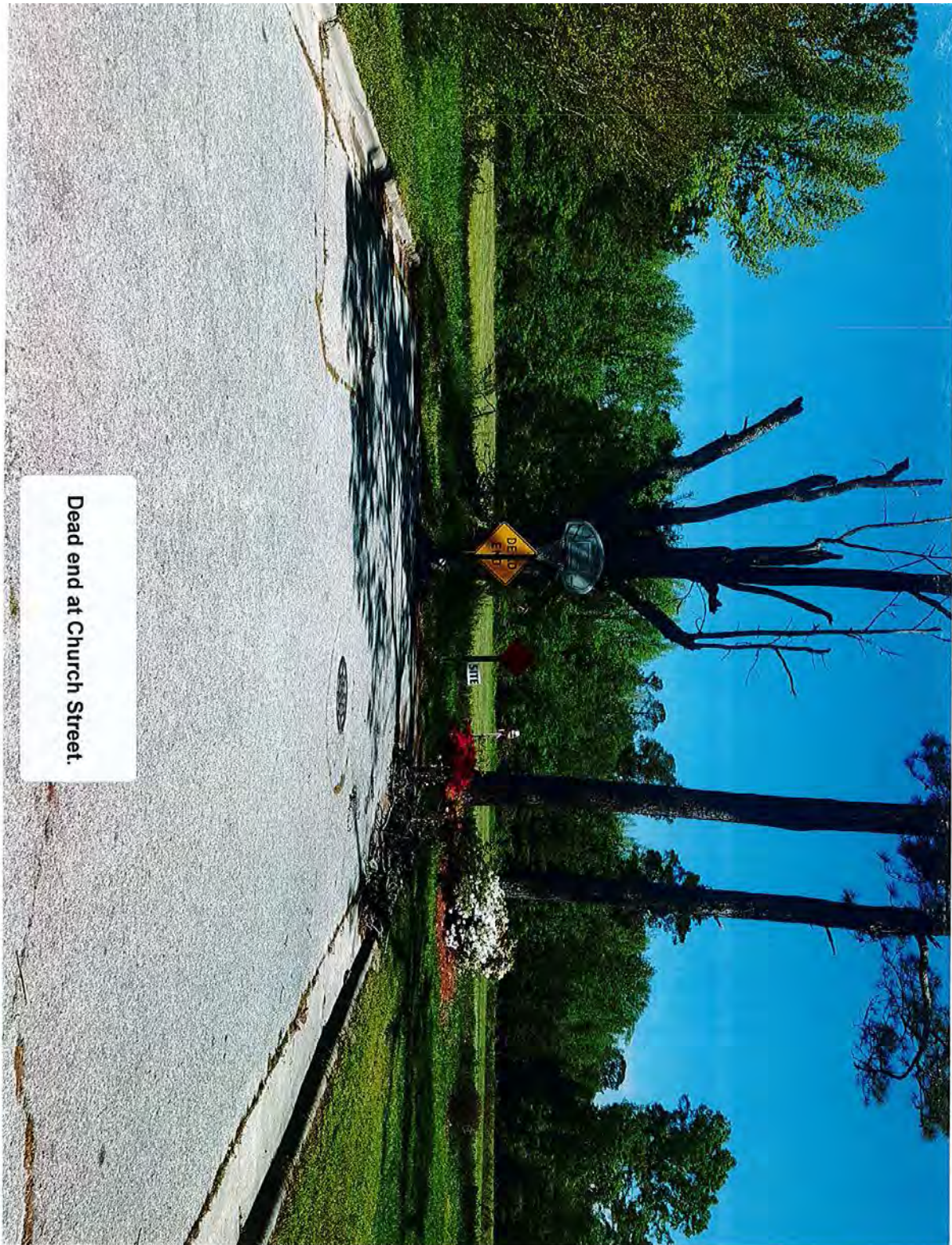
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**Deteriorating road going  
down  
Industrial Drive toward  
Church Street.**

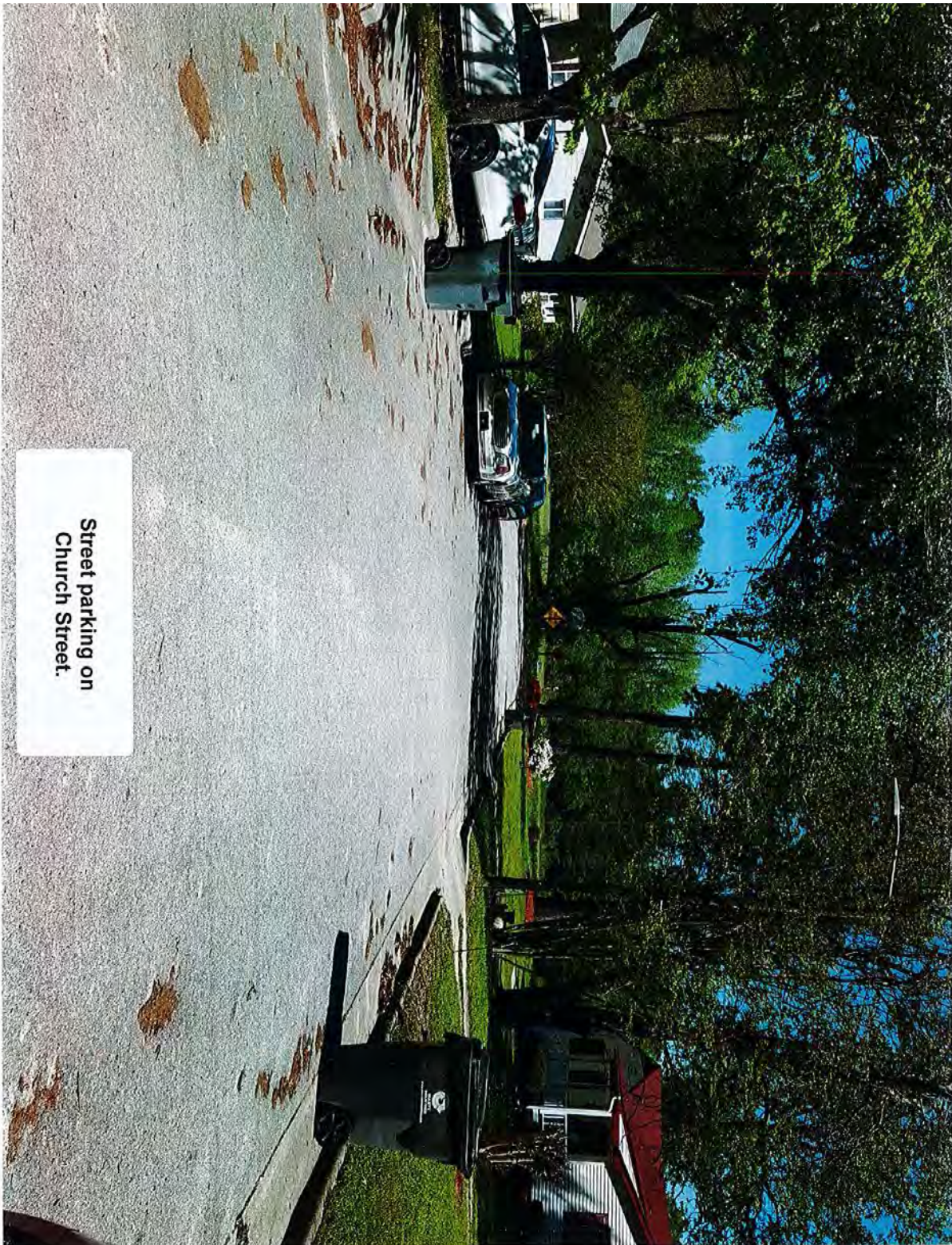


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Street parking on  
Church Street.



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Mayor Gray asked if the Board had any questions for anyone.

Commissioner Jason Joyner asked someone to speak to the terms of brevity about this project and the lack of explanation on the behalf of the applicant. Mr. Joyner asked Mr. Bergmark to clarify the conditional requirements.

Planning Director David Bergmark said that he had a rebuttal he wanted to clarify in response to Attorney Bowens. He said at the April meeting aforementioned, Town staff did not advocate for Church Street to be the only connection. Town staff informed the Board that the UDO did not require a connection to Wendell Boulevard and that it only required the minimum number of street stubs to the boundary of that parcel. He said that now that the applicant is proposing a connection to Wendell Blvd, that does not negate Town requirements to connect to existing stubs. Church Street is an existing stub and per section 9.7d of the UDO states that new developments shall connect to existing streets stubs from adjacent properties. Mr. Bergmark said that this is not a change in staff position and that this is a clarification of Town regulatory requirements based on changes to the application, itself.

Attorney Bowens said that, with respect to that, staff said unequivocally that it recommended approval of the site in April of 2019 as a result of the plan that was submitted which had only one ingress and egress. Mr. Bowens said that, as a condition, this board could approve the site with the condition that it still have the additional ingress/egress, but only for emergency purposes, while making that a condition of the grant of the special use permit.

Applicant Jim Harrel said that they feel confident in their application. He said they can show the Board the space that's provided and asked that his council be allowed time for a rebuttal.

Attorney Stephen Bowens said that he would object with respect to rebuttal that the council has rested.

Mayor Virginia Gray said that he reserved the opportunity for that, previously.

Mr. Bowens said that he reserved that opportunity for the end of Mr. Harrel and Mr. Gillet's opportunities to speak.

Town Attorney Jim Cauley said that if the Board wanted to hear further from the applicant's council that they could.

Attorney Brady Herman said that Mr. Herndon's attorney has not demonstrated that Mr. Herndon has standing to be a party opposing this SUP application and said that, under the law in NC G.S. 160A-393, in order to have standing as a party to oppose an SUP



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application at a quasi-judicial hearing, one must be those who suffer special damages as a result of the decision. Mr. Herman said that here, special damages means damages that are distinct from the rest of the community and there is no competent evidence that was given by Mr. Herndon's attorney that he will suffer special damages distinct from the rest of the community. Mr. Herman said that even if his testimony was regarding traffic safety and the number of traffic trips that would go on Church Street, that type of testimony under 160A-393 requires competent evidence. Mr. Herman said that lay opinion testimony as to whether vehicular traffic would pose a danger to the community must be provided by expert testimony, rather than lay opinion testimony. Referring to the standard that Mr. Bowens and Mr. Herndon had suggested, Mr. Herman said that the applicant has addressed all of the issues that are listed in the general requirements to guide this Board's decision. He said that, under the Town's Ordinance as it's written, it says "which are based upon the sworn testimony and evidence presented at the hearing, relevant to the following standards." He said that, in other words, not every single standard has to be met in this list in order for the Special Use Permit to be issued. Mr. Herman contested respectfully that the Kenan Standard that the opposing council has suggested uses a standard that says "will not substantially impair the adjoining property values" is not listed in the Town's Ordinance as written. Mr. Herman argued that the opposing party has not provided any competent evidence regarding any decrease in property values. He said that Zoning Ordinances are construed in the favor of free use of property. Regarding the notice requirement, Mr. Herman said that it is clear in the application that the notice was sent to Mr. Herndon's address at his PO Box.

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Mr. Herman respectfully asked that the applicant has met all of the standards under the Ordinance and that the Board approve his application.

Attorney Bowens said that the standard of whether or not the proposed use “will not substantially injure the value of the adjoining property or the proposed use is a public necessity” is essentially the same as “will the proposed use affect adjacent properties or other uses” as number four and number five in the Town’s ordinance questions, stating “will the proposed use constitute a nuisance or hazard to a number of persons who will attend or use the facility of vehicular movement, noise, fume, generation of type and activity.” Mr. Bowens said that, in this case, there was no explanation in the application and with respect to the proposed use and the impact on adjacent property owners, the only evidence—much like the applicant said—that the requirement for competent evidence is to use a traffic engineer, an appraiser or a licensed person that can speak to the impact. Mr. Bowens said that the Kenan case speaks to this, as it is the seminal case in North Carolina as to how Boards would review such actions. Mr. Bowens thanked the Board for their time.

Mayor Gray asked if anyone else wanted to speak.

No one else spoke.

Mayor Gray closed the public hearing and asked the Board if they had any comments or questions.

Commissioner Jason Joyner said that he likes this map better than previous ideations, specifically to the Church Street area. He said that the conversation that was had about this development at the first April meeting is why there’s a second entrance, now.

Mayor Virginia Gray asked if Church Street was an emergency exit, what’s going to make it strictly for emergency vehicles.

Planning Director David Bergmark said that the applicant has not specified that level of detail yet, but it could be something with a lockbox key that fire and emergency services would have access to.

Mayor Gray asked if that’s the typical process for handling emergency exit/entrances.

Mr. Harrell III said that they have seen and done emergency exits like this and there are two options that could be taken: the lockbox, or they can put posts up that emergency vehicles can go over but other vehicles would have to stop.

Mayor Gray said that she was bothered by the fact that the Traffic Analysis hadn’t been attached to the original application and was instead given to the Board the night of the meeting. Mayor Gray also voiced her concerns over the density of this space, due to the

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Board being in the middle of the Comp update, which allows for citizens to contribute to those types of plans such as the ones that voiced their concerns over this development.

Mayor Pro Tempore John Boyette asked the opposing council, Attorney Bowens, what changes could be made to this project that would make it palatable to his client.

Attorney Bowens said his clients are opposed to the project as a whole, but if the project were to be approved with the condition that the entrance and exit on Church Street would only be for emergency personnel as a condition of the issuance of the special use permit, that would go a long way in causing his clients to accept the project as submitted.

Mayor Gray asked Mr. Bergmark if this project has been submitted to the Technical Review Committee.

Mr. Bergmark said not yet per the new procedural requirements for the SUP. He said that the project would be submitted after the Board meeting, if it was approved.

Commissioner Jon Lutz said that the first page of the traffic analysis shows the peak turning point times and that there are some new sites listed and he asked if these were recommended early on in the project development.

Mr. Dean said that they collected those accounts on April 17, 2019 and updated the accounts due to the Lapp Funds that are upcoming. They updated volumes and increased them by 3% to project future volumes with site traffic and industry data added. He said that the neighboring development Wendell Crossing traffic was also included in this study.

Commissioner Lutz said that the check on those accounts was done on a day when school was out of session back in April. He reiterated the importance of including school day traffic in this study.

Mr. Dean said that they included the additional school traffic in their updates. He said that these plans have been reviewed and approved by DOT as to the validity of the counts in this analysis.

Commissioner Lutz said that the narrowness of Church Street and the back entrance gave him cause for concern for the people who lived in the area. He said a lot of people would leave out that entrance due to it being close to the clubhouse.



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**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to approve the Special Use Request by James A Harrell III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive) with the condition that the access between Church Street and the parking area at the rear of the proposed plan is designated as an emergency entrance and exit only.

**Vote:** 4-1

- 5a. PUBLIC HEARING:** for annexation petition A-19-06 for a 20.03-acre tract located off of Wendell Boulevard; PIN # 1774-66-5953  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*SPC Mechanical Headquarters has submitted an annexation request for a 20.03 acre parcel located at 1500 Wendell Boulevard and identified by PIN Number 1774-66-5953. The owner has submitted plans to build a headquarters and office complex at this location as part of a CMX Conditional District, but in order gain access to needed utilities, annexation is required. This request is for land which is adjacent to existing satellite annexation areas but is still considered non-contiguous.*

**Public Utilities:**

*Public water and sewer are available.*

**Tax Information:**

*Currently, the property is vacant with a total assessed value of \$1,021,221. At the current tax rate of 49 cents, annexation of this property "as-is" would result in approximately \$5000 in annual tax revenue for the Town. This figure will increase substantially as the parcel is developed for a future 27,000 sq. foot headquarters and ancillary office buildings.*

**Location Map:**

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Mayor Gray opened the Public Hearing and asked to hear from the applicant.

Patrick Barbo, Project Engineer at the Timmons Group, 5410 Trinity Road in Raleigh, said that he's available to answer any questions that the Board might have concerning the project.

No questions were asked and Mayor Gray asked if any citizens wanted to speak in favor or opposition.

No citizens spoke and Mayor Gray closed the public hearing.

**ACTION**

**Mover:** Commissioner Jon Lutz moved to approve the annexation petition A-19-06 for a 20.03-acre tract located off of Wendell Boulevard; PIN # 1774-66-5953

**Vote:** 5-0

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- 5b. PUBLIC HEARING:** for annexation petition A-19-07 for a 23-acre tract and a 9.31-acre tract located off of Marshburn Road; PIN # 1784-69-5299 and PIN # 1784-68-2669  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*Joshua E. Furr has submitted an annexation request for 2 parcels: 23 acres located at 0 Marshburn Rd and identified by PIN Number 1784-69-5299 and 9.31 acres located at 1408 Marshburn Rd and identified by PIN Number 1784-68-2669.*

**Zoning District:**

*The property located at 0 Marshburn Road and identified by PIN #1784-69-5299 is currently located within the Wake County R-40 zoning district and has petitioned to be rezoned Residential Agricultural (RA). The property located at 1408 Marshburn Road and identified by PIN #1784-68-2669 is currently located in the RA zoning district.*

**Public Utilities:**

*Public water is available on Marshburn Rd. Public sewer is not available currently.*

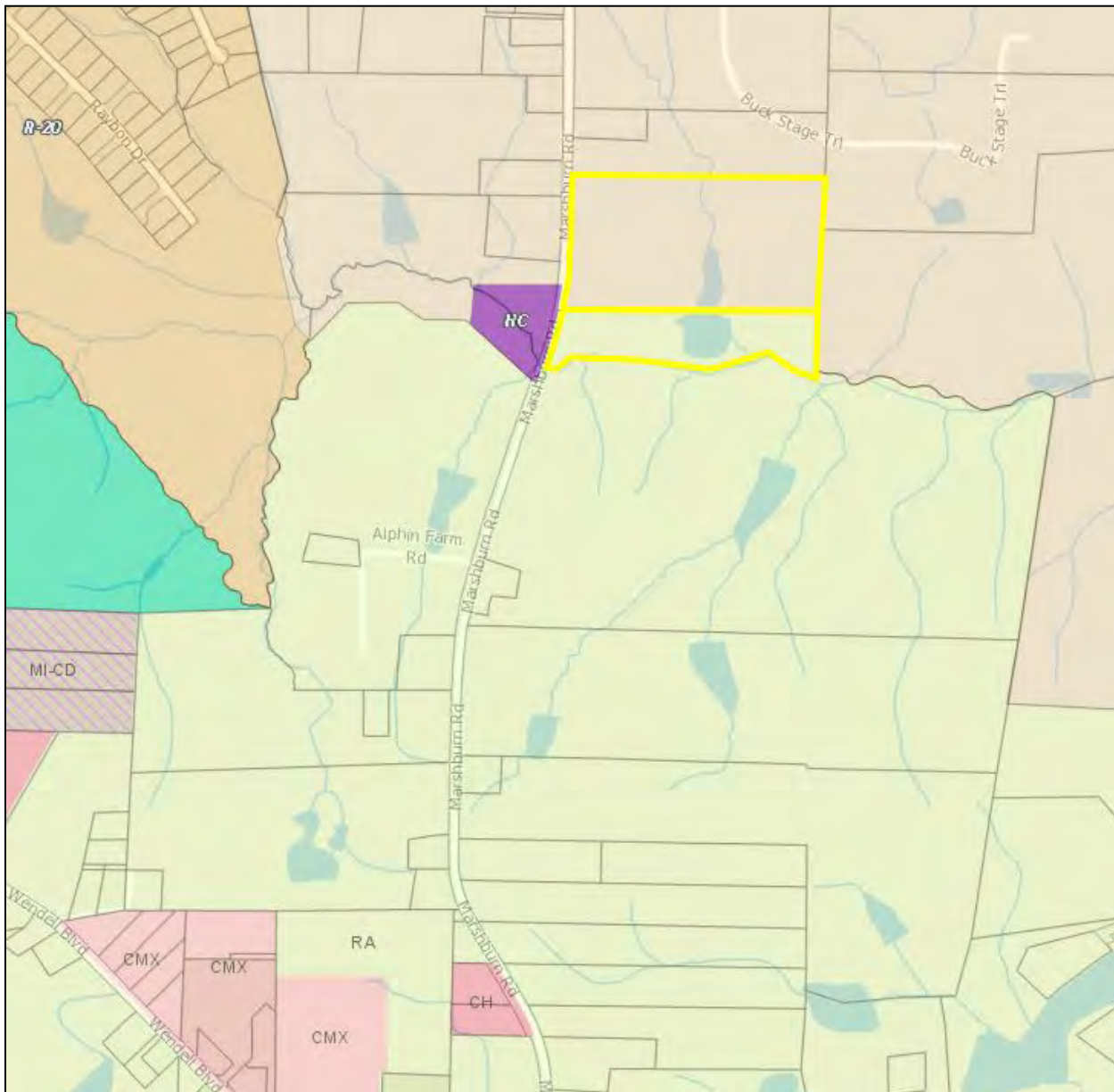
**Tax Information:**

*Currently, the two properties contain 1 dwelling, with a total assessed value of \$726,669. At the current tax rate of 49 cents, annexation of this property “as-is” would result in approximately \$3561 in annual tax revenue for the Town.*



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**Location Map:**



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Mayor Gray asked to hear from the applicant.

Joshua Furr, 1408 Marshburn Road, 0 Marshburn Road, said he bought the property years ago and plans to keep it as original as he can for many years to come. He said he'd like to annex 0 Marshburn into 1408 Marshburn and rezone it so they're both the same and combine both parcels into one. He said he had dreams about opening a wedding venue in the future, but for now he planned on keeping the land beautiful and protected from development.

Mayor Gray asked if any citizens would like to speak in favor or opposition to the proposed annexation.

No one spoke and Mayor Gray closed the Public Hearing.

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to approve annexation petition A-19-07 for a 23-acre tract and a 9.31-acre tract located off of Marshburn Road; PIN # 1784-69-5299 and PIN # 1784-68-2669

**Vote:** 5-0

- 5c. PUBLIC HEARING:** for a Zoning Text Amendment, Chapter 12 of the UDO as it relates the Town's Mural Agreement  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*In 2014, regulations for Murals were added to the Section 12.8Q of the UDO, based on a review of other municipalities' standards (including Cary, NC; Conway, SC; Durham, NC; Knightdale, NC; Los Angeles, CA; Matthews, NC; Portland, OR; Raleigh, NC; and Sanford, NC).*

*One such standard relates to the placement of murals. Currently, murals are not permitted on the primary façade of the building. The intent of this standard is to make the primary façade focused on the business use and direct any murals to side or rear facades. However, the Wendell Appearance Commission's work plan calls for the Commission to explore small mural projects aiming to give visual interest to mundane streetscape objects (see Attachment A for examples).*

*Staff does not wish to preclude these smaller art projects from being placed on a front façade. For this reason, staff is proposing to amend Section 12.8Q of the UDO to clarify that while front façade murals are generally discouraged, the Town Board may permit*

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*murals on the front façade of a structure so long as they are no more than 50 sq. ft in size.*

**Existing Mural Regulations:**

*Murals or Wall Art: A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:*

- 1. No mural shall be added to the primary facade of the building.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
- 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
- 5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

**Proposed Text Amendment**

*To Amend Chapter 12.8Q1 to read as follows (amended section is underlined):*

**“Signs Not Requiring a Permit – 12.8Q:**

**Murals:**

*A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:*

- 1. Murals are generally discouraged from being placed on the primary façade of a building. However, the Town Board reserves the right to approve a primary façade mural if it does not exceed 50 sq. ft in size.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
- 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*



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5. *The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

**Planning Board Recommendation:**

*At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested text amendment.*

***Voting in Favor:*** Victoria Curtis, Ryan Zakany, Jimmena Huffman-Hall, Michael Firstbrook, Allen Swaim, Jonathan Olson, Levin Jones and Brett Hennington

***Voting Against:*** None

***Absent:*** None

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change, if deemed necessary, 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 text amendment is consistent with principle number 2 of the comprehensive plan (below) and is reasonable in order to allow flexibility to enhance visual interest in small ways without detracting from the character of the downtown.*
- *Principle Number 2: "Protect and enhance the strengths of the downtown core, making the area a place to experience"*

**Staff Recommendation:**

*Staff recommends approval of the proposed zoning text amendment.*

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

No questions were asked and Mayor Gray opened the public hearing, asking if there were any citizens who would like to speak in favor or opposition of the proposed zoning text amendment.

No citizens spoke for or against.

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**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to adopt the Zoning Text Amendment, Chapter 12 of the UDO as it relates the Town's Mural Agreement

**Vote:** 5-0

- 5d. PUBLIC HEARING:** Rezoning for Furr Property Investments, LLC at 0 Marshburn Road for 23 acres  
Speaker: Planning Director David Bergmark

**Item Summary:**

*This property is located in Wake County within the Urban Service Area for the Town of Wendell and is currently zoned Wake County R-40. The applicant has requested annexation of this parcel and the adjacent parcel to the south. Any area annexed into the Town must be given a Wendell zoning designation. Since the adjacent parcel is zoned Residential Agricultural (RA), the applicant is requesting to rezone the subject property to RA as well.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from R-40 to RA:*

*"My goal is to:*

- 1. Annex the land at 0 Marshburn to be in Wendell's jurisdiction.*
- 2. Change the zoning at 0 Marshburn to conform with the same zoning as the adjacent property I own at 1408 Marshburn.*
- 3. Combine my two parcels into one.*
- 4. I would like to Connect to city water which is located in front of my house at 1408 Marshburn, I do not want the primary source to be a well.*

*For the next few years my goal for this property is beautification and landscaping for my own enjoyment."*

**Project Profile:**

40	<p><b>PROPERTY LOCATION:</b> 0 Marshburn Road</p> <p><b>WAKE COUNTY PIN:</b> 1784 69 5299</p> <p><b>ZONING DISTRICT:</b> Proposed RA/ Current Wake County R-</p>
40	<p><b>CROSS REFERENCES:</b> N/A</p> <p><b>PROPERTY OWNER:</b> Furr Property Investments LLC (Joshua Furr)</p> <p>1408 Marshburn Rd</p> <p>Wendell, NC 27591</p> <p><b>APPLICANT:</b> Same as Owner</p> <p><b>PROPERTY SIZE:</b> 23 acres</p>

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CURRENT LAND USE:           Agricultural  
PROPOSED LAND USE:       Agricultural

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

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

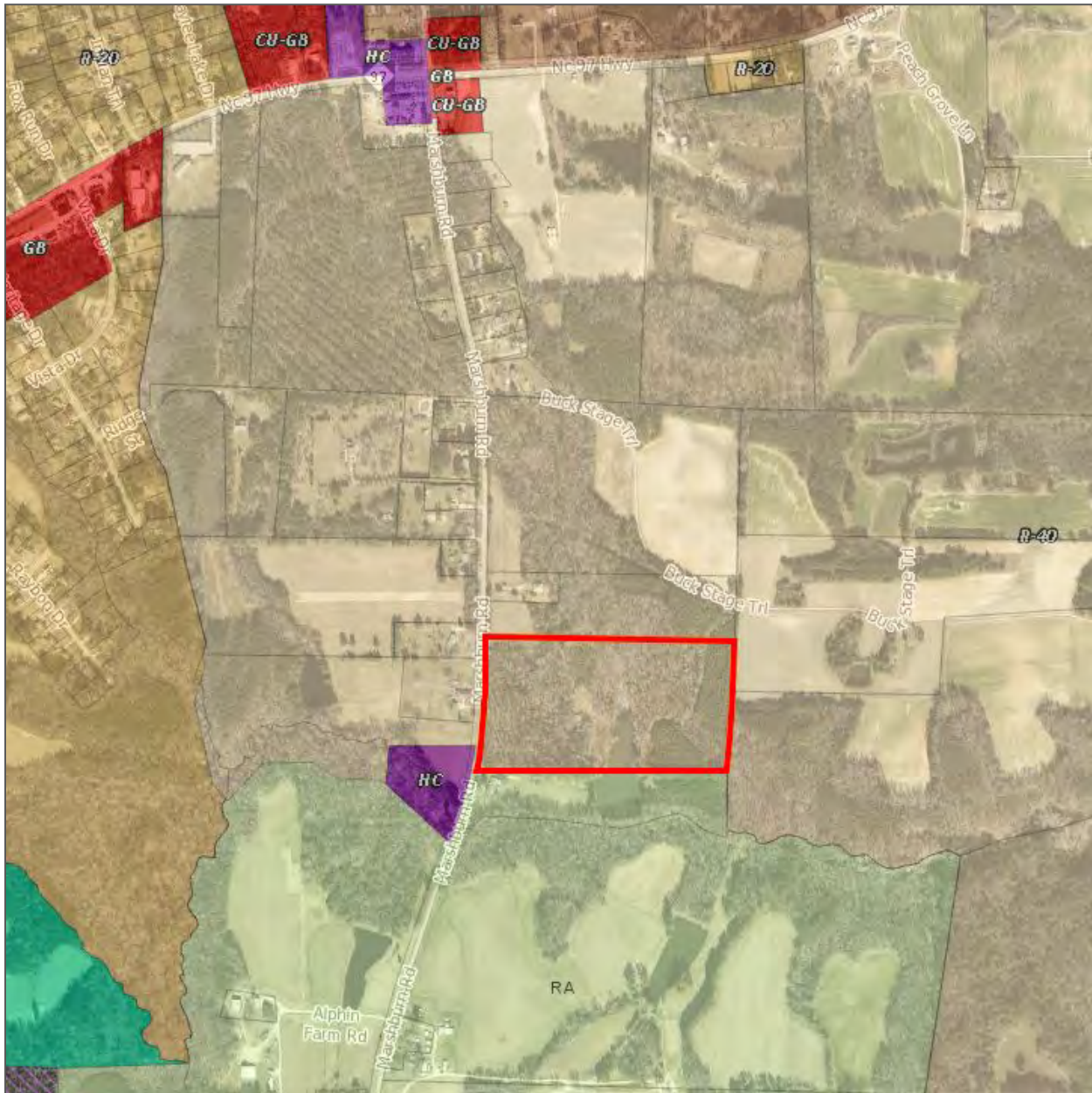
**Zoning District:**

*This property is located in Wake County within the Town's Urban Service Area and is zoned Wake County R-40. The surrounding properties are currently zoned RA and Wake County R-40.*

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



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**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this section as S-4 Controlled Growth Sector.*

*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*

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*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.*



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**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.
- 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 be consistent with the adjacent parcel with a Wendell zoning designation. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:
- Principle Number 1: "Preserve the small-town feel and historic character of the community."

**Planning Board Recommendation:**

At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested zoning map amendment.

***Voting in Favor:*** Victoria Curtis, Ryan Zakany, Jimmena Huffman-Hall, Michael Firstbrook, Allen Swaim, Jonathan Olson, Levin Jones and Brett Hennington

***Voting Against:*** None

***Absent:*** None

**Staff Recommendation:**

Staff recommends approval of this rezoning request. The RA zoning district is the most comparable district to the County's R-40 zoning district which currently applies.

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

Mayor Gray opened the public hearing and asked if there were any citizens who wanted to speak for or against the proposed rezoning. No one spoke and Mayor Gray closed the public hearing.

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to approve the Zoning Map Amendment request for Furr Property Investments, LLC at 0 Marshburn Road for 23 acres

**Vote:** 5-0



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- 5e. PUBLIC HEARING:** Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*These properties are located within the city limits of the Town of Wendell and are currently zoned R2. There is a service garage located at 313 N. Pine Street that was an auto repair business owned and operated by the Strickland family for many years before the Town adopted the UDO. After its adoption, the property was zoned R2, which does not permit an auto repair shop, but the existing business was grandfathered in as a legal nonconforming use. Mr. Strickland continued to operate the auto shop for many years until he lost his sight and was not able to work anymore.*

*At this time, Mr. & Mrs. Strickland would like to rent out their service garage to a local mechanic to operate a small auto repair business, but since the nonconforming use has been abandoned for several years, the UDO will not allow a non-conforming use to be re-established. In order for the auto repair shop to conduct business again, they will need to rezone the property to a zoning district that allows that use. On the same block as the service garage, Wendell Baptist Church is zoned DMX-CU. Due to the proximity of the DMX zoning district, Mrs. Strickland is requesting to rezone her property at 313 N. Pine Street and the adjacent property at 230 N. Main Street, which is also owned by Wendell Baptist Church, to DMX. This will create a continuous DMX zone. Wendell Baptist Church is aware of the request and has submitted a letter of support to staff.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from R2 to DMX:*

*“We have a financial need due to the fact that my husband is now in need of 24-hour care. Thomas ran an electrical automotive business at 313 N. Main Street before he lost his eyesight. The business had been grandfathered in, but this is no longer valid since he couldn’t work and keep it going. The Planning Department recommended to rezone the property in order to start the business again.”*

**Project Profile:**

PROPERTY LOCATIONS:  
WAKE COUNTY PIN:  
ZONING DISTRICT:  
CROSS REFERENCES:

313 N. Pine Street & 230 N. Main Street  
1784-71-2467 & 1784-71-1388  
Proposed DMX/ Current R2  
N/A

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PROPERTY OWNERS:	Thomas & Joy Strickland 240 N. Main Street Wendell, NC 27591 Wendell Baptist Church PO Box 187 Wendell, NC 27591-0187
APPLICANT:	Joy Strickland 240 N. Main Street Wendell, NC 27591
PROPERTY SIZES:	.21 & .4 acres
CURRENT LAND USE:	Storage & Institutional
PROPOSED LAND USE:	Commercial & Institutional

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

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential	R2
South	Institutional	DMX-CD
East	Residential	R2
West	Residential	R3

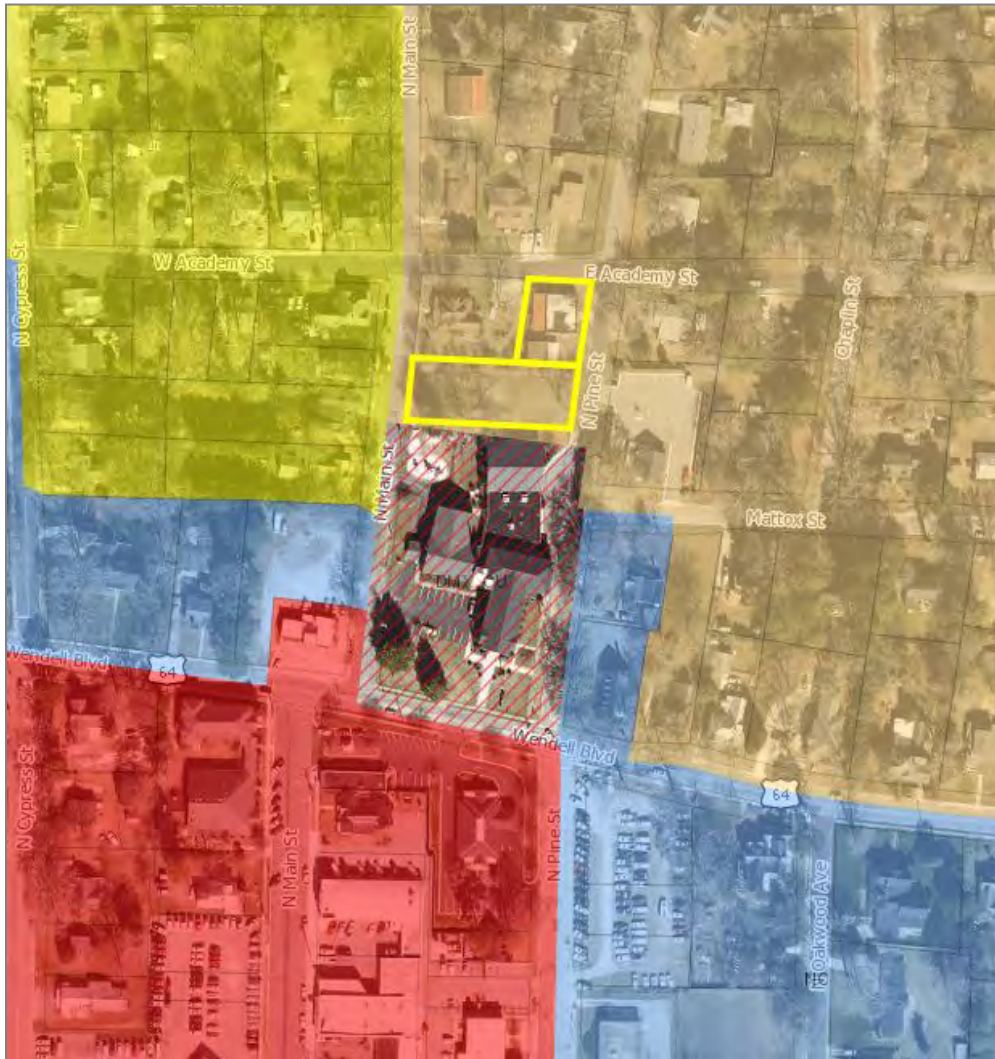
**Zoning District:**

These properties are located within the town's city limits and are zoned R2. The surrounding properties are currently zoned R2, R3 and DMX-CU. The DMX zoning district permits vehicle services- minor maintenance/repair with the following additional standards:

1. All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.
2. Storage yards shall be set back a minimum of 50 feet from any residential district. No stored vehicles may be visible from any property line.
3. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
4. No vehicle may be kept or used for parts for other vehicles.
5. No vehicles may be stored for more than 30 calendar days without repair work.
6. Car washes must be approved by the City of Raleigh Public Utilities Department.

**Current Zoning Map (Requested Properties outlined in yellow):**

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**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this section as S-6 “Infill/Redevelopment Sector” in a Village Town Center.*

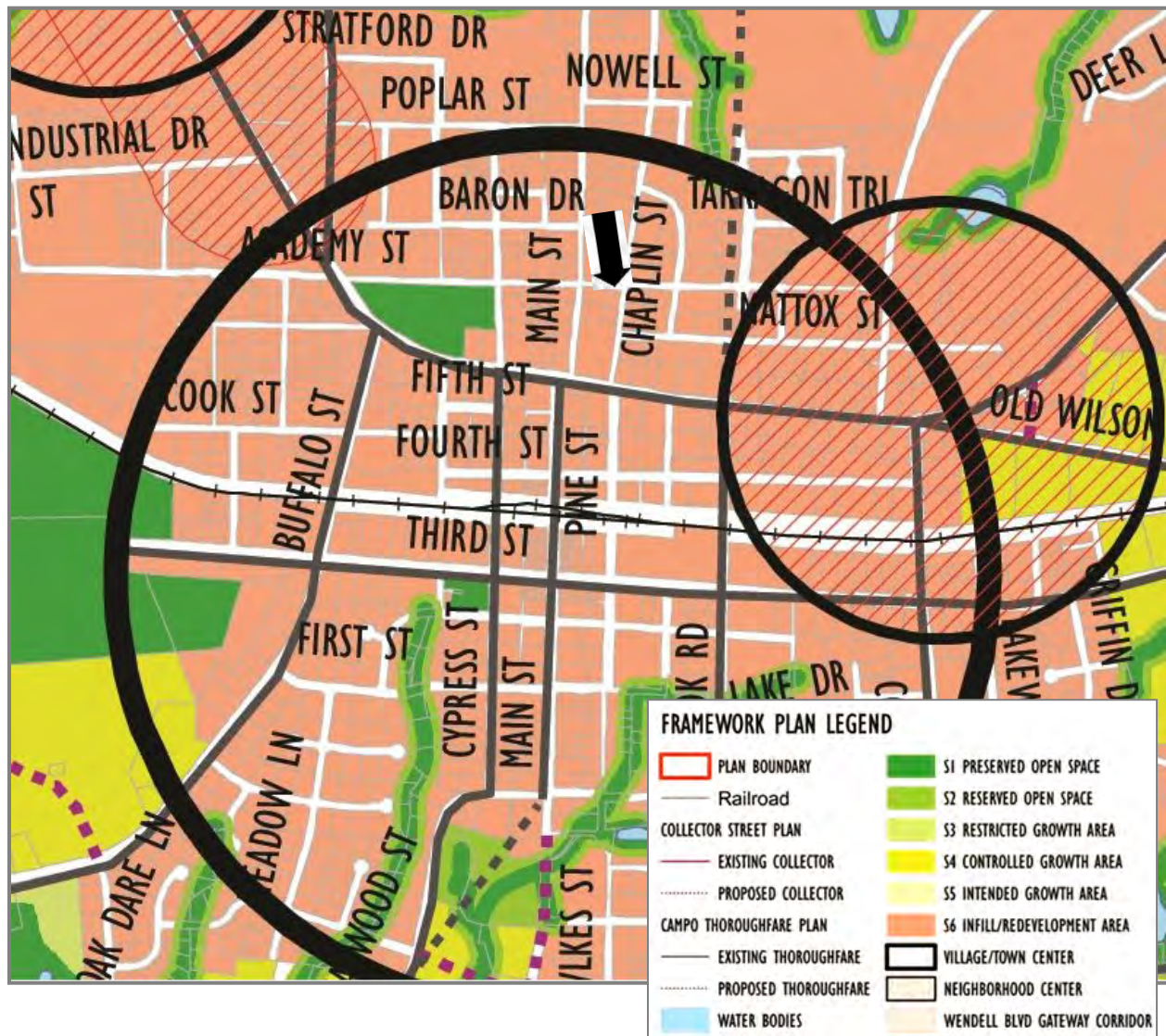
*The Comprehensive Plan states the “Existing urban/suburban development” with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around the historic downtown core. These areas are already urbanized and well served with infrastructure*

*(roads, utilities, etc.), and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels.*

*The following community types and uses are appropriate in the S-6 sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses and light industrial uses.*



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**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-6 Sector and is reasonable since the properties are adjacent to the DMX zoning district. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

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- *Principle Number 1: "Preserve the small-town feel and historic character of the community."*

**Planning Board Recommendation:**

*At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested zoning map amendment.*

***Voting in Favor:*** Victoria Curtis, Ryan Zakany, Jonathan Olson, Brett Hennington, Allen Swaim, Michael Firstbrook and Levin Jones

***Voting Against:*** None

***Absent:*** None

**Staff Recommendation:**

*Given the history of this site and the long-time non-residential use that was present until recent years, staff has no objections to the rezoning request. However, staff asks the Board to keep in mind ALL uses which may be permitted in the DMX zoning district (beyond a vehicle service shop). A list of uses permitted in the DMX zoning district is included as Attachment B.*

Mr. Bergmark offered to answer any questions that the Board might have. No questions were asked and Mayor Gray opened up the public hearing and asked to hear from the applicant.

Joy Nowell Strickland, 340 North Main Street, said her and her family have lived at this house for 110 years. She said that her family has run businesses from 314 N Pine Street for over 100 years beginning with her grandfather, Jim Nowell, her father, Glenn Nowell, and her husband, Thomas Strickland. The location borders Wendell Baptist Church. She said that this location has existed for many years as a business and therefore should be allowed to operate as a business.

Mayor Gray asked if any citizens wanted to speak in favor or against the rezoning request.

Deans Eatman, 4 W Academy Street, said that he was in favor of the rezoning as a neighbor to the business' location.

Errol Briggerman, 14 Forest Lane, said he agrees with the rezoning of Mrs. Strickland's property, as he is a member of the neighboring Wendell Baptist Church.

Mayor Gray closed the public hearing.

Commissioner Jon Lutz said he's always driven by the business and believed that it was never a nuisance to the neighborhood.

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**ACTION**

**Mover:** Commissioner Jon Lutz moved to approve the Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).

**Vote:** 5-0

**The Following Public Hearings were moved to be presented before Item 5a.**

~~5f. **PUBLIC HEARING:** CD19-03 — Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.~~

~~———— Speaker: Planning Director David Bergmark~~

~~5g. **PUBLIC HEARING:** for annexation petition A-19-04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a 50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract located on Yancey Drive, PIN # 1775-04-2139~~

~~———— Speaker: Planning Director David Bergmark~~

~~5h. **EVIDENTIARY HEARING:** Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).~~

~~———— Speaker: Planning Director David Bergmark~~

## **6. ADMINISTRATIVE ITEMS**

No Administrative Items Scheduled

## **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:



Jason Joyner met with the Volunteer Fire Department Board of Directors and said that they discussed the grand opening of the new Wendell Falls Fire Station to be open soon.

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

Commissioner Joe DeLoach congratulated Errol Briggerman on receiving the Mayor's Award and said the Chamber Banquet was a great success. He thanked everyone for their patience at this night's meeting.



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

Mayor Gray said that she was pleased to award Errol Briggerman with the Mayor's Award, as he is always available to provide the invocation at Town Board meetings when needed.

Tuesday, February 18<sup>th</sup> at 7 PM is the State of the Town meeting.

Mayor Gray said she was invited to East Wake High School's Career Academy for Life Sciences. She said it has a career path that goes to pre-med or pre-vet and was a result of a rigorous application process. Mayor Gray thanked the principal for going after this initiative.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

**ACTION:**

Mover: Mayor Pro Tem John Boyette moved to adjourn at 11:00 p.m.

Vote: 5-0

Duly adopted this 11th day of May 2020, while in regular session.

**ATTEST:**

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

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

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

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, February 24, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Commissioners: Jon Lutz, Jason Joyner, Joe DeLoach, and Philip Tarnaski

**ABSENT:** Mayor Pro Tem John Boyette

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Assistant to the Manager Stephanie Smith, Town Attorney Jim Cauley, Planning Director David Bergmark, Assistant Planning Director Bryan Coates, Public Works Director Brian Bray, Public Works Specialist II Damien Johnson, Public Works Senior Specialist David Kidder, and Police Chief Bill Carter.

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

Police Chief Bill Carter led the Pledge of Allegiance

Greg Lane of Wendell Baptist Church led the Invocation.

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

### **ACTION**

Mover: Commissioner Jon Lutz moved to approve the Agenda, as presented.

Vote: 4-0

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

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

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

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

- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*
- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

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Jeremy Fryett, 1009 Fieldmere Place, said he has submitted his application to the Planning Board vacancy and has read the preamble of the Town's Code of Ethics regarding a fair and open Board, which Mr. Fryett thinks the Town does well. He listed the ethical responsibilities outlined and said that the Board needs to be reminded of the citizens and businesses of Wendell and that the development of the Town is a partnership with the community. Mr. Fryett asked the Board to take those things into mind with each decision that they make and thanked the Board for the opportunity to speak.

### **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. Update to the Town of Wendell Board of Commissioners Code of Ethics
- 3b. Approval of audit service contract with Petway Mills and Pearson PA.

#### **ACTION**

Mover: Commissioner Jon Lutz moved to approve the Consent Agenda, as presented.  
Vote: 4-0

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

- 4a. Recognition of Carver Elementary School Teacher, Kelly Houston  
Speaker: Mayor Virginia Gray

Mayor Virginia Gray provided the following recognition:

Kelly Houston has been working in the field of Early Childhood Learning for the last twenty years. She is a pre-K teacher at Carver Elementary and earned her degree in Wisconsin, taught in Minnesota, Australia and Egypt before moving to Wendell. She welcomes our young learners and their families with a bright and contagious smile to Carver Elementary every day and helps to provide a positive learning environment. Ms. Houston helps to transition the home to school experience by doing home visits, parent workshops and community outings. She is Carver's Title One Family and Community Engagement Liaison and Carver Representation for North Carolina Association for Educators. Ms. Houston and her son Hunter live in Wendell and are excited about Hunter starting Kindergarten at Carver in the Fall.

Kelley Houston thanked the Mayor for honoring her today and said that she's loved living and working in Wendell for the past 18 years. She said the week of March 1 is Read Across America and encouraged people to read a story to the elementary school students.



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- 4b. New Employee Introductions in the Public Works Department  
Speaker: Public Works Director Brian Bray

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

**Item Summary:**

*The Public Works Director will introduce (2) new hires that have recently filled open positions.*

*Public Works Specialist II Damien Johnson is assigned primarily to Heavy Truck Operations, operating the limb collection, leaf and sweeper trucks.*

*Public Works Senior Specialist David Kidder is assigned to Building Maintenance and will act as a backup for Vehicle and Equipment Maintenance as well.*

Damien Johnson said that he's glad to be in Wendell and working with great colleagues and leadership.

David Kidder said he's never worked in the public sector and said it's a great change.

**5. PUBLIC HEARINGS**

No Public Hearings

**6. ADMINISTRATIVE ITEMS**

- 6a. Town of Wendell Comprehensive Plan Project Consultant Selection and  
Authorize the Town Manager to Negotiate and Sign a Contract for Services  
Speaker: Assistant Planning Director Bryan Coates

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

**Item Summary:**

*On December 20, 2019, The Town of Wendell issued a request for proposal (RFP) for planning services from qualified consulting firms to prepare a long-range comprehensive plan that will engage the community to identify its desired vision for the Town's future, identify community priorities, and articulate strategies to address community priorities. Consultants or consultant teams should needed expertise in the areas of land use planning, transportation, urban design, greenways, economics, sustainability and downtown revitalization.*

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*The Comprehensive Plan is anticipated to be a key policy and action document for the Town of Wendell, to be used by staff, government agencies, economic development entities, elected officials, board and commissions, developers, property owners, and residents as a guide for future land use development, capital investments, and growth management decisions over the next 20 years and beyond. The updated Long-Range Comprehensive Plan will combine Land Use, Transportation, Parks and Recreation, and Preservation initiatives in a strategic and sustainable manner, with a Future Land Use Plan as a key component.*

*It is anticipated that work will begin in March 2020 and the finished product will be adopted by the town council in early 2021.*

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

- 1) Nealon/Lane
- 2) Stewart/Kimley Horn/Withers Ravenel

*Following successful negotiations with the selected firm, an agreement will be prepared and signed by both parties.*

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

Commissioner Jon Lutz said that he's excited about this and the way the Town has been growing.

**ACTION:**

Mover: Commissioner Jon Lutz moved to approve the Town of Wendell Comprehensive Plan Project Consultant Selection and Authorize the Town Manager to Negotiate and Sign a Contract for Services

Vote: 4-0

- 6b. Fee-in-lieu Request for 164 ft of Roadway Improvements on Wendell Boulevard by Raymond Drive (Woodlands of Timberlake Minor Subdivision)  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*In 2007, a major subdivision plan was approved for Phase 2 of Woodlands of Timberlake. As part of this development plan, right-of-way dedication and infrastructure improvements were made along approximately 730 ft of Wendell Boulevard.*

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*In March of 2017, Johnny Watson was approved for a recombination of lots along Raymond Drive to build single family homes on. During this recombination, a 1.375-acre lot at the northwest corner of Wendell Blvd and Raymond Drive (see lot #110 in Attachment A) was created with the intention of pursuing commercial development.*

*The owner now seeks to subdivide lot 110 into 4 lots (see Attachment B). Lot #110A would remain open to commercial development, while lots 110B-D would be developed as single family homes fronting on Raymond Drive.*

*The Town's Arterial and Collector Street plan calls for Wendell Blvd to be widened along this stretch of road, to accommodate a future bike lane. These improvements would be required prior to the development of lots 110B-D and would involve removal and replacement of the existing curb & gutter, storm drains, and sidewalk to make room for the 5' bike lane.*

*As an alternative to removing all the existing infrastructure in order to shift it back 5 feet, the property owner is requesting the Town Board to authorize a fee in lieu of these roadway improvements, **in the amount of \$26,010** (see Attachment C).*

*If approved, this fee in lieu would cover the improvement requirements for frontage along lot 110D and would be due prior to staff signing the minor subdivision plat. Future development of lot 110A would still be subject to road improvement requirements, as it is not included as part of the request.*

**Staff Recommendation:**

*The fee in lieu request and estimate have been reviewed by the Town engineer for accuracy and completeness. Currently there is no widened section for bike lanes along this stretch of road (the closest area where this widening has been performed is at the Convenience Center on Wendell Blvd heading towards Zebulon – approximately 1 mile away). Right-of-way has already been dedicated which exceeds the Town's ultimate cross-section.*

*Based on the limited length of improvement and the fact that all infrastructure improvements except the extra width for a future bike lane are already in place, staff recommends approval of a fee-in-lieu request. Approval of the request would permit these funds to be used by the Town to support roadway improvements in higher priority areas of Town as part of a larger, complete project.*

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

Commissioner Jon Lutz asked if the sidewalk runs from Raymond Drive all the way up to the property line.



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Mr. Bergmark confirmed that it does and includes sidewalk, curb and gutter, and storm drains.

Commissioner Jason Joyner said that this seems like what the Board should be using Fee in Lieu for, with that type of infrastructure being in place.

**ACTION:**

Mover: Commissioner Jon Lutz moved to approve the Fee-in-lieu Request for 164 ft of Roadway Improvements on Wendell Boulevard by Raymond Drive (Woodlands of Timberlake Minor Subdivision)

Vote: 4-0

- 6c. Owners Project Manager (OPM) for the Town Hall and Select Capital Projects Consultant Selection and Authorize the Town Manager to Negotiate and Sign a Contract for Services  
Speaker: Town Manager Marc Collins

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

**Item Summary:**

*On December 16, 2019, The Town of Wendell issued a request for qualifications (RFQ) for services from qualified firms to provide overall project management as the Owner's Project Manager (OPM) in concert with other project professionals in the design and construction of new facilities to include a new Town Hall and other directly related support facilities.*

*The primary role of the OPM is to be a manager, facilitator, and communicator working closely with the Town's consultants on the project. The OPM will represent the interests of the Town in providing oversight of the capital projects from start to finish.*

*Staff received two competent qualification packages and two decline to submit responses. The submissions were evaluated based on the following criteria:*

- 1. Firm experience, reputation, and workload.*
- 2. Response to the project objectives outlined in the scope of work.*
- 3. Past performance with the Town of Wendell.*
- 4. Experience of the personnel assigned to this project team.*
- 5. Schedule.*

*Based on the materials submitted and review criteria, the selection committee unanimously requests the Board to authorize the Town Manager to enter negotiations with RFQ respondents in the following rank order:*

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- 3) *Cumming Management Group*
- 4) *Muter Construction*

*Following successful negotiations with the selected firm, a professional services agreement will be prepared and signed by both parties. The service agreement will outline the project schedule for the design and construction of the capital projects subject to funding approval.*

Commissioner Jon Lutz asked if, when discussing these two different firms, the decision isn't made by who has the lowest price.

Mr. Collins said that in a RFQ they don't offer the price. There's an amount allotted in the Town's budget and an RFQ for technical services can't have price negotiations under state law. He said that there's a cost for professional services and you pay a rate for those professional services. So you're selecting a firm on their ability to deliver services, then you negotiate the cost within the appropriated budget line. Mr. Collins said that he doesn't go over the appropriated budget line and anything having to do with the budget will come back to the Board for its approval.

Commissioner Joe DeLoach asked if that was why they originally had 4 potential firms but only solicited 2.

Mr. Collins said that the other 2 firms might be busy and sometimes the design firms don't want to be the owner's project manager but they want to be the designer with the contractor.

**ACTION:**

Mover: Commissioner Jon Lutz moved to approve the Owners Project Manager (OPM) for the Town Hall and Select Capital Projects Consultant Selection and Authorize the Town Manager to Negotiate and Sign a Contract for Services

Vote: 4-0

- 6d. Request to temporarily close a portion of North Main Street for the upcoming ProTown BMX event  
Speaker: Parks and Recreation Director Jeff Polaski

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

**Item Summary:**

*ProTown BMX is a bike stunt team out of Greenville NC that has performed all over the world. They would be doing two shows on Saturday, March 21, 2020. Shows would be*

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*at 11:00am and 2:00pm. Each show would follow up with an autograph session and free riding clinics.*

*In the event of inclement weather, the rain date is Sunday, March 22, 2020, with shows at 11:00am and 2:00pm.*

*North Main Street would be closed from Third Street to the railroad tracks from 9:30am-5:00pm.*

*Public works will be providing the street barricades and cones for this event and will be delivering the on the Friday before. The Parks and Recreation department will be submitting the sound permit. The only department staffing this event will be the Parks and Recreation Department with 1 full time employee and 1 part time employee. All of the Main Street businesses have already been contacted about this event and look forward to it every year.*

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

Commissioner Jason Joyner asked if this would have the same level of staffing as was had in previous years.

Mr. Polaski confirmed.

Commissioner Jon Lutz said that if the rain date is the following day, which is a Sunday, parking at the Methodist Church might make Main Street difficult to navigate. He asked Mr. Polaski to inform the Methodist Church if that ended up being the case.

**ACTION:**

Mover: Commissioner Jon Lutz moved to approve the Request to temporarily close a portion of North Main Street for the upcoming ProTown BMX event.

Vote: 4-0

- 6e. Citizen Advisory Board Appointment to 1 in-town vacancy on the Planning Board for a 1-year term ending June 30, 2021  
Speaker: Town Clerk Megan Howard

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

**Item Summary:**

*At its January 13<sup>th</sup> Town Board meeting, the Wendell Board of Commissioners advised staff to accept applications for the vacant in-town Planning Board position, with a term expiring June 30, 2021. The application deadline was set for February 15<sup>th</sup> and marketing included video, social media posts, website marketing, e-board and print*

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

*marketing distributed throughout Town businesses. The Town Clerk received 12 in-town applications for this vacancy, of which the Board shall vote on 1. Applicants were asked to attend this meeting and introduce themselves before the meeting was called to order at 7 p.m. and all applications were sent to the Town Board in advance of this meeting for review.*

*There will also be the following vacancies available with the application deadline set for Friday, April 24<sup>th</sup>, 2020:*

	<i>Appearance Commission</i>	<i>Board of Adjustment</i>	<i>Economic Dev. Committee</i>	<i>Parks and Rec Commission</i>	<i>Planning Board</i>	<i>Tree Board</i>
<i>In-Town</i>	<b>3</b> (3-yr exp 6/30/23)	<b>4</b> (3-yr exp 6/30/23)	<b>5</b> (2-yr exp 6/30/22)	<b>2</b> (3-yr adult, 1-yr youth)	<b>1</b> (3-yr exp 6/30/23)	<b>5</b> (3-yr exp 6/30/23)
<i>ETJ</i>	Same as above	Same as above	Same as above	Same as above	<b>1</b> (2-yr exp 6/30/22)	Same as above

*\*Please note that "Same as above" denotes that the vacancies listed can be either in-town or ETJ residents.*

*Appointments to the remaining Citizen Advisory Boards will be made at the May 26, 2020 Town Board meeting. Applicants will be invited to the May 11, 2020 Town Board meeting to introduce themselves to the Town Board after the meeting has adjourned.*

**ACTION:** Ballots were passed out with the 12 applicants listed and the following votes were made:

Deans Eatman: 3 votes

Jeremy Fryett: 1 vote.

\*Ballots are scanned and listed, below.




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

**WENDELL** Citizen Advisory Board Ballot

PLANNING BOARD IN-TOWN VACANCY (1 YEAR TERM):

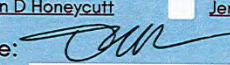
<input type="checkbox"/> Robert W Bemis	<input type="checkbox"/> Nicole L Bills
<input type="checkbox"/> Andrew Di Genova	<input type="checkbox"/> Elizabeth M Narron
<input type="checkbox"/> Michael Mullen	<input type="checkbox"/> John H Boyette
<input type="checkbox"/> Terri L Moore	<input type="checkbox"/> Summer Stafford
<input type="checkbox"/> Jose A Fuentes	<input type="checkbox"/> Deans Eatman
<input type="checkbox"/> Braxton D Honeycutt	<input checked="" type="checkbox"/> Jeremy Fryett

Signature: 

**WENDELL** Citizen Advisory Board Ballot

PLANNING BOARD IN-TOWN VACANCY (1 YEAR TERM):


<input type="checkbox"/> Robert W Bemis	<input type="checkbox"/> Nicole L Bills
<input type="checkbox"/> Andrew Di Genova	<input type="checkbox"/> Elizabeth M Narron
<input type="checkbox"/> Michael Mullen	<input type="checkbox"/> John H Boyette
<input type="checkbox"/> Terri L Moore	<input type="checkbox"/> Summer Stafford
<input type="checkbox"/> Jose A Fuentes	<input checked="" type="checkbox"/> Deans Eatman
<input type="checkbox"/> Braxton D Honeycutt	<input type="checkbox"/> Jeremy Fryett

Signature: 

**WENDELL** Citizen Advisory Board Ballot

PLANNING BOARD IN-TOWN VACANCY (1 YEAR TERM):

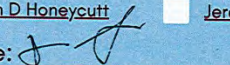
<input type="checkbox"/> Robert W Bemis	<input type="checkbox"/> Nicole L Bills
<input type="checkbox"/> Andrew Di Genova	<input type="checkbox"/> Elizabeth M Narron
<input type="checkbox"/> Michael Mullen	<input type="checkbox"/> John H Boyette
<input type="checkbox"/> Terri L Moore	<input type="checkbox"/> Summer Stafford
<input type="checkbox"/> Jose A Fuentes	<input checked="" type="checkbox"/> Deans Eatman
<input type="checkbox"/> Braxton D Honeycutt	<input type="checkbox"/> Jeremy Fryett

Signature: 

**WENDELL** Citizen Advisory Board Ballot


PLANNING BOARD IN-TOWN VACANCY (1 YEAR TERM):

<input type="checkbox"/> Robert W Bemis	<input type="checkbox"/> Nicole L Bills
<input type="checkbox"/> Andrew Di Genova	<input type="checkbox"/> Elizabeth M Narron
<input type="checkbox"/> Michael Mullen	<input type="checkbox"/> John H Boyette
<input type="checkbox"/> Terri L Moore	<input type="checkbox"/> Summer Stafford
<input type="checkbox"/> Jose A Fuentes	<input checked="" type="checkbox"/> Deans Eatman
<input type="checkbox"/> Braxton D Honeycutt	<input type="checkbox"/> Jeremy Fryett

Signature: 

**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:**

 CAMPO [ Mayor Gray ]

Mayor Gray said that they heard an update on the Federal Rescission and prior year LAPP Projects, approved an amendment to the 2018 updated Raleigh Urbanized Area and Wake County Locally Coordinated Human Services Public Transportation Plan including the creation of a motility coordination committee. Mayor Gray said that CAMPO approved the fiscal year 2020 Wake Transit Work Plan and held two public hearings and approved the draft fiscal year 2021 LAPP Investment Mix and adopted the fiscal year 2021 Unified Planning Work Program and MVO Self-Certification of the MPA planning process. She said that they also received information on the Census and encouraged people to fill out their cards when they're received. Mayor Gray said they also heard information encouraging municipalities to consider transit needs when they're doing land-use planning. She said they heard transportation improvement

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program amendment number one and voted to release the prioritization candidate project lists for public review and public comment for the prioritization 6.0 modal candidate project lists and they discussed and reviewed the proposed project list for the CAMPO Bonus Allocation Methodology and considered the release of that along with a list for public review, heard information on the budget among other updates.

Mayor Gray said the Town of Wendell has submitted two projects that were approved out of 39 project submissions. One of the projects is the Wendell Boulevard/Wendell Falls Parkway intersection project with the total cost being \$769,091 with the Town's match being at 25%. She said the Town received the full CAMPO funding that's available for this project. The second project is the Wendell Boulevard sidewalk project with the total cost being \$1,034,094 with the Town receiving the full CAMPO funding for that, as well. Mayor Gray thanked Planning Staff for working hard with CAMPO to make this happen.

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

Commissioner Jason Joyner said that the Town Board's Budget Retreat is coming up on February 29<sup>th</sup> and encouraged citizens to be involved in this process. Mr. Joyner also said that he wanted to recognize Miss Anne Stewart who recently passed and was a well-respected member of the community. Mr. Joyner said that DOT has been having financial woes and as a result, there has been a delay in Old Battlebridge Road's project, which the Board intends to continue to work on discussions with DOT and representatives.

Commissioner Philip Tarnaski said that he's looking forward to the Budget Retreat.

Commissioner Jon Lutz said that he wanted to recognize Timothy Bonner who passed away recently and was a well-respected member of the community. Dr. Lutz said he attended the Meet on Main meeting and it was exciting to see local businesses come together to collaborate on the event.

Commissioner Joe DeLoach acknowledged that the Town had 12 applicants to 1 seat for a Citizen Advisory Board. Mr. DeLoach said there will be more available seats and encouraged the applicants to continue to get involved and thanked them for applying. Mr. DeLoach extended his condolences to Anne Stewart's family in her passing.

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

- Thursday, February 27<sup>th</sup> from 5:30 PM to 7:30 PM Wake Med and Wake County Human Services is hosting Heart 2 Heart: a Free Health Screening at The Carver Center of Eternal Hope on 948 Morphis Bridge Rd. There will be a heart healthy presentation at 6:30 with a heart-healthy meal served at 6 PM.
- Thursday, February 27<sup>th</sup> at 7 PM East Wake Education

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Foundation is having its Stars in the East event at East Wake High School Auditorium.

- Saturday, February 29th from 3 to 5 PM Wendell Parks & Rec is hosting Princesses in the Park at Wendell Community Center. Singing and games are included in this free event and they will be showing the movie, "The Little Mermaid" afterwards.
- The Town Board of Commissioners will have its Budget Retreat on Saturday, February 29th from 9 am to 1 pm at The Clayton Center, 111 E Second Street in Clayton. The public is welcome to attend.
- Mayor Gray said that the Meet on Main meeting has set the dates and bands that will be in attendance:
  - April 24<sup>th</sup> = Big Love
  - May 15<sup>th</sup> = Crush
  - June 19<sup>th</sup> = Big Head Dog
  - August 21<sup>st</sup> = Stone Age Romeos
  - September 18<sup>th</sup> = Snap Back
 Mayor Gray said they already have 2 event sponsors out of the five needed.
- Mayor Gray said she spoke at the Farmville Morrissey and the Wake County Home Builders Association and spoke about Wendell.
- Saturday, February 29<sup>th</sup> is Princesses in the Park at the Wendell Community Center.
- Mayor Gray said that she visited with Anne Stewart before her passing and extended regards to the families of both Miss Stewart and Mr. Bonner.

## 10. CLOSED SESSION

*Closed session will be called if necessary.*

### **ACTION:**

Mover: Commissioner Jon Lutz moved to go into Closed Session according to NC G.S. 143-318.11.5 at 7:42 p.m.

Vote: 4-0

### **ACTION:**

Mover: Commissioner Jon Lutz moved to go into regular session at 8:15 p.m.

Vote: 4-0

## 11. ADJOURN

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**ACTION:**

Mover: Commissioner Jon Lutz moved to adjourn at 8:16 p.m.

Vote: 4-0

Duly adopted this 11th day of May 2020, while in regular session.

**ATTEST:**

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

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



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
MARCH 9, 2020**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, March 9, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**ABSENT:**

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

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

East Wake High School Student Braelin Yarborough led the Pledge of Allegiance

Karen Marsh of Covenant Presbyterian Church led the Invocation.

Mrs. Marsh said that the Wendell Council of Churches would be sponsoring a food drive on Saturday, March 28<sup>th</sup> when bags would be disbursed to the community for donations. She said that donation bags would be picked up the following Saturday, April 4<sup>th</sup>.

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

### **ACTION**

Mover: Mayor Pro Tem John Boyette moved to approve the Agenda, as presented.

Vote: 5-0

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

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

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

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

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

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

Sergey Kesel, 235 Short Street, spoke about water drainage issues flooding his property. Mr. Kessel asked to speak to the Mayor in a meeting. He also spoke about road and landscaping issues in his neighborhood.

Polina Voronsky, 235 Short Street, spoke about sidewalks in the lot next to her driveway that disperses water from the street into her driveway. Mrs. Voronsky discussed water drainage issues flooding her property and piping from the inlet leading into lot 1 from Wendell Crossing directing water into the middle of her lot. She said she would resort to inverse condemnation on the Town if her property is ruined. Mrs. Voronsky submitted the following photographs to the Board:

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BOARD OF COMMISSIONER MEETING MINUTES  
MARCH 9, 2020**



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
MARCH 9, 2020**

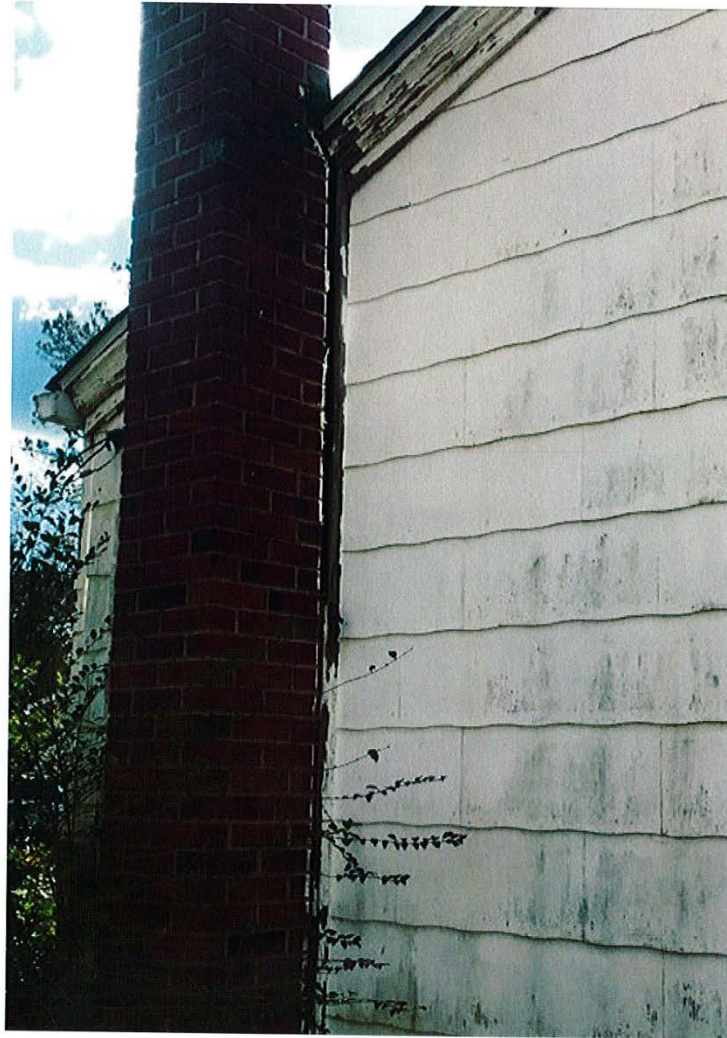




**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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TAB 3

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Mayor Gray asked Mrs. Voronsky to give her residential address.

Mrs. Voronsky said she resided at 45161 Chelsea St in Raleigh.

### **3. CONSENT AGENDA**

No Consent Agenda items were presented.

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

- 4a. Recognition of East Wake High School Teacher, Jonathan Hasbrouck  
Speaker: Mayor Virginia Gray

Mayor Virginia Gray presented the following recognition, below in italics:

*Jonathan Hasbrouck began his career at Brick Township High School in Brick, New Jersey in 1986. Coach Hasbrouck has been the Athletic Director at East Wake High School since 2008, and he has worked at several Wake County Public Schools dating back to 1991. Coach Hasbrouck is a long-time Wendell resident that has achieved numerous coaching recognitions such as:*

- *Greater Neuse River Conference 4A Men's Soccer Coach of the year – 2 times*
- *Greater Neuse River Conference 4A Women's Soccer Coach of the year – 1 time*
- *North Carolina East/West All-Star Soccer Coach in 2005*
- *TAAC Men's Soccer Coach of the Year – 1 time*
- *TAAC Women's Soccer Coach of the Year – 1 time*
- *North Carolina 4A Women's Soccer Coach of the Year in 2004*
- *North Carolina Region 5 Women's Soccer Coach of the Year in 1998, 2002, and 2004*
- *Cap 8 Women's Soccer Coach of the Year – 1 time*

*Through these accolades, Coach Hasbrouck has won numerous championships over his coaching career from 1988 to the present. In May of 2020, Coach Hasbrouck will be retiring from the Wake County Public School System where he has dedicated his time to teach, coach, and inspire students. East Wake High School wants to thank Coach Hasbrouck for his dedication to education and the East Wake High School Community.*

Coach Hasbrouck thanked the Town for the recognition and said he and his family moved to Wendell in 1994. He said he's very proud of his two sons who represented Wendell in sports at East Wake High School and are now in college. Mr. Hasbrouck said he and his family love Wendell and he congratulated Braelin Yarborough on his

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accomplishments.

- 4b. Presentation of GFOA Distinguished Budget Award  
Speaker: Senior Accountant Garrett Johnson

Senior Accountant Garrett Johnson presented the following staff report, below in italics:

**Item Summary:**

*The Town of Wendell has been awarded its first Distinguished Budget Presentation Award by the Governmental Finance Officers Association (GFOA) for its Fiscal Year 2020 budget.*

*While a balanced budget is required by North Carolina General Statute, the Town has chosen to participate in the GFOA's budget award program by going above and beyond general statute requirements. Similar to the Comprehensive Annual Financial Report that the Town submits to the GFOA, Budget Award submittals are evaluated by a panel of outside reviewers with experience in public-sector budgeting.*

Garrett Johnson showed Executive Director of the GFOA, Chris Morel, congratulating the Town of Wendell in a short video. Mr. Johnson said that the Strategic Initiatives and Goals were one of the highlights of the budget document. He offered to answer any questions that the Board might have.

Commissioner Jason Joyner asked if things have changed in the budget document since he started working here.

Mr. Johnson confirmed.

Commissioner Joyner praised the budget document as a communications tool to the Town on how tax dollars are spent.

Mayor Gray congratulated the Finance Department on its accomplishment.

- 4c. Census 2020 Presentation  
Speaker: Planner I Jeannine Ngwira

Planner I Jeannine Ngwira presented the following staff report, below in italics:

**Item Summary:**

*The Census is a counting of every person residing in the United States every 10 years and is conducted by the United States Census Bureau. The 2020 Census will consist of*

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*nine questions and will be available in 12 languages. Invitations to participate will start going out the week of March 12<sup>th</sup>-20<sup>th</sup>.*

*The Census is important because it provides a basis for distributing more than \$675 billion dollars in federal funds annually to states and local communities which means distribution of \$16 billion annually to NC. It is key in funding programs which impact housing, education, transportation, employment, health care and public policy. Also, the information gained from the census is vitally important to community planning and economic development and also provides a basis for reapportioning congressional seats.*

*For the first time ever, the 2020 Census will have an option for online self-response. Toll-free and traditional questionnaires, which will only be sent to households that have not responded by April 8<sup>th</sup>, are secondary options and enumeration (census worker showing up at the door) is the non-response follow-up plan.*

*All people living in the United States are required by law to be counted, and the Census Bureau is bound by law to protect responses for 72 years and will be kept confidential. Individual responses are combined with information from other households to produce statistics on the community. Many communities have historically been undercounted in the census. That means that the census data used to ensure fair political representation and provide funding that supports community services is skewed.*

*There are four main reasons why a population might be undercounted:*

- 1. They might be hard to locate, like people who live off the grid, are very mobile or don't wish to be found.*
- 2. They might be hard to contact, like people who live in gated communities or are younger than 5 (young children were the largest undercounted group in 2010).*
- 3. They might be hard to interview, meaning they might have low literacy or English is not their primary language.*
- 4. They might be hard to persuade, meaning they are suspicious of the government or don't see a benefit to participating in the Census.*

*In 2010 The Town of Wendell was at a 76% participation rate which was under the Wake County rate of 78%. As a whole, Wake County has a goal of 82% participation rate for 2020. Town staff has been working toward achieving this goal through regular postings on Town of Wendell social media, setting up information tables at Town events and being invited by HOAs and other community groups to speak to people and hand out census information in English and in Spanish.*

*The Census 2020 Timeline will be as follows:*



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<b>TIMELINE FOR CENSUS 2020</b>	
<b>On or Between</b>	<b>You Will Receive</b>
<b>March 12-20</b>	An invitation to respond online to the 2020 Census. <i>(Some households will also receive paper questionnaires.)</i>
<b>March 16-24</b>	A reminder letter.
<b>April 1</b>	National Census Day
<b>If you haven't responded yet:</b>	
<b>March 26 - April 3</b>	A reminder postcard.
<b>April 8 - 16</b>	A reminder letter and paper questionnaire.
<b>April 20 - 27</b>	Final reminder postcard before Census Bureau follows up in person.

Jeannine Ngwira offered to answer any questions that the Board might have.

No questions or comments were made.

- 4d. Compensation & Classification Study Implementation  
Speakers: David Hill and Bob Carder, Management Analysts at Piedmont Triad Regional Council

Town Manager Marc Collins said that the Comp and Class study has been a goal of the Board as a personnel policy to update regularly to see how the Town's Compensation and Classification system compares to the market. Mr. Collins said that it was listed as goal five under organizational goals within the Board's Strategic Plan that was adopted in 2019.

David Hill and Bob Carder presented the following report, below in italics:

**TOWN OF WENDELL  
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**TOWN OF WENDELL PAY PLAN AND POSITION CLASSIFICATION  
STUDY PRESENTATION**



**MONDAY, MARCH 9, 2020**

**Initial Workforce Analysis**

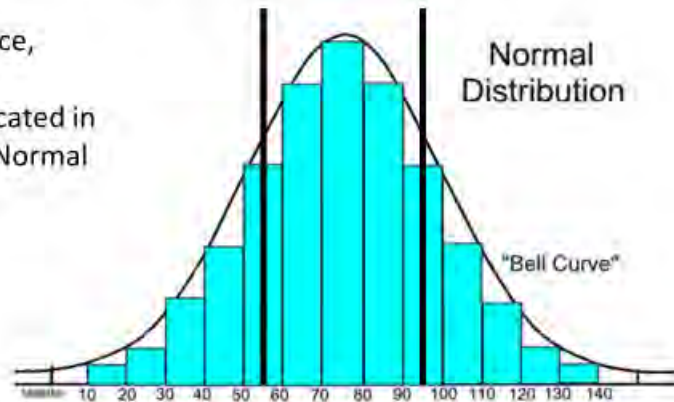
**A Snapshot of Wendell's Workforce at Beginning of Study**

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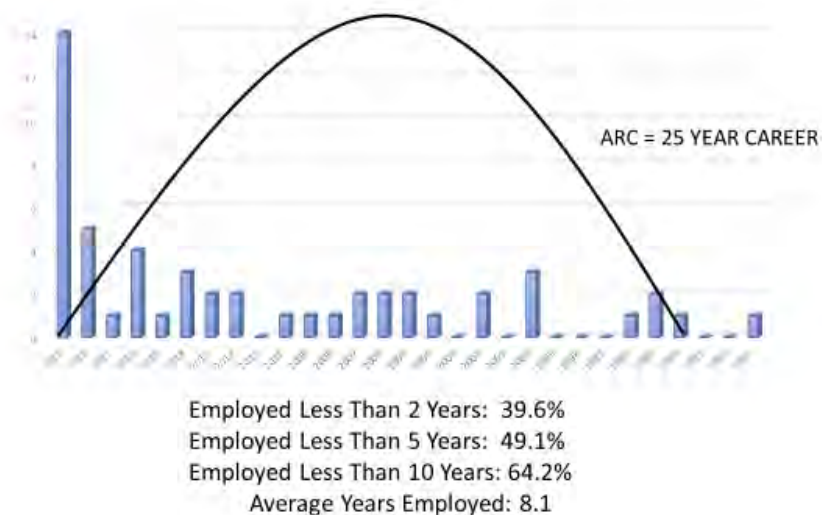
## Standard Deviation “Bell” Curve

In a mature workforce, practically every element regarding employees' pay and performance would expect to be within standard deviations and resemble the “Bell Curve”

In a mature workforce, typically, 2/3rds of workforce will be located in the middle 1/3<sup>rd</sup> of Normal Distribution.

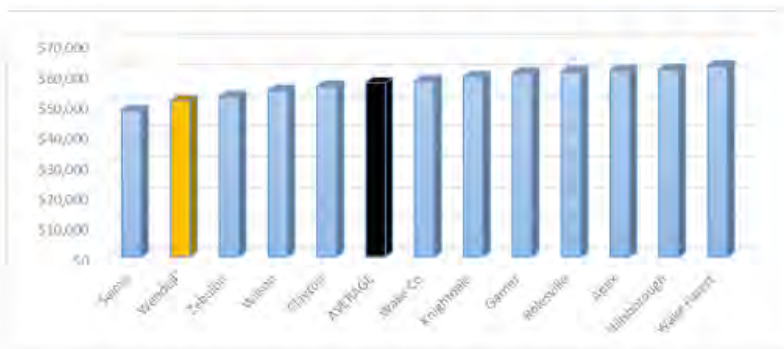


## Employees By Year of Employment



Arc Represents Current 50% Pay Grade Range.

## Market Salary Comparisons



Wendell's Average Salary of \$51,084 is 11.5% Below \$56,940 Market Average



**TOWN OF WENDELL  
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## Pay and Classification Study

### Pay Plan and Position Classification Study Methodology

- Employee “Kick-Off” Sessions
- Employees Completed 12 Page Position Description Questionnaire
- On-Site Employee Interviews
- Collection and Analysis of Internal Data
- Collection and Comparative Analysis of Market Data
- Preliminary Findings and Recommendations Developed
- Reviewed with Management Team
- Report to Manager
- Board of Commissioners’ Presentation

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**Current Pay Plan Analysis**

Grade	Minimum	Midpoint	Maximum	Range	Diff
9	26,432	33,040	39,648	50%	
10	27,754	34,692	41,630	50%	5.0%
11	29,141	36,427	43,712	50%	5.0%
12	30,458	38,073	45,688	50%	4.5%
13	31,981	39,977	47,972	50%	5.0%
14	33,509	41,886	50,263	50%	4.8%
15	34,980	43,725	52,470	50%	4.4%
16	36,729	45,911	55,093	50%	5.0%
17	38,565	48,207	57,848	50%	5.0%
18	40,353	50,442	60,530	50%	4.6%
19	42,371	52,964	63,557	50%	5.0%
20	44,417	55,522	66,626	50%	4.8%
21	46,567	58,208	69,850	50%	4.8%
22	48,823	61,028	73,234	50%	4.8%
23	51,193	63,991	76,789	50%	4.9%
24	53,680	67,101	80,521	50%	4.9%
25	56,293	70,367	84,440	50%	4.9%
26	58,968	73,710	88,451	50%	4.8%
27	61,916	77,395	92,874	50%	5.0%
28	64,940	81,175	97,410	50%	4.9%
29	68,116	85,145	102,174	50%	4.9%
30	71,450	89,313	107,175	50%	4.9%
31	74,883	93,604	112,325	50%	4.8%
32	78,627	98,284	117,941	50%	5.0%
33	82,558	103,198	123,838	50%	5.0%
34	86,686	108,358	130,030	50%	5.0%
35	91,021	113,776	136,531	50%	5.0%

**Current Pay Plan Analysis**

Grade	Minimum	Midpoint	Maximum	Range	Diff
9	26,432	33,040	39,648	50%	
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23	51,193	63,991	76,789	50%	4.9%
24	53,680	67,101	80,521	50%	4.9%
25	56,293	70,367	84,440	50%	4.9%
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32	78,627	98,284	117,941	50%	5.0%
33	82,558	103,198	123,838	50%	5.0%
34	86,686	108,358	130,030	50%	5.0%
35	91,021	113,776	136,531	50%	5.0%

19-20 Grade	19-20 Minimum	19-20 Midpoint	19-20 Maximum	Range	Diff
9	26,432	33,040	39,648	50.0%	
10	27,753	34,692	41,630	50.0%	5.0%
11	29,141	36,427	43,712	50.0%	5.0%
12	30,598	38,248	45,898	50.0%	5.0%
13	32,128	40,161	48,192	50.0%	5.0%
14	33,734	42,169	50,602	50.0%	5.0%
15	35,421	44,277	53,132	50.0%	5.0%
16	37,192	46,491	55,789	50.0%	5.0%
17	39,052	48,816	58,578	50.0%	5.0%
18	41,004	51,256	61,507	50.0%	5.0%
19	43,055	53,819	64,583	50.0%	5.0%
20	45,207	56,510	67,812	50.0%	5.0%
21	47,468	59,336	71,202	50.0%	5.0%
22	49,841	62,303	74,762	50.0%	5.0%
23	52,333	65,418	78,500	50.0%	5.0%
24	54,950	68,689	82,425	50.0%	5.0%
25	57,697	72,123	86,547	50.0%	5.0%
26	60,582	75,729	90,874	50.0%	5.0%
27	63,611	79,516	95,418	50.0%	5.0%
28	66,792	83,491	100,189	50.0%	5.0%
29	70,131	87,666	105,198	50.0%	5.0%
30	73,638	92,049	110,458	50.0%	5.0%
31	77,320	96,652	115,981	50.0%	5.0%
32	81,186	101,484	121,780	50.0%	5.0%
33	85,245	106,558	127,869	50.0%	5.0%
34	89,507	111,886	134,262	50.0%	5.0%
35	93,983	117,481	140,976	50.0%	5.0%

+1.8%

+3.2%

**TOWN OF WENDELL  
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**The Market**

- Apex
- Clayton
- Garner
- Hillsborough
- Knightdale
- Raleigh
- Rolesville
- Selma
- Wake County
- Wake Forest
- Wilson
- Zebulon

**Market Classification Comparisons**

Police Officer I		Min	Midpt	Max	Avg	CR	Range	Compared Classification
Apex		43,193	57,107	71,020	47,475	0.83	64.42%	Police Officer I
Clayton		43,384	55,819	68,254	48,271	0.86	57.32%	Police Officer
Garner		45,038	57,465	69,891	45,351	0.79	55.18%	Police Officer I
Hillsborough		43,914	57,088	70,262	48,335	0.85	60.00%	Police Officer
Knightdale		45,751	56,934	68,117	50,202	0.88	48.89%	Police Officer
Raleigh		42,300	53,987	68,389	46,484	0.86	61.68%	Police Officer
Rolesville		42,484	52,680	62,876	42,909	0.81	48.00%	Police Officer I
Selma		39,067	49,781	60,518	39,526	0.79	54.91%	Police Officer
Wake County		42,000	57,000	72,000	51,540	0.90	71.43%	Deputy Sheriff
Wake Forest		47,360	62,252	77,144	48,583	0.78	62.89%	Police Officer I
Wilson		41,064	53,523	65,982	47,498	0.89	60.68%	Police Officer
Zebulon		41,062	51,327	61,593	44,024	0.86	50.00%	Police Officer
<b>Wendell Patrol Officer</b>	<b>19</b>	<b>42,371</b>	<b>52,964</b>	<b>63,557</b>	<b>42,471</b>	<b>0.80</b>	<b>50.00%</b>	
Average		43,051	55,414	68,004	46,683	0.84	57.96%	
Median (50th pctile)		42,839	56,376	68,321	47,487	0.84	59.49%	
Recommendation	<b>19</b>	<b>43,055</b>	<b>53,819</b>	<b>64,582</b>	<b>43,157</b>	<b>0.80</b>	<b>50.00%</b>	

1.6% Below Market  
Avg Minimum

9.9% Below Market Avg Salary

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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## RECOMMENDATIONS

### Recommendations

- Adopt the Recommended Market-Based Pay Plan
- Adopt Salary Administration Philosophy
- Administer Market-Based Salary Administration Practices
  - Focus on Salary Grade Minimum Salaries
  - Focus on Midpoint (Market Value)
  - Continue Current Career Path Progressions
  - Implement Range Progressions (and starting salaries) based on experience, certifications, education and other objectively identified criteria
- Adopt the Implementation Recommendation



**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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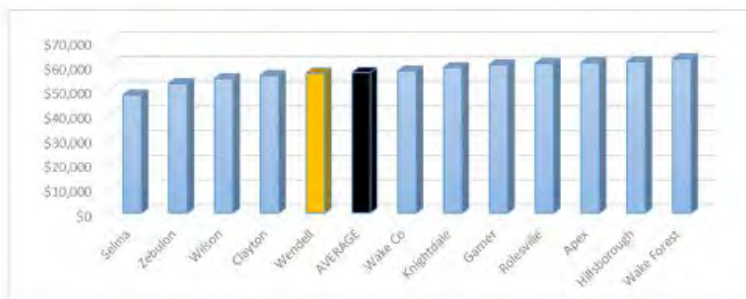
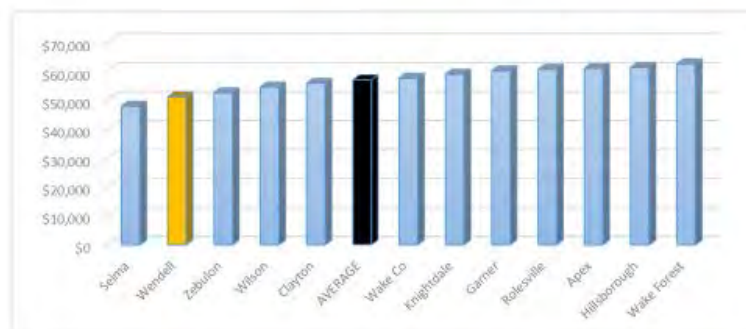
## Implementation Recommendations

Move Classifications to Market Recommended Grade and, Place Employee Salaries on their New Grade Range at the Same Compa-Ratio as they hold on Current Grade Range.

Salaries	\$306,963
FICA/Ret/401(k), etc. (23%)	\$70,602
Required Funding	\$377,565

Note: in the above recommended funding requirement, two proposed new positions will account for \$135,340 (\$110,032 salaries plus \$25,308 FICA, Retirement, 401(k), etc.) of the required amount.

With the adoption of this Implementation Recommendation, the average Wendell employee annual salary will be \$56,664 (10.9% greater than the current \$51,084 average). It also moves the Town's average salary to within .5% of the market average, from the current 11.5% differential.



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ACTIONS TAKEN

All Job Descriptions Reviewed and Updated

DISCUSSION

We Look Forward to Answering Your Questions

**Item Summary:**

*The Board identified an initiative in the 2019 Strategic Plan for Goal 5: Organization Culture and Communication to evaluate human resource policies for compensation and provided funding in the FY 2020 Budget to complete a compensation and classification*

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BOARD OF COMMISSIONER MEETING MINUTES  
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*study. The Town Manager retained the services of the Piedmont Triad Regional Council through consultation with the TJCOG to conduct the study.*

*The Town of Wendell Personnel Policy provides that the position classification plan provides a complete inventory of all authorized and permanent positions in the Town service and an accurate description and specification for each class of employment. The plan standardizes job titles with a definitive range of duties and responsibilities.*

*The consultants will provide a presentation on the findings of the study. The recommendation of the Manager and the project team will be included in the recommended Budget for implementation in FY 2021.*

Mr. Hill said that the modifications to the job descriptions have been made and are now current for all classifications. He offered to answer any questions that the Board might have.

Commissioner Joe DeLoach said that he had gone through a bank merger in the past and commended Mr. Hill for presenting the material.

Town Manager Marc Collins reminded the Board that no action is being requested at this meeting and that the adoption of the Comp and Class study is a part of their budget approval which is done annually.

Mayor Virginia Gray said that this is something that the Board has been talking about for some time and thanked Mr. Hill for all of his hard work.

Mr. Hill said he and his colleague will continue to implement the study as the Board moves forward.

Commissioner Jason Joyner asked if the range of the actual position affect overall employee realignment.

Mr. Hill said that he used the Police Office position as an example, as it remained in the same pay grade even though the range itself moved up about 2 percent. He said that there were some classifications that moved up one or two pay grades, so for each pay grade that was a 5 percent movement, with a two-grade raise being a 10 percent movement.

Commissioner Joyner said that at the beginning, 11.5 percent obviously with the recommendation being within a half a percent of that, it seemed like a lot of work to have gone through to find the true midpoint. Mr. Joyner said that, with Mr. Hill's analogy on the bell curve and the emphasis on hitting the midpoint, it seemed to him that if the Town is going to spend 11 percent, they could spend 11.5 percent to reach the midpoint.

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Mr. Hill said that the midpoint is that salary is where an employee's salary is expected to be at midpoint by that 8<sup>th</sup>, 9<sup>th</sup>, or 10<sup>th</sup> year. For an employee that's only been with the Town for 3 or 4 years, the salary doesn't necessarily need to be at midpoint, but it needs to at least be moving in that direction. Mr. Hill said that if two employees were in the same position with a difference in years holding that position, the level of performance or competency might be equal, but there should be a differential that create salary range placements based on length of employment or how long employees have been working in their current position.

Commissioner Jason Joyner asked why 11 percent instead of 11.5 percent.

Town Manager Marc Collins said that the 11 percent is spread out among all of the positions, so giving an extra half of a percent wouldn't be equal across. Mr. Collins said that each position has its own breakdown and chain based on the data and where they are. He said that this gets the Town as close to market deviating with some above and some below, within a half percent on average. Mr. Collins said that there's still the question of moving people in range to recognize the value of the work that they do in the coming year. He said that that's an additional incremental adjustment beyond comp and class that would be considered in the budget. Mr. Collins said a market increase isn't something to worry about as a cost of living adjustment, as this is setting it within a half percent of market average. The cost of living is covered, but the Town would still have to look at the workforce that's working into next year and moving them into the range to avoid compression, so that the employees are moving forward in their range to recognize the skills that they've learned and are using in the coming year. He said that that would be a separate adjustment that addresses Mr. Joyner's concern that the Town would have to look at what resources are available in the budget and then make that adjustment.

Mayor Pro Tem John Boyette asked what amount increase an average employee would see as a percentage.

Town Manager Marc Collins said that it varies based on the position and where they were in the market. Looking at the number of employees that are on the lower end of that scale, that might have a smaller market adjustment as a result of this. If you're at the bottom end of the scale and you're way out of line on market average, you might have a larger percentage increase. Mr. Collins said it's where an individual job classification within the market's deficiency is and getting it updated. Mr. Collins said that he didn't want the workforce to hear that on average, they're getting X percent increase and then they see an increase that's less because their position isn't changing grades. He said that administration will be communicating out to the workforce that the pay and class study and the market rate adjustment is this, and then the proposed recommended increase in



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the budget is this to move them forward and this is the combined impact and will allow employees to have a discussion on everything with staff.

- 4e. Planning Board Comparative Analysis  
Speaker: Assistant to the Manager Stephanie Smith

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

**Item Summary:**

*Staff has prepared a comparative analysis of Planning Boards in Wake County to compare size of boards. This effort is a result of the discussion at the January 25 Organizational Retreat to determine if the current size of the Planning Board is appropriate, or if the Board of Commissioners would like to consider changing the number of seats available.*

Town	Total Number of Board Members	Number of ETJ Seats
Wendell	9	2
Apex	8	1
Cary	10	1
Fuquay-Varina	8	2
Garner	7	2
Holly Springs	9	1
Knightdale	9	3
Morrisville	7	1
Raleigh	10	1
Rolesville	7	3
Wake Forest	6	1
Zebulon	7	3

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

Mayor Pro Tem John Boyette asked what the average attendance was of the Town's Planning Board and if all 9 members usually attended.

Planning Director David Bergmark said that the Planning Board has been down by one member for a little while, but in general the attendance has been pretty good. He said attendance of the Town's Planning Board has been better than the other Citizen Advisory Boards.

Mr. Boyette said that, historically, the reason Town had a larger number on the Planning Board was to ensure a quorum in the case of absences. If absences aren't an issue, the Board should look at trending this number.

Commissioner Jason Joyner asked if there was a perceived benefit of this size planning board.

Ms. Smith said that, looking at the comparative analysis with the other municipalities, Wendell is pretty in line with what other towns in the county are doing. She said that staff wouldn't recommend changing that number at this point.

Mayor Virginia Gray agreed, as the Town was in line with what other municipalities are doing.

Town Manager Marc Collins pointed out that the ETJ seats are prescribed by statute. Even though the Town could reduce ETJ seats given the growth and development pressure outside of the corporate limits of town, that additional representation in the unincorporated areas of the Town's ETJ gives a little more public voice and guidance to people that may not be in the community today that may be coming in. He said that keeping the ETJ representation as it is for participation and inclusion purposes would be recommended by staff.

Mayor Gray said that she would not want to reduce the number of ETJ seats.

- 4f.     Parking Ordinance Amendment Presentation  
       Speaker: Town Manager Marc Collins

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

**Item Summary:**

*Staff recommends the amendment of Article III Specific Street Regulations to accommodate the acceptance of recently developed roads with significant restrictive covenants in place regulating parking and to update provisions with State Statute.*

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*The presentation will review the minor amendments in the attached draft to meet this goal. In the draft, bold text represents new language and strikethroughs are text recommended for deletion. All other text is existing language with no changes proposed or needed.*

*Changes proposed include the following:*

- *Sec. 24-90 (3) – Revise the language for distances from an intersection prohibited for parking to be consistent with State Statute.*
- *Sec. 24-90 (18) – Add language that prohibits parking that blocks trailheads or parking on public greenways.*
- *Sec. 24-90 (19) – Add language that prohibits on-street parking in Wendell Falls except in designated places. Parking for community events can be approved by the Town Manager, or designee. The Commissioners may allow parking during holiday periods. This is consistent with current restrictive covenants and parking practices in Wendell Falls.*

*Staff will place the text amendment for decision on the March 23, 2020 Board of Commission meeting.*

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

No questions were made.

- 4g. Snap Shot Monthly Report for January 2020  
Speaker: Town Manager Marc Collins

Town Manager Marc Collins said that he's available for any questions that the Board might have.

No questions were asked.

## **5. PUBLIC HEARINGS**

No Public Hearings

## **6. ADMINISTRATIVE ITEMS**

- 6a. Minor Street Closing for Spring into the Arts Walk on Cypress Street  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

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*The Town of Wendell is currently planning its 5th annual Spring into the Arts Walk Event, which will take place on May 2, 2020. Events are scheduled to take place at the Town Square and at the Women's Club lot. As a result, it is staff's desire to close the portion of Cypress Street between these two lots between 8AM and 4PM for general pedestrian safety, as well as for use during the event. Specifically, staff is planning to locate vendors and chalk artists within on-street parking spaces along this section of Cypress Street.*

*Approval by the Board of Commission for the minor street closure is required to facilitate the use of this space. The Town will provide barricades and staff the event to ensure only registered vendors are setting up and using the space provided. Vendors will be responsible for their own tents and tables.*

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

No questions were asked.

**ACTION**

Mover: Commissioner Jon Lutz close Cypress Street between 3<sup>rd</sup> and 2<sup>nd</sup> Street for the Spring into the Arts Walk on May 2<sup>nd</sup>.

Vote: 5-0

- 6b. Wendell Wine and Beer Festival Road Closure and Alcohol Waiver Request for Saturday, April 18, 2020  
Speaker: Assistant to the Manager Stephanie Smith

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

**Item Summary:**

*3<sup>rd</sup> Street Social (Brad Ellis) plans to host a Wendell Wine and Beer Festival event on Saturday, April 18, 2020. The event will be held at the Town Square and Women's Club Lot, and will run from 1:00 p.m. until 6:00 p.m. The set-up in the Town Square will begin at 8:00 a.m. with vendor set-up and clean-up ending at 8:00 p.m. Cypress Street will close at 8:00 a.m., and Third Street will close at 12 p.m. This is a private event not sponsored by the Town and requires the purchase of a ticket to enter.*

Mr. Ellis requests the Town to approve the temporary road closures:

Cypress Street: Second to Third Street  
Third Street: Cypress to Main Street



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*Town of Wendell Code of Ordinances Section 14-21 prohibits the consumption of alcoholic beverages “on or within the rights-of-way of any municipal street, public vehicular area, alley, or any public property owned or occupied by the town..... or as otherwise approved by the Wendell Board of Commissioners. The applicant seeks approval for the sale and consumption of beer within the previously defined event area of the “beer garden” on the Town Square property during the event (see Attachment A).*

*The serving of alcohol requires security to ensure compliance. Mr. Ellis will hire necessary staffing from off-duty law enforcement officers or a licensed and insured security firm to assist compliance with alcohol regulations. The request to allow alcohol is limited to a designated area that will be permitted and compliant with legal requirements and regulations.*

*Town staff is working closely with Mr. Ellis to appropriately provide staff depending on ticket sales leading up to the event. The closure on Third Street is requested to accommodate a large number of event attendees, and may be adjusted depending on ticket sales.*

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

No questions were asked.

**ACTION**

Mover: Mayor Pro Tem John Boyette moved to approve the requested temporary road closures for the Wendell Wine and Beer Festival and allow alcohol in permitted areas of Town Square.

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 Jason Joyner said the Wendell Volunteer Fire Department Board of Directors met on Thursday, March 5<sup>th</sup> and discussed the upcoming budget process, which started with Wake County. They also discussed the impending opening of the new fire station on Taylor Road to have its official ribbon cutting ceremony in May. Mr. Joyner said that the fire station is going through the process of hiring 9 new individuals.

**8. COMMISSIONERS' REPORTS / COMMENTS**

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Commissioner Jason Joyner said that he would be absent at the March 23, 2020 Town Board Meeting.

Mayor Pro Tem John Boyette said that he's pleased with all of the reports and comments received at this meeting, particularly the Employee Compensation and Classification Study. Mr. Boyette also congratulated the NCSU Women's ACC Championship and the Wrestling Team.

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

Mayor Gray thanked Parks and Recreation for a successful Princesses in the Park event.

Saturday, March 21<sup>st</sup> is ProTown BMX in Downtown Wendell on North Main Street. There will be two exciting BMX shows: one at 11 AM and one at 2 PM. There will be an autograph session and bike clinic to follow each show. This is a free event!

Also, Saturday, March 21<sup>st</sup> is the Community Arbor Day Celebration at 10 AM at Town Square. Learn about the history of Arbor Day, tree games for the kids and help plant a tree in Wendell. All kids who help plant our tree will receive free Kona Ice!

Mayor Gray wished the Town a Happy 117<sup>th</sup> Birthday.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

**ACTION:**

Mover: Mayor Pro Tem John Boyette moved to adjourn at 8:27 p.m.

Vote: 5-0

Duly adopted this 11th day of May 2020, while in regular session.

**ATTEST:**

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

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

**Item Title:**

Northeast Area Study Update- Capital Area Metropolitan Planning Agency (CAMPO)

**Report to the Board of Commissioners:**

Monday, May 11, 2020

**Specific Action Requested:**

Receive presentation introducing the Northeast Area Study Update

**Item Summary:**

As a new decade begins, an updated Northeast Area Study (NEAS) is needed to lay out a long-term vision for a multi-modal transportation network for the region. This will also include a detailed implementation strategy that includes short-term and mid-term recommendations to further that vision.

Previously, in 2014, CAMPO completed the original Northeast Area Study. Designed to be a sustainable transportation strategy for the area, the original study evaluated land use, economic development, and multimodal (freight, highway, transit (bus/rail), bicycle, and pedestrian) issues in the northeastern section of CAMPO's planning area. The Capital Area Metropolitan Planning Organization (CAMPO) conducts area studies in order to achieve more robust public engagement and focus on specific network issues in smaller areas within its planning jurisdiction. Outcomes and recommendations from this NEAS Update will inform the 2050 Metropolitan Transportation Plan, which is a region-wide long-range transportation plan that is updated every 4 years. The current NEAS Update is anticipated to be completed in 2021.

The study area includes parts of Franklin and Wake Counties, the City of Raleigh, as well as the Towns of Bunn, Franklinton, Knightdale, Rolesville, Wake Forest, Wendell, Youngsville, and Zebulon.

The NEAS Update will involve extensive public engagement and an evaluation of transportation projects, policies, and priorities that may have evolved or shifted since the original study in 2014. Public engagement will include stakeholder meetings, community outreach and online activities (posted on this site), municipal board presentations, and more.

Save the Dates! NEAS Update Virtual Project Symposium

Tuesday, June 9th 2020 at 5:30 PM

Saturday, June 13th 2020 at 10:00 AM

**Attachments:** None

**Item Title:**

Proclamation recognizing the Week of May 3<sup>rd</sup> to May 9<sup>th</sup>, 2020 as Professional Municipal Clerks Week.

**Item Summary:**

Mayor Gray will present the Proclamation recognizing Professional Municipal Clerks Week.

**Attachments:**

Proclamation recognizing Professional Municipal Clerks Week





**TOWN OF WENDELL**

**NORTH CAROLINA**

**PROCLAIMING 51<sup>ST</sup> ANNUAL PROFESSIONAL MUNICIPAL CLERKS  
WEEK, MAY 3-MAY 9, 2020**

**WHEREAS**, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**WHEREAS**, The Office of the Professional Municipal Clerk is the oldest among public servants, and

**WHEREAS**, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**WHEREAS**, The Professional Municipal Clerk serves as the information center on functions of local government and community.

**WHEREAS**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**WHEREAS**, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW THEREFORE**, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do hereby recognize the week of May 3 through May 9, 2020, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Megan Howard, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**DULY PROCLAIMED** this 11<sup>th</sup> day of May, 2020.

---

Virginia R. Gray, Mayor

**Item Title:**

Proclamation recognizing the Week of May 10<sup>th</sup> to May 16<sup>th</sup>, 2020 as National Police Week.

**Item Summary:**

Mayor Gray will present the Proclamation recognizing National Police Week.

**Attachments:**

Proclamation recognizing National Police Week

**TOWN OF WENDELL****NORTH CAROLINA****PROCLAIMING NATIONAL PUBLIC WORKS WEEK,****MAY 17-MAY 23, 2020**

**WHEREAS**, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police week; and,

**WHEREAS**, The members of the law enforcement agency of the Wendell Police Department play an essential role in safeguarding the rights and freedoms of those inside the Town of Wendell; and,

**WHEREAS**, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our Wendell Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS**, All citizens of Wendell should remember and recognize the men and women who serve and protect them, and keep in mind that there are law enforcement officers working in the Town every hour of every day to ensure that they remain safe.

**NOW THEREFORE**, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do recognize the week of May 10-16, 2020, as National Police Week and further recognize May 15th as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty.

**DULY PROCLAIMED** this 11<sup>th</sup> day of May, 2020.

---

Virginia R. Gray, Mayor

**Item Title:**

Proclamation recognizing the Week of May 17<sup>th</sup> to May 23<sup>rd</sup>, 2020 as National Public Works Week.

**Item Summary:**

Mayor Gray will present the Proclamation recognizing National Public Works Week.

**Attachments:**

Proclamation recognizing National Public Works Week



**TOWN OF WENDELL****NORTH CAROLINA****PROCLAIMING NATIONAL PUBLIC WORKS WEEK,****MAY 17-MAY 23, 2020**

**WHEREAS**, Public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Wendell; and,

**WHEREAS**, These infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, It is in the public interest for the citizens, civic leaders and children in Wendell to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, The year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

**NOW THEREFORE**, on behalf of the Wendell Town Board of Commissioners, I, Virginia Gray, Mayor of the Town of Wendell, do hereby designate the week May 17 – 23, 2020 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**DULY PROCLAIMED** this 11<sup>th</sup> day of May, 2020.

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Virginia R. Gray, Mayor

**Item Title:**

Public Hearing for the proposed Fiscal Year (FY) 2020-2021 Town of Wendell Budget

**Report to the Board of Commissioners:**

Monday, May 11, 2020	Public Budget Hearing
Monday, April 27, 2020	Budget Work Session

**Specific Action Requested:**

Receive a Budget presentation and hold a public hearing on the proposed FY 2020-2021 Town of Wendell Budget and to take action at the Tuesday, May 26, 2020 Board meeting.

**Item Summary:**

Pursuant to Section 159-11 of the North Carolina General Statutes, the Budget Officer submits the Fiscal Year 2020-2021 (FY 2021) budget for the consideration of the Board of Commissioners. The submitted budget is balanced and in compliance with the Local Budget and Fiscal Control Act and the Financial Policies of the Town of Wendell.

Staff requests the Board of Commissioners to hold a Budget Hearing on Monday, May 11, 2020 prior to taking action on the recommended budget at the Tuesday, May 26, 2020 Commission Meeting. A copy of the Budget is provided to the Town Clerk and made available to the media. The budget is also provided digitally on the Town website for the public to review in lieu of the library as an accommodation during Covid-19 closings.

The FY 2021 budget totals \$19,507,171, which represents a 159.1% increase over FY 2020 due to over \$11 million in planned capital expenses. In response to the Wake County revaluation completed in FY 2020, the Town Budget proposes a reduced property tax rate of \$0.47 per \$100 of taxable values, a reduction of 2 cents from the current rate.

While the Raleigh Utilities water and sewer rate increases by 5% as required by the Merger Agreement, the Town will work to complete the Merger in FY 2021 as soon after the first quarter (October 2020) as utility revenues allow for retiring the remaining expenses. This early Merger retains capacity, requires additional payment by the Town, but will reduce rates approximately 40% for residents. The reduced property tax rate and utility merger will result in a net savings for most residents in FY 2021.

The solid waste fee remains \$22 per month, but will include the outsourcing of a portion of leaf and limb service for weekly cart pickup by Waste Industries instead of the Town. The fee schedule remains largely unchanged with an increase of the returned check fee from \$25 to \$35 to reflect

the bank charge to the Town. Special event fees are simplified to reflect the consolidated process in the special event policy developed in FY 2020.

The following charts provide a highlight of revenues and expenses for FY 2021:

Ad Valorem Taxes	\$ 4,392,196
Licenses & Permits	\$ 451,200
Intergovernmental Revenues - Unrestricted	\$ 1,937,500
Intergovernmental Revenues - Restricted	\$ 2,199,507
Permits & Fees	\$ 189,000
Sales & Services	\$ 914,450
Other Revenues	\$ 3,700
Investment Income	\$ 115,000
Transfers/Fund Balance	✓ \$ 804,618
Loan Proceeds	✓ \$ 8,500,000
	<u>\$19,507,171</u>

	FY 2021	Capital	Net
Governing Body	\$ 93,700	\$ -	\$ 93,700.00
Administration	\$ 561,900	\$ 32,000.00	\$ 529,900.00
Information Technology	\$ 166,760	\$ 25,000.00	\$ 141,760.00
Finance	\$ 448,450	\$ -	\$ 448,450.00
Economic Development	\$ 62,300	\$ -	\$ 62,300.00
Planning	\$ 551,450	\$ -	\$ 551,450.00
Public Buildings & Grounds	\$ 10,872,594	\$ 10,698,224.00	\$ 174,370.00
Police	\$ 2,336,057	\$ 248,000.00	\$ 2,088,057.00
Fire Services	\$ 4,900	\$ -	\$ 4,900.00
Public Works	\$ 2,318,435	\$ 238,500.00	\$ 2,079,935.00
Powell Bill	\$ 180,000	\$ -	\$ 180,000.00
Parks & Recreation	\$ 914,925	\$ 29,000.00	\$ 885,925.00
Non-Departmental	\$ 993,200	\$ -	\$ 993,200.00
Special Appropriations	\$ 2,500	\$ -	\$ 2,500.00
	<u>\$ 19,507,171</u>	<u>\$ 11,270,724.00</u>	<u>\$ 8,236,447.00</u>

**Attachments:**

None

**Item Title:**

Amendment of Article VII Holidays and Leaves of Absence of the town of Wendell Personnel Policy related to Sick Leave and compliance with the Family Medical Leave Act (FMLA)

**Report to the Board of Commissioners:**

Monday, May 11, 2020

**Specific Action Requested:**

Approval of the proposed Personnel Policy amendments for compliance with FMLA.

**Item Summary:**

The Family Medical Leave Act (FMLA) are Federal requirements that guide rights for employees in the use of leave for medical reasons or the care of others. The requirements change dependent on the type of business (public versus private) and the size of business. The Town of Wendell passed such a size threshold for Federal regulatory compliance when its number of employees exceeded 50 in FY 2019.

The attached policy amends the Town of Wendell Personnel Policy to maintain compliance with FMLA requirements as it relates to sick leave. The amendment removes language that refers to pre-FMLA Town policy and replaces it with Federal requirements and practices under FMLA.

**Attachments:**

- A. Draft Sick Leave Policy (Changes due to FMLA)



## DRAFT Sick Leave (Changes due to FMLA POLICY)

### Section 12. Sick Leave

Sick leave is a privilege granted to an employee for use consistent with this policy and is not a right. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, temporary disabilities, required physical or dental examinations or treatment, exposure to a contagious disease when continuing work might jeopardize the health of others, and death in the immediate family.

Sick leave may also be used when an employee must care for a member of his or her immediate family who is ill or needs medical care. An employee's immediate family member is defined as:

- Spouse
- Parent (biological, adoptive, step, in-law, or guardian)
- Child (biological, adoptive, step, foster, legal ward, in-law)
- Sibling (biological, adoptive, step, in-law)
- Grandparents or grandchildren (step, great)

Sick leave may be used concurrently with Family and Medical Leave. See Section 18 Family and Medical Leave (Extended Leave). Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' compensation benefits begin.

### Section 13. No Change

### Section 14. No Change

### Section 15. Sick Leave: Medical Certification

Under the general sick leave policy, (Section 12), the employee's Department Head may require a physician's certificate stating the necessity of the employee's absence due to an illness relating to the employee's own health or the health condition of a family member. The certificate must state the employee's ability to resume duties for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- A. Employees shall not be on duty when they might endanger their health or the health of

other employees; and

**B. To prevent the abuse of leave privileges.**

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Under the Family and Medical Leave policy, (Section 18), the employee's or family's physician must complete specific certification forms to support the request for Family and Medical Leave and submit them to the Human Resources Officer. (See Sections 18 and 19).

**Section 16. No change**

**Section 17. No change**

**Section 18. Family and Medical Leave (*Extended Leave*)**

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if they had not taken leave. The Town employs in excess of 50 employees and is required to follow the provisions of the Family and Medical Leave Act (FMLA). The Town supports the provisions of FMLA in fairness to its employees.

Employee eligibility is based on two requirements:

1. Must have a total of at least 12 months of service with the Town
2. Must have worked at least 1,250 hours during the last 12 months of service with the Town

*Eligible employees are entitled to the following:*

**Twelve workweeks of leave in a 12-month period for:**

- A. the birth of a child and to care for the newborn child within one year of birth;
- B. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- C. to care for the employee's spouse, child, or parent who has a serious health condition;
- D. a serious health condition that makes the employee unable to perform the essential functions of his or her job; (*A serious health condition is defined as a condition, which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity of more than three days would be considered a serious health condition.*)
- E. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

**Twenty-six workweeks of leave during a single 12-month period to care for:**

- A. A covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Eligible employees will be allowed to take up to 12 weeks of leave per 12 months and may use their accumulated leave to cover the absence. Intermittent leave or a reduced working schedule may be provided for Family and Medical Leave when required as part of a medically necessary process. Family and Medical Leave may be taken using vacation and/or sick leave, unpaid, or a combination of paid and unpaid. As in the sick leave policy, sick leave is available only upon documented illness of an employee or when an employee must care for a covered family member who is ill. Unpaid leave may be granted when the employee has exhausted all types of paid leave or when it is in the best interest of the employee to take some or all of the leave without pay. Additional time away from the job beyond the 12-week period may be approved in accordance with the Town's Leave Without Pay policy and with the approval of the Human Resources Officer and the Town Manager.

The employee must submit the request for the use of Family and Medical Leave to the Human Resources Officer in writing. Eligibility will be determined; and the request will be approved or denied by the Human Resources Officer and the Town Manager. When the leave is foreseeable the employee must submit the request in writing to the Human Resources Officer 30 days in advance or as soon as practical. Unforeseeable leave requests must be made as soon as practical.

Within 5 business days of receipt of a request for FMLA leave or knowledge that the leave may be FMLA qualifying, the Human Resources Officer will determine if the employee is *eligible* for FMLA leave and provide the employee with an oral or written response using form **WH-381: Notice of Eligibility and Rights and Responsibilities**. The Human Resources Officer will also notify the Department Head of the request. If the employee is not eligible for FMLA leave, the Human Resource officer will also notify the employee within 5 business days.

In the case of serious health conditions, the Human Resources Officer will supply the requesting employee with the necessary medical certification forms. One of the following forms, specific to the type of request, may be supplied to the employee:

- 1. Form WH-380E or WH-380F: Certification of Health Care Provider for Serious Health Condition**
- 2. Form WH-384: Certification of Qualifying Exigency for Military Family Leave**
- 3. Form WH-385: Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

FMLA leave forms should be completed by a medical professional and submitted to the Human Resources Officer within 15 days. The Human Resources Officer or the Town Manager may contact the health care provider only to authenticate the source of the information or to clarify a meaning of a response. If the certification form is not received within the allotted time, the Town

reserves the right to deny leave until the necessary documentation has been received.

FMLA leave approval or denial notices will be given to the employee within 5 business days of receiving a completed medical certification form or otherwise acquiring enough knowledge to determine whether an employee qualifies for FMLA leave. The Human Resources Officer will provide the employee with form **WH-382: Designation Notice indicating approval or denial of FMLA leave**. After receiving notice of initial approval of FMLA leave, the supervisor and/or the Department Head shall note absences on all subsequent timesheets pertaining to FMLA leave.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

After a reasonable period of leave, the employee must respond to the employer's request for information about the status and intent to return to work. For an employee's own serious health condition, the Town may require certification that the employee is able to resume work. *The Town will follow the provisions of the Family and Medical Leave Act.*

## Section 19. Leave Certification

The Town requires medical certification for an employee to qualify for leave under Family and Medical Leave. Upon the request of Family and Medical Leave, the Human Resources Officer will provide the employee with the necessary medical certification forms which must be taken to the employee's or the family member's physician (see Section 18. Family and Medical Leave).

The certification form completed by the employee's or the family member's physician should include the date when the condition began, its expected duration, **and a brief statement of treatment that does not violate the employees right to privacy**. For the employee's own health condition, the certification should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or required.

Certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. Certification should be received no longer than 15 days from the date of the employee's request to the Human Resources Officer. The approval or denial decision will be made by the Human Resources Officer and the Town Manager within 5 days of receiving the certification.

The employee is expected to return to work at the end of the allotted time stated in the medical certification unless he/she has requested additional time in writing under the Town's Leave Without Pay policy. To return to work, the employee must provide **a** fitness-for-duty certification.

## Section 20. No Change



## **Section 21. Family and Medical Leave (Extended Leave) and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on Family and Medical leave (Extended Leave), the Town will continue the employee's health and other non-leave benefits at the same level and under the same conditions as if the employee had continued to work for a period of up to 12 weeks. If the employee is in a pay status, such as using vacation, compensatory or sick leave, the Town will continue to pay for benefits until such leave is exhausted.

Other voluntary insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit. An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Board of Commissioners and the regulations of the insurance carrier.

## **Section 22. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the Town and have leave hours re-instated for all time covered by paid leave. In such cases, the Town will pay the employee for any unpaid time that is owed the employee.

- A. All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report immediately. The employee must use sick leave or annual leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.
- B. Before returning to work, a statement from the attending physician should be submitted to the Human Resources Officer giving permission for the employee to resume regular duties. The Town reserves the right to request a second opinion, at the expense of the Town, to verify the employee is fit for duty.
- C. Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation. While receiving workers'

compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

This provision also applies to reactions to smallpox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation. Workers' Compensation leave may run concurrently with FMLA leave.

**Item Title:**

Adoption of a Resolution declaring official intent to reimburse capital project expenditures.

**Specific Action Requested:**

- The board is asked to approve a resolution for reimbursing of expenditures to undertake site improvements and construction of a new Town Hall facility, construction of a new park access road and resurfacing of existing park access roads, repaving of West Academy Street as part of a neighborhood improvement program, installation of sidewalks on Wendell Boulevard (from Wendell Elementary School to the Food Lion shopping center) and widening of the Wendell Boulevard-Wendell Falls Parkway intersection as part of a pedestrian project, acquire land designated for future park use, and installation of a multi-purpose trail.

**Item Summary:**

During the budget process, the Board of Commissioners authorized staff to incur expenditures related to undertake site improvements and construction of a new Town Hall facility. Staff met with the Local Government Commission (LGC) on February 19, 2020 to discuss the financing of the new Town Hall facility. At the meeting, it was recommended by the LGC that the Town adopt a resolution with the intent to reimburse the Town with the debt proceeds at the time of debt issuance. As a result, staff is requesting that the Resolution declaring official intent to reimburse the expenditures to undertake site improvements and construction of a new Town Hall facility in addition to expenditures for construction of a new park access road and resurfacing of existing park access roads, repaving of West Academy Street as part of a neighborhood improvement program, installation of sidewalks on Wendell Boulevard (from Wendell Elementary School to the Food Lion shopping center) and expansion of the Wendell Boulevard-Wendell Falls Parkway intersection as part of a pedestrian project, acquire land designated for future park use, and installation of a multi-purpose trail be adopted.

**Attachment:**

- A. Proposed Resolution declaring official intent to reimburse

**TOWN OF WENDELL, NORTH CAROLINA**

**RESOLUTION DECLARING  
R-13-2020  
OFFICIAL INTENT TO REIMBURSE**

WHEREAS; the Town of Wendell desires to undertake site improvements and construction of a new Town Hall facility, acquire land for future park use, improve existing roadway infrastructure, and install new public roadway and pedestrian infrastructures, and

WHEREAS; it is the intent of the Town to finance those improvements through lease purchase or other suitable financing and that the financing will be obtained as a result of a process involving Local Government Commission oversight and approval by the Town Board, and

WHEREAS; this Resolution and declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section, and

WHEREAS: the Town Board of the Town of Wendell is authorized to resolve and declare the official intent of the Town of Wendell, North Carolina (the "Issuer") with respect to the matters contained herein.

NOW THEREFORE BE IT RESOLVED; that the Town of Wendell proposes to undertake the Project as described below, to incur the related and necessary project expenditures, and to finance the cost of the Project with the proceeds of debt to be issued by the Town for the project all as described below:

1. **Expenditures to be Incurred.** The Town of Wendell (the Issuer) anticipates incurring maximum expenditures (the "Expenditures") of \$8,500,000 for necessary sitework improvements, an Owner's Project Manager, and design and architecture costs of a new Town Hall facility to be constructed; design and installation costs of a new park access road with sidewalk, curb and gutter, and stormwater infrastructure; costs to resurface existing park access roads; roadway resurfacing of West Academy Street and other ancillary sidewalk improvements in the Neighborhood Improvement Plan; intersection infrastructure and signalization improvements of Wendell Boulevard and Wendell Falls Parkway; acquisition of necessary right-of-way, relocation of utilities, and construction of sidewalks on Wendell Boulevard; acquisition of land designated for future park and infrastructure use; and design and construction of a multi-purpose trail.

2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of lease purchase financing or other suitable form of debt, to be issued by the Town (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.



3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Projects is \$8,500,000.

4. **Declaration of Official Intent to Reimburse.** The Issuer, Town of Wendell, NC, hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 11th day of May 2020.

SEAL

By: \_\_\_\_\_  
Virginia Gray, Mayor

By: \_\_\_\_\_  
Megan Howard, Town Clerk

**Item Title:**

Amendment to the Solid Waste Services Contract between the Town of Wendell and Waste Industries LLC (dba GFL Environmental) to Extend the Contract for Five (5) Years effective July 1, 2020

**Report to the Board of Commissioners:**

Monday, May 11, 2020

**Specific Action Requested:**

Approve the contract extension between the Town and Waste Industries to extend the contract for five (5) years effective July 1, 2020.

**Item Summary:**

The Town of Wendell contracts with Waste Industries for the provision of solid waste services. The current contract is scheduled to expire on June 30, 2020. The proposed contract amends the costs, services, and length of the contract to extend the service provision for an additional five (5) years with an effective date of July 1, 2020.

The proposed contract provides for the following:

- Extends the length of contract for an additional five (5) year period.
- Adds weekly, curb-side yard waste service for residential customers by 96-gallon rollout container. (No additional cost. The Town will cover in the existing Solid Waste Fee that remains the same in FY 2022).
- Sets rates for services. The current rates remain the same for FY 2021 and FY 2022. The following three (3) years, rates will increase by 2% per year to cover cost of living increases. (This reflects the 20-year average of the consumer price index (CPI) for the industry in this area).
- The Town pays for actual disposal costs for yard waste going to the City of Raleigh Yard Waste Facility. (The Town currently pays for this cost. The current rate is \$25 per ton.).
- Recycle processing cost for FY 2021 will be \$1.27. It will be reviewed annually and based on actual charges. (This has been an increasing cost for haulers due to increased recycling content standards by material receivers).
- Addition of a dedicated customer service line for Wendell customers. (Currently the Town is responsible for receiving the concern and entering the information in the Waste Industries online portal).
- All other terms and conditions of the contract remain the same.

The contract provides a continuation of existing service levels for trash and recycling with known costs for the duration of the contract. The additional services for yard waste and customer service

line provide significant efficiencies in cost and time for the Town, while maintaining the weekly service to residents. The yard waste service change will provide for the following:

- Residents will place any vegetative yard waste in the 96 gallon roll out can for curbside pickup on a set day each week (as needed).
- Waste Industries will have dedicated trucks to pick up yard waste (not comingled with trash and/or recycling).
- The Town will discontinue its weekly yard waste route and only provide occasional scheduled or leaf season service. Residents will not leave loose yard waste at the curb, but use the rollout cans instead. This benefits the town stormwater program as well.
- The Town will establish a large yard waste pickup service for residents that have too much waste to fit in the can over several weeks. The large waste pickup will be available a couple times per year at no additional charge, but must be scheduled in advance.
- The Town will establish a “leaf season” pickup schedule to remove leaves from curbside by zones during “leaf season”. This will be provided at no additional charge to residents and will be in addition to the weekly rollout service provided by Waste Industries.

The cost increases in the FY 2021 service level do not require an increase to the Town solid waste fee of \$22 per month. As such, the residents will not experience a rate increase this year. Future years will be evaluated during the annual budget process.

Once approved, staff will work with Waste Industries to develop a service change communication plan and schedule for delivery and use of the yard waste cans and customer service line.

**Attachments:**

- A. Amendment to the Service Contract between the Town of Wendell and Waste Industries.

State of North Carolina  
Wake County

Amendment

This Amendment is made between the Town of Wendell, a North Carolina municipal corporation (the "Town") and Waste Industries LLC dba GFL Environmental ("Contractor") amending the agreement between the parties made on June 13, 2008 and its Amendment dated June 19 2017.

Witnesseth:

WHEREAS, the Town and Contractor have entered into a legal contract specifying the terms and conditions under which the Contractor provides services to the Town for refuse collection, disposal and recycle collection within the Town's limits; and

WHEREAS, the Town and Contractor may mutually desire to extend the term of the contract for a set period with agreed range changes over that period: and

WHEREAS, the Town will add yard waste collection (in a cart) to services provided to the Town:

NOW, THEREFORE, in consideration of the promises and agreements set forth below, to be performed by the Town and Contractor, the Town and Contractor agree to amend the agreement as follows:

1. Contract Duration (Page 5 of the 2008 Solid Waste Agreement's Bid/ Contract Package):

The effective date of this extension shall be July 1, 2020.

The term of this extension shall be five (5) years with an expiration date of June 30th, 2025.

The term of this Amendment may be extended by mutual agreement for successive one (1), two (2) or three (3) year terms.

2. Addition of Yard Waste Services:

Waste Industries LLC dba GFL Environmental will provide each residential customer with a ninety-six (96) gallon cart. Carts will be in a color not similar to existing trash and recycle carts. Waste Industries will empty the yard waste carts one time per week at the curb. All materials must be placed securely inside carts. Material will be delivered to the City of Raleigh Yard Waste Facility. Yard waste items limited to materials accepted by the City of Raleigh Yard Waste Facility.



## 3. Rates

Budget Year 2020-2021 and 2021-2022 Monthly Rates

96 gallon Trash cart emptied one time per week- \$10.41 per cart

96 gallon Recycle cart emptied every other week- \$3.09 per cart

96 gallon yard waste cart emptied every week-\$3.65 per cart

Beginning July 1, 2022 (and every subsequent July 1 of this contract), there will be an annual 2% cost of living increase for these services.

Town will pay actual costs for disposal of yard waste going to City of Raleigh Yard Waste facility. Currently, the rate is \$25 per ton. This will strictly be a pass through cost.

Recycle processing cost will be \$1.27 for budget year 2020- 2021. This cost will be reviewed and adjusted annually on every July 1 based on actual charges by processor (currently Sonoco in Raleigh).

## 4. Customer Service Telephone Line

Waste Industries LLC dba GFL Environmental will provide a separate telephone line to handle the residents of the Town service calls. The calls will be field by a customer service representative specifically trained to assist the citizens of Wendell.

## 5. Continuation of Other Contract Terms

All other sections and terms remain the same as the original contract dated June 13, 2008.

IN WITNESS WHEREOF, the Town and Contractor have caused this Amendment to be executed by their duly authorized officials.

Waste Industries LLC dba GFL Environmental      Town of Wendell, NC

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

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

Travis Hitchcock, Regional VP

Attest:

And:

\_\_\_\_\_

\_\_\_\_\_

This instrument has been pre-audited in the manner by the Local Government Budget and Fiscal Control Act. \_\_\_\_\_

Town Finance Officer

**Item Title:**

Update to the Pay Plan and Position Classifications to reflect the Piedmont Triad Regional Council Study completed in January 2020

**Report to the Board of Commissioners:**

Monday, May 11, 2020

**Specific Action Requested:**

Approve the updated FY 2021 Town of Wendell Pay Plan.

**Item Summary:**

The Town of Wendell Personnel Policy defines the Pay Plan as the salary schedule and the Assignment of Classes to Grades adopted by the Board of Commissioners. The salary schedule consists of minimum salary, maximum salary, and midpoint of the salary range for all classifications authorized by the Town. The Personnel Policy provides that the Town Manager and Human Resources Officer are responsible for administering and maintaining the Pay Plan. Each year, if appropriate, the Manager is responsible for recommending a market adjustment amount based on a variety of factors including the Pay Plans of comparative local governments. The Board of Commissioners is responsible for the adoption of any changes to the assignment of classes to the grades.

The Town contracted with human resource consultants from the Piedmont Triad Regional Council to conduct the Town of Wendell Pay Plan and Position Classification Study which was completed in January 2020 and presented to the Board of Commissioners at the March 9, 2020 meeting. The findings of the Study are incorporated into the FY 2021 Budget with an additional 3% in-range adjustment in grade to address compression and maintaining market competitiveness through next fiscal year.

There are two (2) changes to the Pay Plan from the consultant presentation in March; the addition of a Parks Maintenance Supervisor (Grade 19) and a Stormwater Program Manager (Grade 25). While included in the presentation and recommended plan by the consultant, it is also worth noting that the proposed Pay Plan includes adding the Town Manager position (Grade 43) to the plan for the first time.

The proposed Pay Plan and implementation sets the grades and salaries at the market average and corrects the variances in the grades as presented by the consultants in March.

**Attachments:**

- A. FY 2021 Town of Wendell Pay Plan

## FY 2021 Town of Wendell Pay Plan

Grade	Minimum	Midpoint	Maximum	FLSA	Classification Title
10	27,754	34,692	41,630	N	Future Use
11	29,141	36,427	43,712	N	Future Use
12	30,598	38,248	45,898	N	Future Use
13	32,128	40,160	48,192	N	Park Maintenance Technician
13	32,128	40,160	48,192	N	Customer Service Representative
13	32,128	40,160	48,192	N	Police Administrative Assistant
13	32,128	40,160	48,192	N	Public Works Administrative Assistant
13	32,128	40,160	48,192	N	Public Works Specialist I
14	33,735	42,168	50,602	N	Future Use
15	35,421	44,277	53,132	N	Permit Technician
15	35,421	42,277	53,132	N	Public Works Specialist II
16	37,192	46,491	55,789		Future Use
17	39,052	48,815	58,578	N	Accounting Technician
17	39,052	48,815	58,578	N	Senior Public Works Specialist
18	41,005	51,256	61,507		Future Use
19	43,055	53,819	64,582	N	Payroll and Benefits Specialist
19	43,055	53,819	64,582	N	Police Officer I
19	43,055	53,819	64,582	N	Public Works Crew Leader
19	43,055	53,819	64,582	N	Parks Maintenance Supervisor
20	45,208	56,510	67,812	N	Accountant I
20	45,208	56,510	67,812	N	Code Compliance Officer
20	45,208	56,510	67,812	N	Police Officer II
20	45,208	56,510	67,812	N	Recreation Program Supervisor
21	47,468	59,335	71,202	N	Master Police Officer
21	47,468	59,335	71,202	N	Police Investigator
22	49,841	62,302	74,762	N	Planner I
22	49,841	62,302	74,762	N	Senior Police Officer
23	52,334	65,417	78,500	N	Accountant II
23	52,334	65,417	78,500	N	Accreditation Manager
24	54,950	68,688	82,425	N	Police Investigations Sergeant
24	54,950	68,688	82,425	N	Police Sergeant
25	57,698	72,122	86,547	N	Human Resources Administrator
25	57,698	72,122	86,547	N	Town Clerk
25	57,698	72,122	86,547	E	Stormwater Program Manager
26	60,583	75,728	90,874	E	Public Works Superintendent
27	63,612	79,515	95,418	N	Assistant to the Town Manager
28	66,792	83,490	100,189	E	Assistant Planning Director
28	66,792	83,490	100,189	E	Police Captain
29	70,132	87,665	105,198	E	Future Use
30	73,639	92,048	110,458	E	Future Use
31	77,320	96,651	115,981	E	Future Use
32	81,187	101,483	121,780	E	Parks and Recreation Director
32	81,187	101,483	121,780	E	Planning Director
32	81,187	101,483	121,780	E	Public Works Director

33	85,246	106,557	127,869	E	Future Use
34	89,508	111,885	134,262	E	Chief of Police
35	93,984	117,479	140,975	E	Finance Director
36	98,683	123,353	148,024	E	Future Use
37	103,617	129,521	155,425	E	Future Use
38	108,798	135,997	163,197	E	Future Use
39	114,238	142,797	171,356	E	Future Use
40	119,949	149,937	179,924	E	Future Use
41	125,947	157,434	188,920	E	Future Use
42	132,244	165,305	198,366	E	Future Use
43	138,856	173,571	208,285	E	Town Manager
44	145,799	182,249	218,699	E	Future Use
45	153,089	191,362	229,634	E	Future Use

## Notes:

1. Employees in classifications with FLSA status "N" are subject to the overtime provisions of the Federal Fair Labor Standards Act which requires the payment of overtime (or equivalent compensatory time), at time and one half, after the employee has worked more than 40 hours in the employer's official work week, not the employee's work schedule.
2. Employees in classifications with FLSA status "E" are not subject to (exempt from) the overtime provisions of the Federal Fair Labor Standards Act.
3. Law Enforcement Officers and Firefighting personnel who are subject to the overtime provisions of the FLSA may be paid on the basis of a work period ranging from 7 to 28 days and not the Town's official work week.

\* Under the Fair Labor Standards Act (FLSA), effective January 1, 2020, the annual salary threshold for an Exempt employee is \$35,568. The above listed classifications in grade 15, or lower, may (by a review of the duties), be Exempt under the FLSA. However, if the employee's actual annual earnings are below \$35,568, the classification will be designated as Non-Exempt. The actual FLSA designation of Non-Exempt or Exempt will be based on the actual annual salary of the employee(s) working in the classification and in accordance with the applicable duties test.



**Item Title:**

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

 Wendell Volunteer Fire Department Board of Directors: Commissioner Jason Joyner

**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