



Wendell Town Board of Commissioners

Board Room

15 E. Fourth Street, Wendell, NC 27591

Town Board Meeting Agenda

Monday, June 8, 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 June 8, 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 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, June 5th at 5 p.m.

CALL TO ORDER

- Welcome – Mayor Virginia Gray
- Pledge of Allegiance – Police Chief Bill Carter
- Invocation –Hephzibah Baptist Church – Pastor Nathan Miller

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

2. PUBLIC COMMENT PERIOD

- The Public Comment period for the June 8, 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 by Friday, June 5th 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, June 5th 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. Proposed Three-Year Extension for Audit Services with Petway Mills and Pearson PA
- 3b. Approval of the February 29, 2020 Budget Retreat Minutes
- 3c. Approval of the April 27, 2020 Town Board Meeting Minutes
- 3d. Certificate of Sufficiency and Resolution Setting the Public Hearing Date for Property at 941 Wendell Falls Parkway; 15.79 acres; PIN# 1783178750

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Presentation on the Stormwater Gap Analysis Study
Speaker: Public Works Director Brian Bray

5. PUBLIC HEARINGS

PLEASE NOTE: Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public hearings, but no public attendance at Town Hall will be permitted. No Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

- Public participation for public hearing items on the agenda for the June 8th, 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 by Wednesday, June 9th at 10 p.m. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, June 5th at 5pm will be provided to the

Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action.

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, June 5th 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.

There are no Public Hearings Scheduled for this Meeting.

6. ADMINISTRATIVE ITEMS

- 6a. Appointments to the Town of Wendell Board of Adjustment and Appearance Commission

Staff Contact: Town Clerk Megan Howard
mhoward@townofwendell.com

- 6b. Motion on an R7 Conditional District for property located at 1425 Eagle Rock Road continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 6c. Motion on a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 6d. Motion on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 6e. Motion on a Zoning Text Amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans continued from the May 26, 2020 Town Board Meeting

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 6f. Downtown Façade Grant Request for improvements to 5 N Main Street

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

- 6g. Contract for Billing Services for Solid Waste Fees between the Town of Wendell and the City of Raleigh

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

- 6h. Designate Board Member for Design Services Selection Committee

Staff Contact: Town Manager Marc Collins
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:
- Wendell Volunteer Fire Department Board of Directors – Commissioner Jason Joyner

8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

Item Title:

Approval of a three-year extension for audit services with Petway Mills and Pearson PA.

Board of Commissioners Meeting:

Monday, June 8, 2020

Specific Action Requested:

Authorize Town Manager to sign the requested three-year extension for audit services with Petway Mills and Pearson PA.

Item Summary

G.S. 159-34 establishes the requirements and procedures for the selection of an auditor. The auditor reports the findings of the annual audit to the governing board, not the manager. The governing board may choose any North Carolina certified public accountant (CPA) qualified to audit local government accounts. While the Local Government Commission recommends the use of a request for proposals (RFP) process when a new auditor is sought, this does not preclude current auditors from retaining the engagement if they continue to meet service and fee arrangements. The Finance Director participated in the RFP process for a neighboring community to evaluate current requirements and determined that the current auditor meets the service and fee arrangements.

G.S. 159-34 requires local governments to have their accounts audited by independent auditors after the close of each fiscal year. To ensure an independent audit, the auditor rotates the audit manager responsible for the team that oversees the Town audit. The Finance Director reports that the audit manager has changed every one-to-three years and the firm is assigning a new manager this year. This eliminates the building of relationships between the auditor and finance staff but retains the firms familiarity with Town processes. This allows for independence and efficiency.

At the February 12, 2018 meeting, the Board of Commissioners approved an extension of the audit contract with Petway Mills and Pearson PA for an additional three-year period to include FY 2018, FY 2019 and FY 2020. The extension was for the original contract that started in FY 2008. At this time, the Board of Commissioners are asked to approve a three-year extension with Petway Mills and Pearson PA for FY 2021, FY 2022 and FY 2023. The proposed cost of the service will be \$13,500 for FY 2021, \$13,700 for FY 2022 and \$13,900 for FY 2023(see attached).

Attachments:

- A. Proposed three-year extension for audit services with Petway Mills and Pearson PA
- B. Current Audit Services Agreement with Petway Mills and Pearson.



PETWAY
MILLS &
PEARSON, PA

CERTIFIED PUBLIC ACCOUNTANTS

C. Briggs Petway, Jr.
Phyllis M. Pearson

Zebulon Office
P.O. Box 1036
806 N. Arendell Ave.
Zebulon, NC 27597
919.269.7405
919.269.8728 Fax

Raleigh Office
9121 Anson Way
Suite 200
Raleigh, NC 27615
919.781.1047

www.pmpcpa.com

February 20, 2020

Mr. Butch Kay, Finance Director
Town of Wendell

RE: Audit fee proposals

Mr. Kay,

We propose the following audit fees for the indicated years.

2021	\$13,500
2022	\$13,700
2023	\$13,900

Thank you for your inquiry.

Phyllis M. Pearson, CPA
Phyllis M. Pearson, CPA

Memberships:

North Carolina
Association of
Certified Public
Accountants

American Institute
of Certified Public
Accountants



January 28, 2019

PETWAY
MILLS &
PEARSON, PA

CERTIFIED PUBLIC ACCOUNTANTS

C. Briggs Petway, Jr.
 Phyllis M. Pearson

Zebulon Office
 P.O. Box 1036
 806 N. Arendell Ave.
 Zebulon, NC 27597
 919.269.7405
 919.269.8728 Fax

Raleigh Office
 9121 Anson Way
 Suite 200
 Raleigh, NC 27615
 919.781.1047

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Members of the Board of Commissioners
 Town of Wendell, North Carolina

We are pleased to confirm our understanding of the services we are to provide the Town of Wendell for the year ended June 30, 2019. We will audit the financial statements of the governmental activities, the business-type activities, and each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Wendell as of and for the year ended June 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Wendell's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Wendell's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Pension Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Wendell's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements]:

- 1) Budgetary Comparison Schedules
- 2) Combining individual fund financial statements
- 3) Property Tax Schedules
- 4) Schedule of Expenditures of Federal and State Awards

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in

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accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Wendell and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the Town of Wendell's financial statements. Our report will be addressed to the governing board of the Town of Wendell. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Town of Wendell is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes and potentially propose journal entries. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (1) designing, implementing, establishing, and maintaining effective internal controls, including internal controls over federal awards and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is a reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection

and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on July 1, 2019.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of

measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all

transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material weakness. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Wendell's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of Town of Wendell's major programs. The purpose of these procedures will be to express an opinion on Town of Wendell's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Other Services

We will also assist in preparing the financial statements and related notes of Town of Wendell in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Town of Wendell; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Petway Mills & Pearson, PA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Office of the State Auditor or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Petway Mills & Pearson, PA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the Office of the State Auditor. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately June 1, 2019 and to issue our reports no later than October 31, 2019. Phyllis M. Pearson, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be \$13,800. Our invoices for these fees will be rendered at the end of the engagement. In accordance with our firm policies, work may be suspended if your account becomes 90 days or more overdue and may not be resumed

until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2018 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the Town of Wendell and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

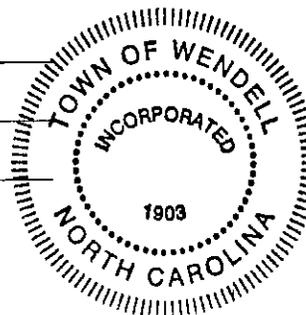
Petway Mills & Pearson, PA

Petway Mills & Pearson, PA

RESPONSE:

This letter correctly sets forth the understanding of the Town of Wendell.

By: *Mr. All*
Title: *Town Manager*
Date: *3/12/2019*





Bernard Robinson & Company, L.L.P.

Report on the Firm's System of Quality Control

February 26, 2018

To the Partners of Petway Mills & Pearson, PA
and the Peer Review Committee of the North Carolina
Association of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Petway Mills & Pearson, PA (the firm) in effect for the year ended September 30, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and audits of employee benefit plans.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

1501 Highwoods Blvd., Ste. 300 (27410)
P.O. Box 19608 | Greensboro, NC 27419
P: 336-294-4494 • F: 336-294-4495

brccpa.com



Petway Mills & Pearson, PA
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Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Petway Mills & Pearson, PA in effect for the year ended September 30, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Petway Mills & Pearson, PA has received a peer review rating of *pass*.

Bernard Robinson & Company, L.L.P.

BERNARD ROBINSON & COMPANY, L.L.P.

CONTRACT TO AUDIT ACCOUNTS

The	Governing Board
	Members of the Town Council
of	Primary Government Unit
	Town of Wendell
and	Discretely Presented Component Unit (DPCU) (if applicable)
	N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Petway Mills & Pearson, PA
	Auditor Address
	806 N. Arendell Ave Zebulon, NC 27597

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Audit Report Due Date
	06/30/19	10/31/19

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

County and Multi-County Health Departments: The Office of State Auditor will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on

eligibility determination as required by OSA and in accordance with the instructions and timeline provided by OSA.

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 12).

10. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

13. The Auditor shall submit the report of audit in PDF format to LGC Staff when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

If the OSA designates certain programs to be audited as major programs, as discussed in Item 2, a turnaround document and a representation letter addressed to the OSA shall be submitted to LGC Staff.

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

15. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 26 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

17. Special provisions should be limited. Please list any special provisions in an attachment.

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

19. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

21. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

22. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

23. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

24. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

25. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
26. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).
27. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.
28. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

CONTRACT TO AUDIT ACCOUNTS

FEES FOR AUDIT SERVICES

For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter, but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8, 9, and 12 for details on other allowable and excluded fees.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year audit fee on file with the LGC, the LGC calculation prevails.

20 NCAC 03 .0505: All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law.

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Wendell
Audit	\$ 13,050
Writing Financial Statements	\$ 750
All Other Non-Attest Services	\$ 0
75% Cap for Interim Invoice Approval	\$ 9,787.50

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit	\$ N/A
Writing Financial Statements	\$ N/A
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm Petway Mills & Pearson, PA	
Authorized Firm Representative (typed or printed) Phyllis M. Pearson, CPA	Signature <i>Phyllis M Pearson, CPA</i>
Date 02/05/19	Email Address ppearson@pmpcpa.com

GOVERNMENTAL UNIT

Governmental Unit Town of Wendell	
Date Primary Government Unit Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed) <i>Virginia R. Gray</i>	Signature <i>Virginia R Gray</i>
Date <i>3-11-2019</i>	Email Address <i>vgray@townofwendell.com</i>

Chair of Audit Committee (typed or printed, or "NA") <i>Virginia R. Gray</i>	Signature <i>Virginia R Gray</i>
Date <i>3-11-2019</i>	Email Address <i>vgray@townofwendell.com</i>

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE
(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

CONTRACT TO AUDIT ACCOUNTS

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU N/A	
Date DPCU Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE
(Pre-audit certificate not required for charter schools)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



**Wendell Town Board of Commissioners
Budget Retreat Agenda
The Clayton Center
111 E 2nd St, Clayton, NC 27520
Saturday, February 29th, 2020 @ 9:00 AM**

The Wendell Town Board of Commissioners held their Budget Retreat meeting on Saturday, February 29, 2020, at The Clayton Center, 111 E 2nd St, Clayton, NC, 27520.

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

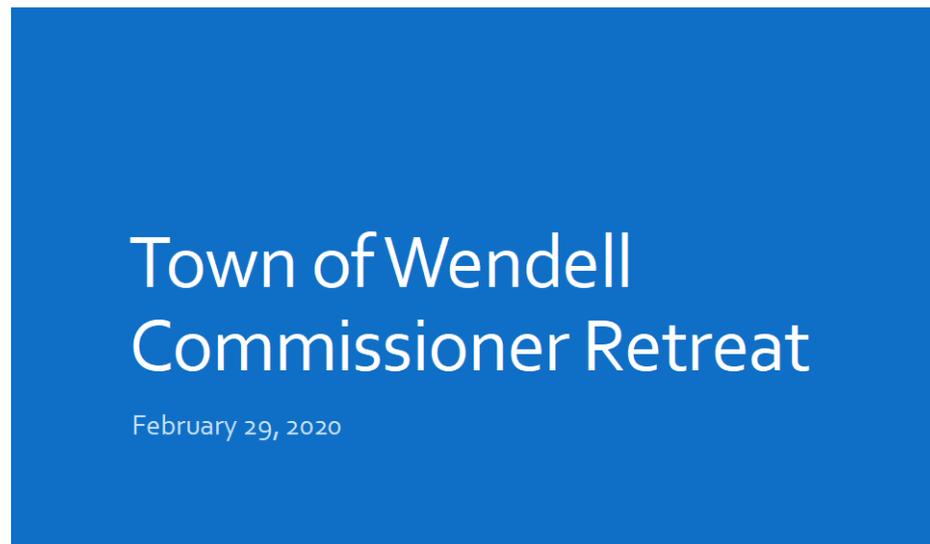
ABSENT:

STAFF PRESENT: Town Manager Marc Collins, Assistant to the Manager Stephanie Smith, Town Attorney Jim Cauley, Planning Director David Bergmark, Public Works Director Brian Bray, Finance Director Butch Kay, and Police Captain John Slaughter.

CALL TO ORDER 9:00 AM

Mayor Gray called the meeting to order at 9:01 a.m.

Town Manager Marc Collins welcomed attendees, presenting the following slides:



Retreat Agenda

- Welcome and Logistics
- Budget Process and Calendar
- Initial Trends, Forecasts, and Projections
- Baseline Budget
- **BREAK**
- Major Initiatives – Employees, Capital, Utility Merger, Revaluation
- Strategic Plan Adjustments
- **LUNCH**
- Department goals and measures
- Budget Layout and GFOA compliance
- Commission feedback
- **ADJOURN**

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

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

Vote: 5-0

2. BUDGET TOPICS

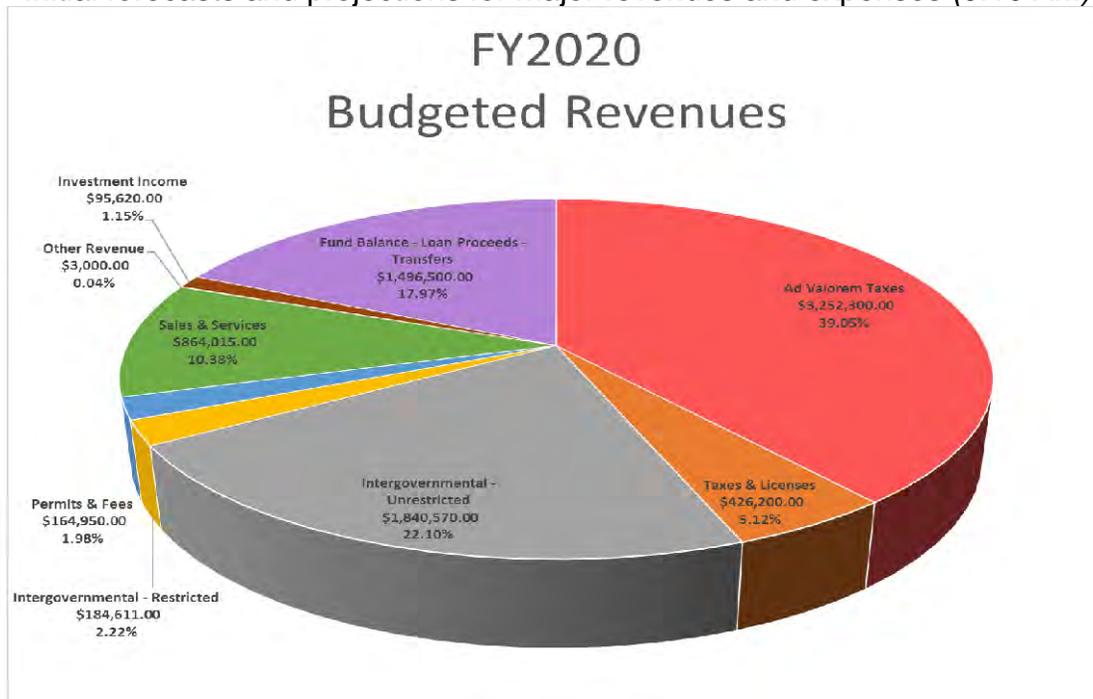
2a. Budget process and calendar (9:05 AM)

FY 2020 Budget Calendar

- January 2020 (COMPLETE)
 - Kickoff and budget introductions
 - Staff preparations for Retreat
- February 2020 (COMPLETE)
 - Strategic initiative prioritization
 - Commission Budget Retreat
 - Initial policy review by staff
- March 2020
 - Financial Policy Update (if needed)
 - Department and Capital Budget Development
- April 2020
 - Manager's Proposed Budget
 - Initial Budget Work Session
- May 2020
 - Budget Hearings
 - Budget Decision
- June 2020 (Reserved, if needed)
- July 1, 2020 (Start of FY 2021)
- August/September 2020
 - Strategic Plan Kickoff for FY 2022 & FY 2023

Mr. Collins said that the Strategic Plan would begin in August and go until November with Board and Community input to staff before adoption.

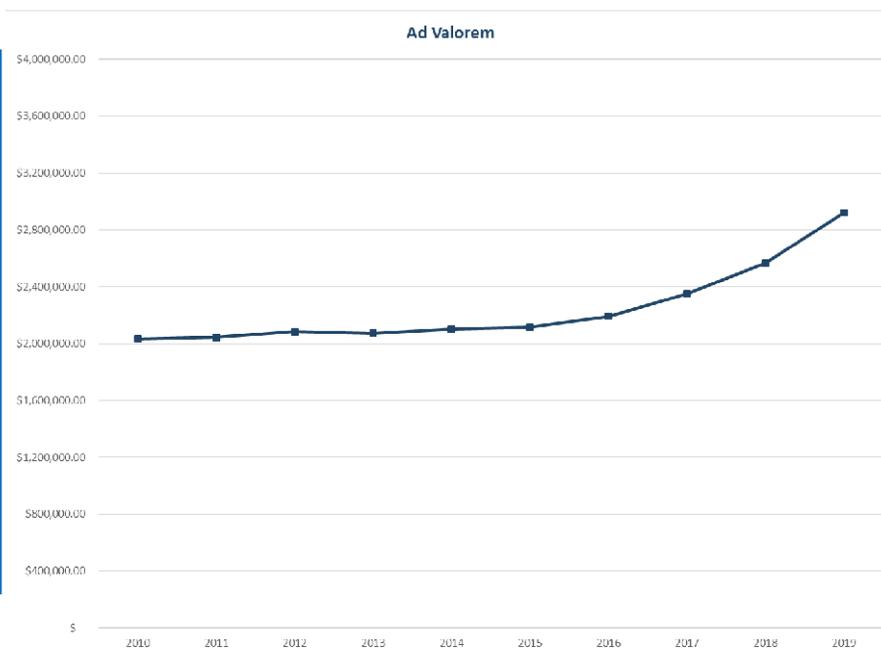
2b. Initial forecasts and projections for major revenues and expenses (9:10 AM)



Mr. Collins explained that this is where the Town gets the resources to do what they do, from property and sales taxes among other revenues.

Projections,
Trends, &
Forecasts

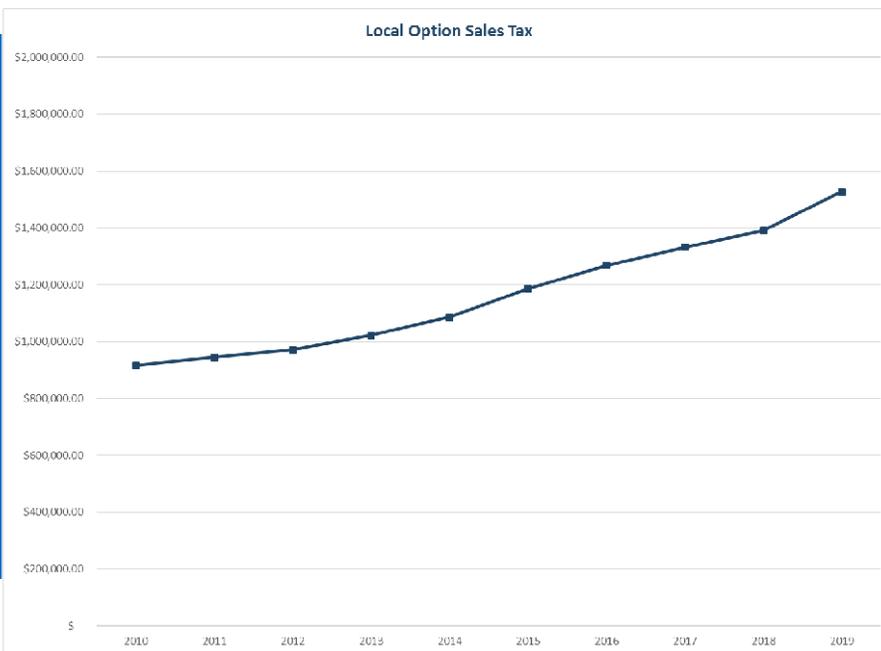
Property Tax



Mr. Collins said that the Town is getting past the big dip of 2010 and the growth is reflected in an increase of Ad Valorem taxes.

Projections,
Trends, &
Forecasts

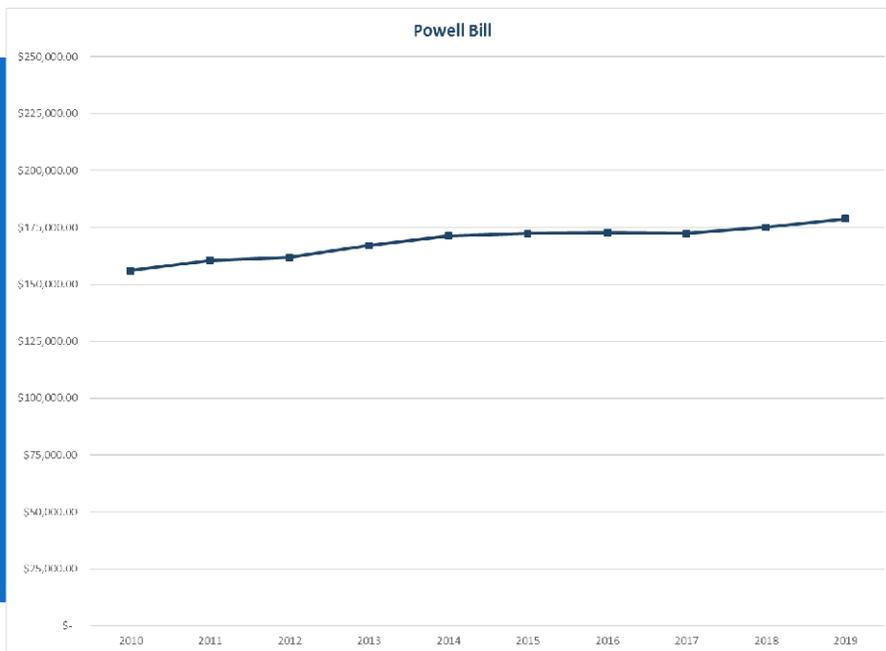
Sales Tax



Mr. Collins said this is a primarily population-based growth, which is trending higher than the county.

Projections,
Trends, &
Forecasts

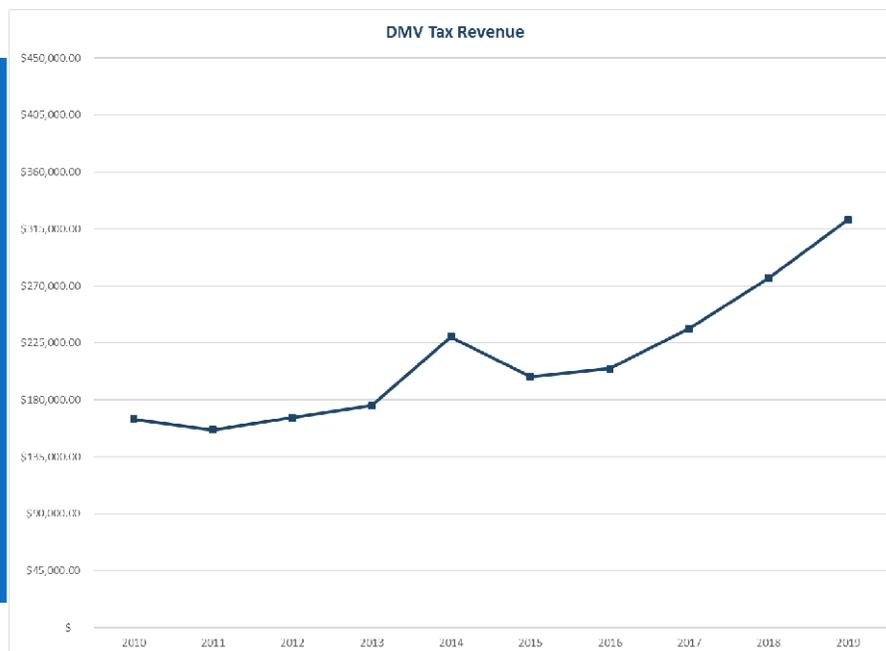
Streets



Mr. Collins said that as the Town takes in new roads and curb and gutter, this amount will increase. The cost of adding the new streets is always higher than the revenues that the Town gets from the state.

Projections,
Trends, &
Forecasts

Vehicle License



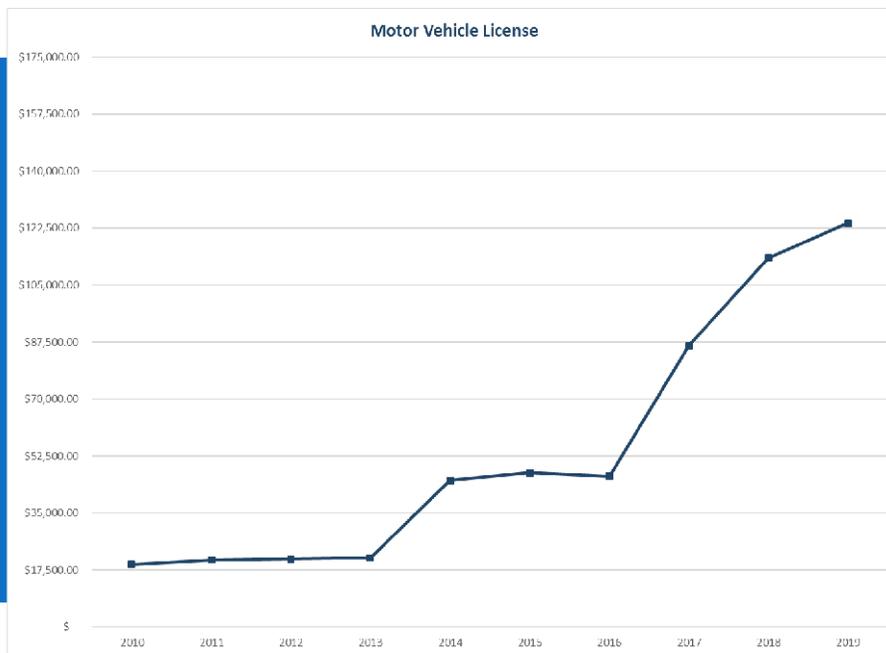
Mr. Collins said both of these Motor Vehicle License fees are increasing.

Mayor Pro Tem John Boyette asked what happened in 2014.

Finance Director Butch Kay said that the state took over vehicle tax collection from the county at this time. Being that the Town was still in a recession, people were less likely to buy a new car.

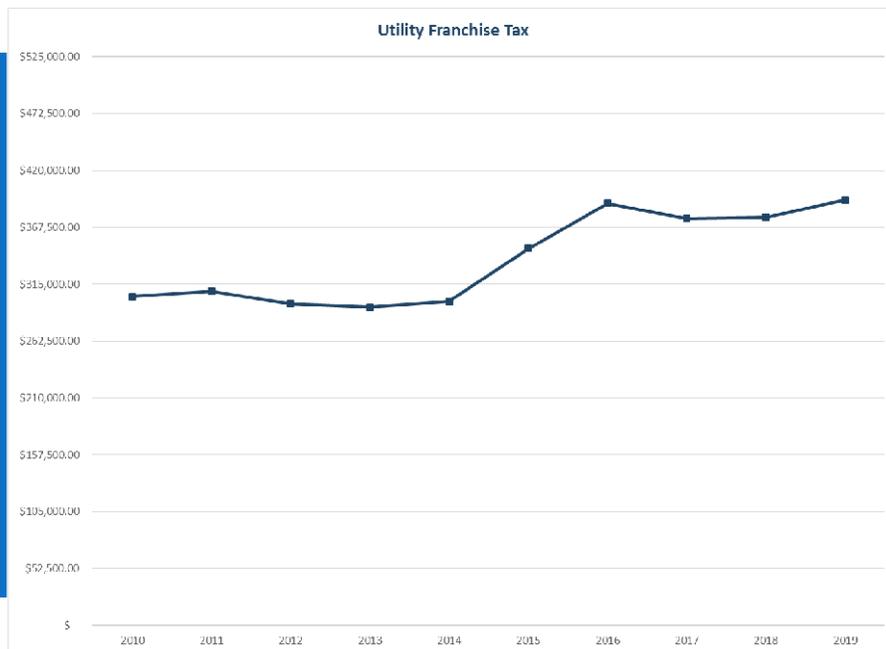
Projections,
Trends, &
Forecasts

Vehicle Tax



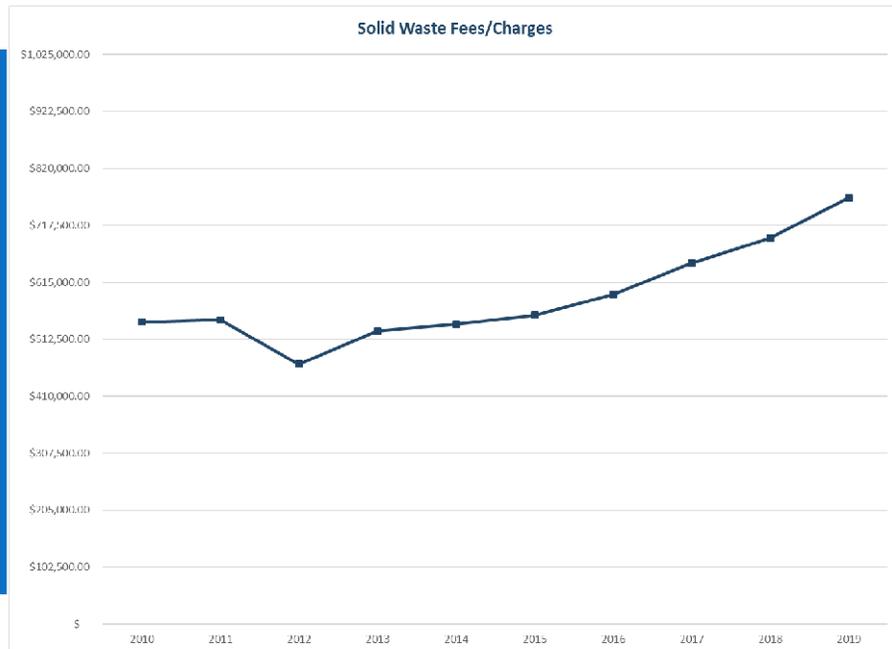
Projections,
Trends, &
Forecasts

Utility Franchise



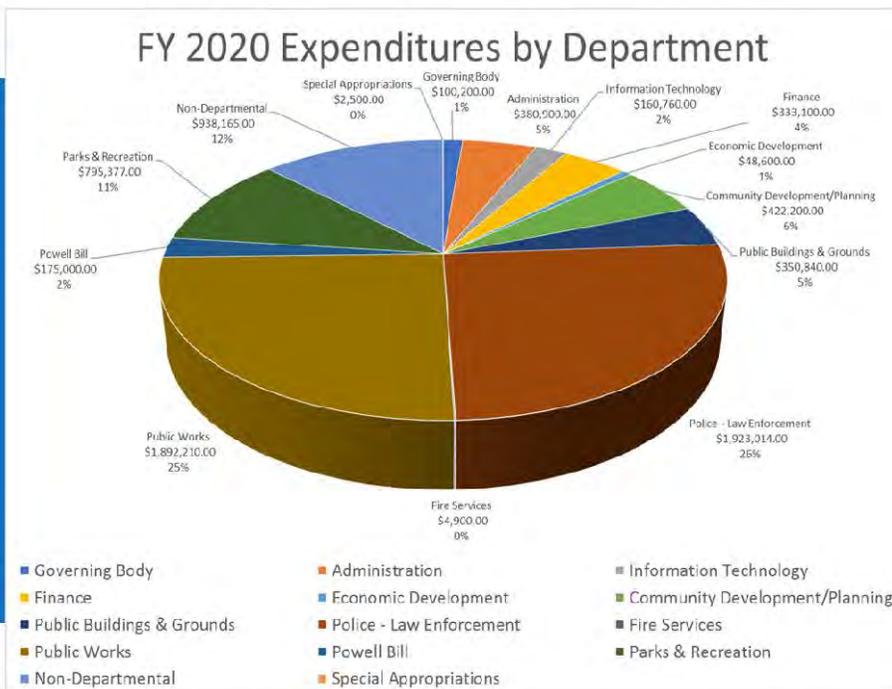
Mr. Collins said that the Utility Franchise Tax is one that would normally be seen trending flat. He said that people adding new utility services has increased due to growth in population.

Projections, Trends, & Forecasts
Solid Waste



Mr. Collins said solid waste fee growth also has to do with population growth of new homes and businesses.

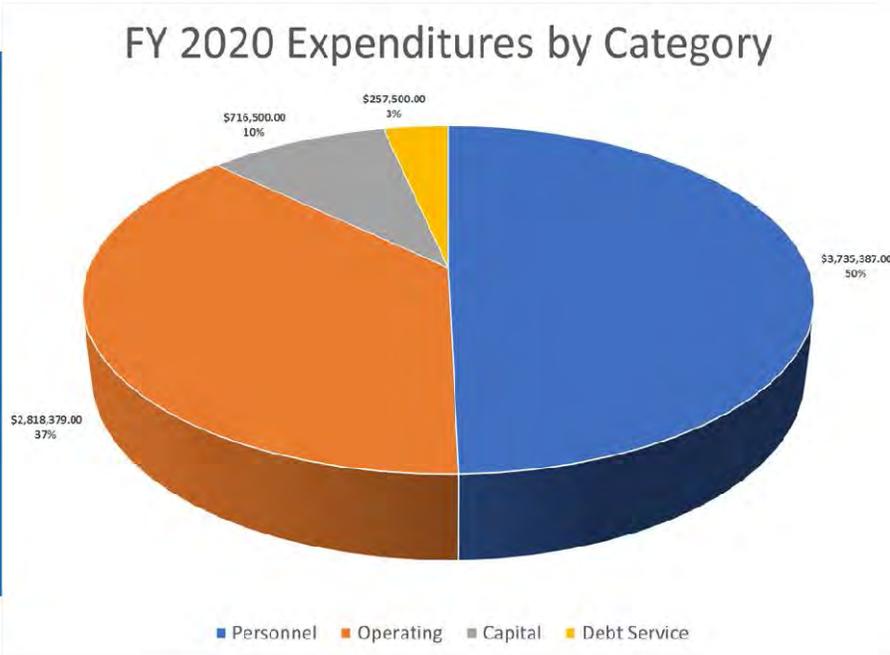
Projections, Trends, & Forecasts
Expenses by Department
Includes Capital



Mr. Collins said that money is spent largely on Public Works and Police, which is common in local government.

Projections,
Trends, &
Forecasts

Expense Categories



Mr. Collins said that local government is a service organization, meaning its human capital is most important and largest cost center. Increases in service relate to addition of staff to provide services. An example of increased staff service is with the Planning Department in writing grants during the holiday season. He said that the local government commission discussion explained that Wendell is doing a lot better than most local governments in regards to its debt.

2c. Baseline Budget (9:40 AM)

FY 2021 Baseline Budget (Handout)

Baseline Budget IS...

- First glance of past, current year, and look forward
- Provides sense of operating budget challenges and opportunities
- Provides for maintenance of current service (baseline)
- Identifies likely additions (baseline plus)

Baseline Budget is NOT...

- The Manager's Proposed Budget
- Final numbers or needs
- Capital and Debt Schedule
- Policy

Mr. Collins said that this is a glance at our current year's budget while being the most conservative in future projections. Baseline plus is a continuation of service plus additional programs that the Town might need to prioritize. Baseline plus is subject to change and is not a part of the proposed budget. Mr. Collins said that this is not a part of the policy document. It is a future projection that takes challenges into account with changing tax rates.

Town of Wendell FY 2021 Baseline Budget - Revenue Neutral									
FY 17 Actual	FY 18 Actual	FY 19 Actual	FY 20 Budget	FY 20 Projected	Description	FY 21 Baseline	FY 22 Projected	FY 23 Projected	FY 24 Projected
2,367,259	2,577,258	2,936,342	3,252,300	3,300,351	Revenues				
323,035	390,883	450,518	426,200	447,134	Ad Valorem Taxes	3,728,592	3,877,736	4,032,845	4,194,159
1,773,645	1,835,252	1,993,515	1,840,570	1,938,322	Taxes & Licenses	426,200	451,878	458,656	465,536
200,267	473,425	268,253	184,611	240,721	Intergovernmental (Unrestricted)	1,840,570	1,971,150	2,010,573	2,050,784
126,323	145,629	186,315	164,950	112,398	Intergovernmental (Restricted)	187,487	190,487	199,487	196,487
855,909	957,324	1,102,005	864,015	903,685	Permits & Fees	164,950	168,249	171,614	175,046
4,427	11,841	158,997	3,000	8,300	Sales & Services	864,015	881,295	898,921	916,900
32,227	67,884	168,226	95,620	115,000	Other Revenue	3,000	3,200	3,200	3,200
2,185,851	507,000	0	696,500		Investment Income	95,620	115,000	115,000	115,000
					Loan Proceeds and Transfers	500,000	4,500,000		
7,868,943	6,966,496	7,264,171	7,527,766	7,065,911	Total Revenue	7,810,434	12,158,995	7,884,296	8,117,112
					Expenses				
					Department				
					Governing Body				
89,124	98,059	79,881	100,200	97,100	Administration				
254,105	263,544	360,066	380,900	414,300	Personnel	4,794,000	5,052,689	5,321,164	5,589,605
111,039	124,940	105,021	160,760	162,760	Information Technology				
254,370	267,705	315,269	333,100	337,000	Finance				
878	1,153	1,631	48,600	51,100	Economic Development	2,452,466	2,497,837	2,544,047	2,591,111
291,884	323,736	247,943	422,200	480,150	Community Development/Planning				
246,568	660,928	289,704	350,840	1,163,040	Public Buildings & Grounds	231,000	4,686,000	235,000	246,000
1,268,803	1,757,274	1,599,951	1,923,014	1,856,340	Police - Law Enforcement				
-1,968	691	2,243	4,900	4,900	Debt	456,200	833,800	709,000	692,500
1,202,262	1,481,348	1,653,699	1,906,710	2,160,735	Fire Services				
1,377,953	155,370	143,651	175,000	237,100	Public Works				
740,185	1,305,029	764,377	795,377	812,527	Powell Bill				
606,543	756,108	853,115	923,665	922,500	Parks & Recreation				
1,000	2,500	2,500	2,500	2,750	Non-Departmental				
					Special Appropriation				
6,442,745	7,198,386	6,419,051	7,527,766	8,702,302	Total Expenses	7,933,666	13,070,326	8,809,210	9,119,217
1,426,198	-231,890	845,120	0	-1,636,391	Surplus/Deficit	-123,232	-911,331	-924,914	-1,002,104
Assumptions:									
^ <i>Ad Valorem Tax</i> based on revenue neutral rate of .41 (rate obtained from Wake Co.) and growth of 4% (trend analysis and population)									
^ <i>Remaining revenues</i> were based on trend analysis (between 1% and 3%)									
^ <i>Personnel</i> - implement comp and class study, cola increase (match CPI 1.85%) and includes new salary positions per staff projections									
^ <i>Operating</i> - based on needs of operating within the departments and projecting 1.85% increase (using CPI rate)									
^ <i>Capital</i> - based on replacement of vehicles/equipment and town hall, no other capital items included									
^ <i>Debt</i> - remaining outstanding debt plus debt payment for town hall, no other new debt included									

Town of Wendell FY 2021 Baseline Budget - Current Rate									
FY 17 Actual	FY 18 Actual	FY 19 Actual	FY 20 Budget	FY 20 Projected	Description	FY 21 Baseline	FY 22 Projected	FY 23 Projected	FY 24 Projected
2,367,259	2,577,258	2,936,342	3,252,300	3,300,351	Revenues				
323,035	390,883	450,518	426,200	447,134	Ad Valorem Taxes	4,567,525	4,750,226	4,940,235	5,137,844
1,773,645	1,835,252	1,993,515	1,840,570	1,938,322	Taxes & Licenses	426,200	451,878	458,656	465,536
200,267	473,425	268,253	184,611	240,721	Intergovernmental (Unrestricted)	1,840,570	1,971,150	2,010,573	2,050,784
126,323	145,629	186,315	164,950	112,398	Intergovernmental (Restricted)	187,487	190,487	199,487	196,487
855,909	957,324	1,102,005	864,015	903,685	Permits & Fees	164,950	168,249	171,614	175,046
4,427	11,841	158,997	3,000	8,300	Sales & Services	864,015	881,295	898,921	916,900
32,227	67,884	168,226	95,620	115,000	Other Revenue	3,000	3,200	3,200	3,200
2,185,851	507,000	0	696,500		Investment Income	95,620	115,000	115,000	115,000
					Loan Proceeds and Transfers	500,000	4,500,000		
7,868,943	6,966,496	7,264,171	7,527,766	7,065,911	Total Revenue	8,649,367	13,031,485	8,791,686	9,060,798
					Expenses				
					Department				
					Governing Body				
89,124	98,059	79,881	100,200	97,100	Administration				
254,105	263,544	360,066	380,900	414,300	Personnel	4,794,000	5,052,689	5,321,164	5,589,605
111,039	124,940	105,021	160,760	162,760	Information Technology				
254,370	267,705	315,269	333,100	337,000	Finance	2,452,466	2,497,837	2,544,047	2,591,111
878	1,153	1,631	48,600	51,100	Economic Development				
291,884	323,736	247,943	422,200	480,150	Community Development/Planning	231,000	4,686,000	235,000	246,000
246,568	660,928	289,704	350,840	1,163,040	Public Buildings & Grounds				
1,268,803	1,757,274	1,599,951	1,923,014	1,856,340	Police - Law Enforcement	456,200	833,800	709,000	692,500
-1,968	691	2,243	4,900	4,900	Fire Services				
1,202,262	1,481,348	1,653,699	1,906,710	2,160,735	Public Works				
1,377,953	155,370	143,651	175,000	237,100	Powell Bill				
740,185	1,305,029	764,377	795,377	812,527	Parks & Recreation				
606,543	756,108	853,115	923,665	922,500	Non-Departmental				
1,000	2,500	2,500	2,500	2,750	Special Appropriation				
6,442,745	7,196,386	6,419,051	7,527,766	8,702,302	Total Expenses	7,933,666	13,070,326	8,809,210	9,119,217
1,426,198	-231,890	845,120	0	-1,636,391	Surplus/Deficit	715,701	-38,840	-17,524	-58,419
Assumptions:									
^ <i>Ad Valorem Tax</i> based on current rate of .49 and growth of 4% (trend analysis and population)									
^ <i>Remaining revenues</i> were based on trend analysis (between 1% and 3%)									
^ <i>Personnel</i> - implement comp and class study, cola increase (match CPI 1.85%) and includes new salary positions per staff projections									
^ <i>Operating</i> - based on needs of operating within the departments and projecting 1.85% increase (using CPI rate)									
^ <i>Capital</i> - based on replacement of vehicles/equipment and town hall, no other capital items included									
^ <i>Debt</i> - remaining outstanding debt plus debt payment for town hall, no other new debt included									

Town of Wendell FY 2021 Baseline Budget - Current Rate									
FY 17 Actual	FY 18 Actual	FY 19 Actual	FY 20 Budget	FY 20 Projected	Description	FY 21+	FY 22 Projected	FY 23 Projected	FY 24 Projected
2,367,259	2,577,258	2,936,342	3,252,300	3,300,351	Revenues				
323,035	390,883	450,518	426,200	447,134	Ad Valorem Taxes	4,567,525	4,750,226	4,940,235	5,137,844
1,773,645	1,835,252	1,993,515	1,840,570	1,938,322	Taxes & Licenses	502,580	510,119	517,770	525,537
200,267	473,425	268,253	184,611	240,721	Intergovernmental (Unrestricted)	1,949,500	1,988,490	2,028,260	2,068,825
126,323	145,629	186,315	164,950	112,398	Intergovernmental (Restricted)	1,387,487	865,487	199,487	1,196,487
855,909	957,324	1,102,005	864,015	903,685	Permits & Fees	178,500	182,070	185,711	189,426
4,427	11,841	158,997	3,000	8,300	Sales & Services	911,450	929,679	948,273	967,238
32,227	67,884	168,226	95,620	115,000	Other Revenue	3,200	3,200	3,200	3,200
2,185,851	507,000	0	696,500		Investment Income	115,000	115,000	115,000	115,000
					Loan Proceeds and Transfers	500,000	4,500,000		
7,868,943	6,966,496	7,264,171	7,527,766	7,065,911	Total Revenue	10,115,242	13,844,271	8,931,936	10,203,557
					Expenses				
					Department				
					Governing Body				
89,124	98,059	79,881	100,200	97,100	Administration				
254,105	263,544	360,066	380,900	414,300	Personnel	4,823,500	5,279,244	5,766,987	6,278,623
111,039	124,940	105,021	160,760	162,760	Information Technology				
254,370	267,705	315,269	333,100	337,000	Finance	2,771,480	2,935,662	3,109,571	3,293,782
878	1,153	1,631	48,600	51,100	Economic Development				
291,884	323,736	247,943	422,200	480,150	Community Development/Planning	2,200,894	6,404,184	721,474	1,670,691
246,568	660,928	289,704	350,840	1,163,040	Public Buildings & Grounds				
1,268,803	1,757,274	1,599,951	1,923,014	1,856,340	Police - Law Enforcement	456,200	833,800	709,000	692,500
-1,968	691	2,243	4,900	4,900	Fire Services				
1,202,262	1,481,348	1,653,699	1,906,710	2,160,735	Public Works				
1,377,953	155,370	143,651	175,000	237,100	Powell Bill				
740,185	1,305,029	764,377	795,377	812,527	Parks & Recreation				
606,543	756,108	853,115	923,665	922,500	Non-Departmental				
1,000	2,500	2,500	2,500	2,750	Special Appropriation				
6,442,745	7,196,386	6,419,051	7,527,766	8,702,302	Total Expenses	10,252,074	15,452,891	10,307,032	11,935,596
1,426,198	-231,890	845,120	0	-1,636,391	Surplus/Deficit	-136,832	-1,608,620	-1,375,095	-1,732,039
Assumptions:									
^ <i>Ad Valorem Tax</i> based on current rate of .49 and growth of 4% (trend analysis and population)									
^ <i>Remaining revenues</i> were based on trend analysis (between 1% and 3%), also includes outside grant opportunities									
^ <i>Personnel</i> - implement comp and class study, cola and merit increase (CPI 1.85% and 4%) and includes new salary positions per staff projections									
^ <i>Operating</i> - based on needs of operating within the departments and projecting 1.85% increase (using CPI rate) and growth needs (using 4% - trend for growth)									
^ <i>Capital</i> - based on replacement of vehicles/equipment and town hall, land acquisition (park/facilities), road resurfacing, sidewalks, and other equipment needs									
^ <i>Debt</i> - remaining outstanding debt plus debt payment for town hall, no other new debt included									

Revenue Neutral is at \$0.41. Mr. Collins said that revenue neutral means that after a revaluation, the tax rate is what generates the prior year revenue plus any new growth. It's what tries to get you back to the revenue that you would have had if they hadn't done a revaluation. From the additional numbers that the Town received from the Wake County Tax appraiser, that number is 41 cents. FY 21 Baseline is a projection based on a 41-cent tax rate, with a 4% trend growth looking out at future years. Mr. Collins said that the Comp and Class Study and Cost of Living are matched to CPI as an

incremental merit of approximately 2%. CPI is Consumer Price Index, which means the cost of goods with a ten-year smoothing for the Wendell area, with a focus on goods and services. Mr. Collins said that Capital has added the construction of the new Town Hall and kept police vehicle purchases consistent with previous years. There's no additional project or borrowing costs included. Mr. Collins said that surplus deficit is sizeable for next year, at \$1 million annually. He offered to answer any questions that the Board might have.

No questions were asked.

Mr. Collins said the tax rate will remain at \$0.49 with the same assumptions on costs built in. He said that there's a little bit of a surplus, with projections showing a smaller deficit when leaving the rate where it is. Mr. Collins said that this would allow for a sustainable budget, moving forward.

Baseline plus adds in anticipated grants for capital projects that were in the past capital budget. The Town is looking at moving staff more aggressively through pay scales, over time. Mr. Collins said a 4% annual movement will be proposed so long as the economy stays the same. He said that year two will introduce new challenges, with the Town looking at how to still achieve strategic initiatives such as sidewalks and stormwater. These considerations will require problem-solving to prevent going into the negative and Board prioritization of these projects will be vital. Mr. Collins reminded the Board that the baseline plus is the worst-case-scenario projections. He said that historically, there's an average of 13% of revenues going up, per year. In order to complete infrastructure improvements, the rate would need to be at \$0.49 rather than \$0.41.

Mayor Pro Tem Boyette asked what the tax rate increase was in 2008-2009.

Mr. Collins said it's likely to have been flat and the reality of today is what the Town is going to have to deal with. He said making the budget sustainable over time is what staff is focusing on with projections by making minor incremental adjustments.

Mr. Boyette said he's heard constituents say that Wendell has the highest tax rates in the county, which he doesn't think is the truth anymore. He asked where Wendell is sitting in the county with regards to tax rates.

Commissioner Philip Tarnaski mentioned the impact of tax rate increases on the senior population in Wendell.

Mr. Collins said that if all the Town is doing is looking at one revenue stream, and not the total picture, there will be an impact. He said that other municipalities take the Fire Tax into effect, which puts the Town of Wendell at a lower tax rates than other municipalities that would be paying that tax, such as Zebulon. Other municipalities also have taxes in effect that account for size, commercial development, etc., meaning the Town is the lowest assessed value in the county. He explained that assessed value

creates a communication challenge, in addition to the fact that there's no profit motive to provide a service such as public works, police, and town hall staff.

Mayor Gray said there was an issue in the past when the Town discontinued white goods left on the curb as trash.

Commissioner Boyette said that Raleigh doesn't even provide leaf and limb service, weekly.

Mr. Collins said that it's more costly for the Town to have larger lots with fewer homes than having smaller lots with more home, as it generates more tax value. Additional revenue from industrial or commercial uses can be used to provide services to residents in the Town. He said that it's a communications challenge to reach residents on this.

Commissioner Boyette said there's benefits to increasing property values to stay revenue neutral. He said that all of the benefits from these increases go to property owners, but none of them go to the Town. If the Town has to split it somewhere, the Town either takes on the hit from revenue for promotions, hiring opportunities, and service availability versus residents making more on the sale of their homes.

Commissioner Lutz said that if there's a reduced level of service, the Town wouldn't be as appealing for the sale of property, either.

Commissioner Boyette said if the Town doesn't have a varied housing stock, that can affect revaluation of property values, too.

Mayor Gray said that sometimes the Town has to have a variation of houses.

Mr. Collins said that it's interesting to look at tax implications of land use. Land use needs to be different and more than that, looking at what you want the community to look like in the future. What are appropriate uses for appropriate locations to stimulate a healthy economy. Providing industrial and commercial development allows for residents to work where they live and spend money in the local economy, rather than on transportation to get to cities like Raleigh to work.

Mayor Gray said the Town is lacking in housing for growing families.

Mr. Collins encouraged the development discussion to coincide with what residents need and land use planning with staff.

Mayor Gray asked what the average age of the Town's population is.

Mr. Collins said 30% of Wendell's population is 19 or younger. 20 to 30-year olds are the next highest population in the Town, higher than the national and state average.

He said that this came up in the Parks and Recreation Master Plan. Mr. Collins said that there's ways to get to what the Town needs instead of building more expensive homes everywhere, which would just cost the departments more to provide service.

Commissioner DeLoach said that he's heard families ask where they can purchase a "step-up home" before they get to Wendell. He said when people get here and realize what the community has in Wendell, they've stayed here instead of going somewhere else. He said he thinks the way people are buying homes now doesn't necessarily trend towards McMansions and trends more towards less maintenance and the makeup of the neighborhoods.

Commissioner Boyette said that Wendell is the "best-kept secret of Wake County." He said that there hasn't been a 1,000 square-foot starter home built in Wendell in the past six years that he's been here. He said most neighborhoods are at middle-range and developers are interested in building in Wendell.

Mr. Collins spoke about how schools can drive the residential market, as well.

Commissioner Lutz said a lot of middle school aged children's families that he knows are putting their kids in charter schools.

Commissioner Boyette said that it's a perception issue and that the public schools offered in Wendell are well-run, even with facilities issues that they've had.

2d. Major initiatives – capital, revaluation, and utility merger (10:15 AM)

FY 2021 Major Initiatives

- Human Capital
- 5-Year Capital Improvement Plan
 - Year 1 – Capital Budget, Year 2 to 5 – Planning
- Complete Utility Merger with Raleigh & Revaluation

Mr. Collins said that the comp and class study would be presented at the next Town Board of Commissioners meeting.

Human Capital

- Compensation & Classification Study
 - Presentation on March 9 at Board Meeting
 - Sets pay grades and ranges to market average
 - Keeps employees at same point in range
 - Finding – correct ranges & senior staff non-competitive
 - Additional % to avoid compression (move employees in range for coming year)
- New Positions due to growth (Police, Public Works, Finance)
- Continue investment in training & professional development

Mr. Collins said that the Comp and Class study does not evaluate the employees or their performance. It is saying in order for the Town to remain competitive in the market for hiring employees, the different positions need to have their pay grades and pay scales assessed and adjusted. Mr. Collins said that turnover has a cost to the Town and this Comp and Class study would reduce the rate by retaining good talent. He said that

the Town will be at market average, so there will be no need to increase cost of living salary in next year's budget. Mr. Collins explained a need for continued training for existing staff and the replacement of new equipment for Public Works and the Police Department.

Capital Improvements

- ▣ Vehicles & Equipment – Police & Public Works
- ▣ Infrastructure – Wendell Boulevard Pedestrian Project and Neighborhood Improvement Program
- ▣ Facilities – Town Hall & related projects (entry road, paving, etc.)
- ▣ Parks & Recreation – Splash Pad, Main Street Greenway, Open Space/Park Acquisition
- ▣ Technology – Take bite from technology needs assesment

Mr. Collins explained that the water use described is an average. He said if the Town merged and had the Raleigh rates applied, there would be a savings of \$450.83 a year per average water use household. He explained the increase on tax rate in comparison to the savings from the Raleigh merge with water.

Commissioner Lutz asked what the cost is going to be to the Town to complete the merger with Raleigh.

Mr. Collins said the Town is still waiting on an exact number, but it's approximately \$4.5 million and the Town has the funds from past development fees and the Newland development funding. He said they might be interested in options such as leaving the merger open, but changing the rates today and the Town provides a payment later, guaranteeing them some extra revenue. He said staff will get back to the Board when they have the exact numbers to be put into affect July 1, 2020.

Planning Director David Bergmark said that they received \$300,000 from the Treelight Square development.

Mayor Gray asked if the Town is the last to merge with Raleigh.

their own considerable costs. He said that there's other legal requirements for upkeep of those systems that would create an additional cost.

Commissioner DeLoach said he agreed that that ship sailed long ago when the merger originally was put in place.

Commissioner Joyner said that he's interested in the plan up to the point to protect the rate for the long-term. He said if there's room in the budget to aggressively go after and reduce that debt, it's worth it in exchange for the rate.

Commissioner Lutz said that he agrees with keeping things revenue neutral, even without the water change. He said if it will save money in the long term, he thinks it's a good time to present that along with everything else.

Mayor Gray said that one thing that might help with the messaging is having the one home at a \$170,000 property value and it went up, you could add some "above and below" median so that people could see something that's closer to their situation on there.

Mr. Collins said that if you have a larger house, you recall that the property assessor values on larger, more-expensive homes went up at a lower rate, you might argue that they also have more people using more water in that larger house that would benefit from that savings.

Mayor Gray said that you could also value the increased or decreased usage.

Finance Director Butch Kay said that they have that information, which is why they chose this rate. He said that the average home value in Wendell is \$168,000 with the average water bill being 5 ccfs. He said it would help people to see the variations of the savings.

Mr. Collins said that he agrees with Mr. Tarnaski's idea of making an infographic showing that this budget does save an average home X number of dollars, keeping service levels the same, along with the details backing up all of that messaging. People will see that the tax rate is at 49 and will ask why doesn't the town drop it down to 41? If the town can show that the resident is saving this amount of money on average, and how you get to that amount of savings based on the budget.

Commissioner Boyette said that you can't make all of the people happy all of the time. There are going to be people who want the lower rate on property taxes and the lower rate on water. Then there are others that will want the town to raise the tax rate so the town can build a Wendell Station Park.

Mr. Collins said he needs the Commissioners' feedback and what their constituents are saying over the budget creation. He said he wants to know what the community wants and tie service into what the town is buying.

2e. Strategic Plan prioritization (11:15 AM)



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Strategic Plan Adjustments

Mr. Collins said that if there is a strikethrough, the majority of that item for this two-year period is done. The Town will continue to evaluate and track how things go on these items. He said if it's highlighted in yellow, it 's the Town Board's top priority item, with 4-5 Commissioners in favor of it. If it's green, it is a high priority item, which means that 3-4 Commissioners have been in favor of it. Mr. Collins said that all of the strategic

initiatives are important, but this prioritization helps staff on where to work.

Goal 1: Downtown
Vibrancy,
Economic Growth,
& Community
Character

1. Seek to implement recommendations developed during the NC Department of Commerce engagement meeting with Downtown stakeholders and businesses.
2. Evaluate existing Downtown grant opportunities, like the façade grant program, and update to reflect goals related to desired uses.
3. Revise the zoning uses for the Downtown are in the Unified Development Ordinance to community and business preference and market needs.
4. Review current special events sponsored by the Town and work with community organizations to enhance existing events and develop sustainable, year-round events.
5. Establish a Special-Event policy and process.
6. Identify opportunities for mid and long-term use for the Wendell Elementary School property in coordination with Wake County Schools.
7. Identify opportunities for infill housing and commercial development in Downtown and establish a program to promote the potential development or redevelopment projects.
8. Update the economic development strategic plan to reflect the NC Department of Commerce vision, stakeholder, and engagement sessions to include an action plan for implementation.

Mr. Collins said that the town is making good progress on Goal 1. He asked the Board to let him know if the direction staff is going on is misaligned throughout the presentation or if there were any questions.

Commissioner Boyette asked if there had been any movement on item 6 in goal 1. He asked if there were plans as far as the school board was concerned.

Mr. Collins said not necessarily—there’s nothing in their Capital Improvement Plan on the replacement of Wendell Elementary at this time. He said that planning staff and school staff are going to get together to start discussing this. When the town gets into the Comprehensive Plan Update, the town can receive community input on what they would like to see in that area.

Mayor Gray said that she spoke to Heather Scott and she said that she has an idea about the possibility of a swing space being created that would serve Wendell and Knightdale. She said they haven’t decided on whether they’re going to tear the old one down and build it in the same space, but one of the concerns is that the school is growing and where to put the kids while you’re building something new. Mayor Gray said that she encouraged Mrs. Scott to reach out to the planning department about land and acreage requirements.

Mr. Collins said that the town’s relationship with Wake County’s planning department has improved in the past year. After meeting with them to discuss the Neighborhood Improvement Plan, they started talking about Zone 2 and Wendell Elementary. In moving from Zone 1 to Zone 2, one thing that the county staff mentioned facilitating that conversation with the school system so that all three entities can be on the same page

with timing, transition and funding. Mr. Collins said the process will begin in the next two years and will continue to the next Strategic Plan. He said that the town is working on building a better relationship with the Wake County School System and asked for the Commissioners' assistance in building those relationships.

Mayor Gray said that the county has a great school board representative that visits Wendell and has met with her every 2-3 weeks to talk. She said she has made some leeway with communicating the town's school needs to be taken back to the board.

Commissioner DeLoach asked if it was possible with the rest of the Board to meet with more than two members as an informational meeting.

Mr. Collins said there's a way for the Board to meet and post that they're meeting with that representative to adhere to open meetings law. He said he would inquire with the county representatives to figure out what needs to be fixed and report back to the board.

Goal 1: Downtown Vibrancy, Economic Growth, & Community Character

9. Evaluate the establishment of either an in-house, contract, or hybrid service delivery for economic development.

10. Develop marketing material and service level data to assist in economic recruitments and annexation.

11. Establish a Wendell Falls Corridor Action Plan to encourage appropriate development, connectivity, and infrastructure extension.

12. Establish a broadband policy and action plan.

13. Work with Newland Communities and area health systems to encourage the development of a hospital and medical park in the Wendell Falls commercial district or other suitable location.

14. Conduct a comparative growth analysis with area jurisdictions to determine best practices and avoidable issues related to growth to maintain a positive quality of life.

15. Establish growth boundaries with Archer Lodge and Rolesville.

16. Complete a small area plan with a focus on connecting Downtown to major interchanges to evaluate opportunities and impediments to development, annexation, public facilities, and preservation.

17. Initiate planning to update the Comprehensive Land Use Plan and update associated development and transportation plans to incorporate the update.

Mr. Collins asked if the Board had any immediate opportunities in goal 1 that staff needed to focus on. No immediate opportunities were raised, so he moved on to goal 2.

Goal 2: Public Safety and Neighborhood Improvement

1. Establish an action plan for the police department to achieve Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation and initiate policy review and development to implement.
2. Identify methods and seek department-wide training to proactively and consistently utilize community engaged policing methods.
3. Identify opportunities to improve officer health and safety through the promotion of physical fitness, use of employee assistance programs, ergonomic equipment, and like practices.
4. Seek opportunities and programs to improve traffic and pedestrian safety near school sites.
5. Evaluate the towing rotation policy and parking enforcement practices to incorporate Wendell Falls streets and Downtown event parking.
6. Expand officer participation in Crisis Intervention Training to expand existing capabilities beyond the supervisory level to properly assist persons in crisis receive appropriate agency referrals.
7. Partner with external stakeholders to address illegal drug (opioid) issues in the community to include enforcement and referral to treatment and support opportunities as the problems are identified.
8. Develop a pilot project for a "neighborhood clean-up day" to connect citizens in-need to resources for home and yard improvements, encourage voluntary efforts, and improve public spaces for a targeted geographic area.
9. Evaluate housing stock and identify opportunities to encourage diversity of housing types, promote infill development, and provide for connectivity, beautification, and park improvements.

Mr. Collins highlighted the accreditation process for a CALEA officer in the police department, which is a three-year process. He said there are opportunities to improve officer health and safety, such as employee assistance programs.

Planning Director David Bergmark mentioned item 9, saying that as the town looks at amendments to the town's water allocation policy, that could be a useful tool to alleviate it and make it easier in certain areas.

Mr. Collins said that the comprehensive planning, brownfields program, and neighborhood improvement program could also be useful in this area.

Goal 3: Infrastructure, Transportation, and the Environment

1. Establish an infrastructure plan for the connection and extension of water and sewer for inclusion in the capital improvement plan to promote development, annexation, and close service gaps.
2. Evaluate the water allocation policy for efficiencies in cost and providing necessary infrastructure to encourage appropriate growth.
3. Complete a review of comparative stormwater practices and programs and present a recommended program that includes a prioritization of needed projects and maintenance of existing infrastructure.
4. Seek opportunities to improve the Transportation Plan to balance necessary improvements to occur in a timely manner with economic development, including the Wendell Boulevard widening.
5. Prioritize and prepare intersection improvements for NCDOT and CAMPO funding processes.
6. Establish an eligible projects list for transportation, bike, and pedestrian improvements through CAMPO administered funding sources for inclusion in future capital improvement plans.
7. Establish a facility and lands prioritization list to identify future acquisition needs with funding strategies for inclusion in the capital improvement plan.
8. Submit the Wendell Boulevard Sidewalk Project to CAMPO in FY 2020 for construction in FY 2021.
9. Identify new bus stops and work with regional transit partners to develop implementation strategies.
10. Review solid waste service levels and contract for efficiencies and service improvement options.

Mr. Collins said that staff has met with Raleigh DOT on the infrastructure of item 1. He said putting those discussions on paper will be a part of the Comprehensive Plan process. Concerning item 5, Mr. Collins said that conversations have started and looking at intersections to assess improvements will continue.

Goal 4: Parks, Recreation, Special Events, & Culture

1. Complete the development and plan for implementation of a comprehensive parks and recreation master plan to guide future recreation services and facility needs.
2. Evaluate the fee-in-lieu policy for parks in the Unified Development Ordinance (UDO).
3. Identify and provide for the acquisition for the next active recreation site identified in the parks and recreation master plan.
4. Update the park plan for the Wendell Town Park to identify next steps for the use of the "new" areas.
5. Develop a plan to link Wendell Falls to Downtown and the Park by greenway that allows for multiple transportation options.
6. Evaluate the transition of Main Street Extension to a greenway connector to Downtown rather than a street for vehicles.
7. Initiate planning for signature special events to ensure sustainability, maintain attendee interest, and provide for appropriate growth.
8. Coordinate the development of a new Wendell Branch Library with Wake County to include space for historic preservation and community group meetings.
9. Identify methods to incorporate sports tourism and visitor marketing for awareness of special events and recreation offerings.

Commissioner Boyette asked about what happened to the property acquired near Old Zebulon Road regarding item 3 and the area becoming a part of park space after it's cleaned of underbrush.

Mr. Collins said it's not definitive as far as the use for that property at this time. One there is a safety concern at the intersection for a playground. He said it could be resolved with design measures and looking at adjacent developments that might be clearer with time. He mentioned that other properties might become available that are a safer use for building another playground or park space. He said he would like some feedback on competing interests on property from the board.

Goal 5: Organization culture and communication

1. Maintain GFOA financial reporting recognition and seek recognition for the budget submission as well.
2. Establish a quarterly (at least) update of strategic initiatives that includes the responsible party and timelines.
3. Evaluate current department policies and practices to enhance efforts to improve customer service.
4. Establish an online agenda that includes background materials and the opportunity for public comment.
5. Develop a communication plan to market Wendell to external interests and increase communication for internal interests.
6. Establish biannual retreats for the Commission and a biennial strategic planning process that provides for community and stakeholder input.
7. Determine requirements for compliance with the Americans with Disabilities Act, as amended, and prepare a transition plan as necessary for facilities, infrastructure, programs, and communication.
8. Complete a review of the Charter and procedural rules of the Commission.
9. Evaluate human resources policies for overtime, insurance selection, employee evaluation, compensation, comparative benefits, and training programs.

Mr. Collins said a lot of work has been done regarding communications and the charter updates. He said that the midyear decision to allocate additional resource will help cross off some of these other strategic initiatives.

3. BREAK - LUNCH

4. DEPARTMENT PRESENTATIONS

4a. Parks & Recreation (12:00 PM)



This IS...

- Recognize achievements and challenges
- Connection between core service and organization goals
- Ability for Commission to direct policy
- An opportunity to improve...

This is NOT...

- The department line item budget
- All that departments do or accomplish
- Final wording and needs

Parks and Recreation Director Jeff Polaski presented the following achievements and challenges to the board. He discussed new programs like adult kickball and how that has increased participation in parks and rec. He expanded on the needs for more staff due to increased participation and facility use.

Mayor Gray asked what the percentage increase was from the previous year.

Mr. Polaski said it was 36% the previous year.

Mayor Gray asked if the fee that kids pay for sports includes the jerseys.

Mr. Polaski said that it does not cover the cost of jerseys. He said that Dick's Sporting Goods Sponsorship is a grant that he applies for every two years. He said they give the town a check for \$500 and give participants 20 percent off in the store on a specific day. He said they also do an equipment ball bucket and fill it full of facility needs. This year, they will be supplying the town with T-balls.



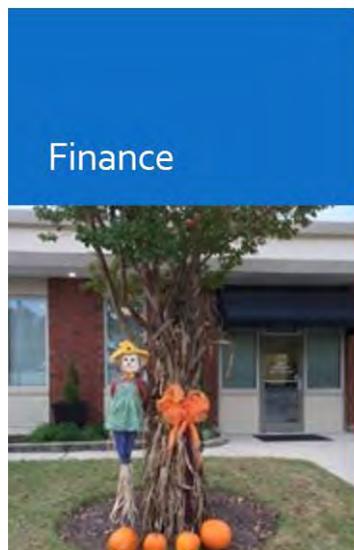
▣ Achievements in FY 2020

- ▣ Completed Parks & Recreation Master Plan
- ▣ Youth Athletic Scholarship program established
- ▣ Participation increase of 21%

▣ Challenges in FY 2021

- ▣ Facility & Equipment wear-and-tear
- ▣ Part-time and contract employee increases
- ▣ Implement Master Plan to acquire property for parks and connectivity (and prepare for construction)

4b. Administration & Finance (12:10 PM)



▣ Achievements in FY 2020

- ▣ Received 1st GFOA Distinguished Budget Presentation Award
- ▣ GFOA Award received for FY 2018 CAFR and submitted for FY 2019
- ▣ Unqualified Audit Opinion for FY 2019

▣ Challenges in FY 2021

- ▣ Staffing to maintain segregation of duties for compliance with auditing standards and maintain LGBFCA compliance.

Finance Director Butch Kay presented the above achievements and challenges for the Finance Department.

Mr. Collins said staffing needs needed to be addressed so that the Finance departments remains efficient.

Commissioner DeLoach asked how much foot traffic Finance receives for bill pay.

Mr. Kay said the amount has reduced since Raleigh has introduced e-pay, around 3-400 a month.

Mr. Collins presented the following achievements and challenges for administration, IT, and economic development.

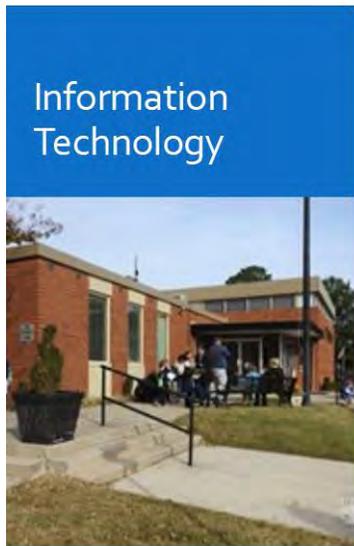


▣ Achievements in FY 2020

- ▣ Assistant to the Manager and Human Resource Administrator recruitments
- ▣ Compensation & Classification study completed
- ▣ Communication plan established and products enhanced

▣ Challenges in FY 2021

- ▣ Updating HR policies, programs, and training
- ▣ Town Hall project
- ▣ Time management

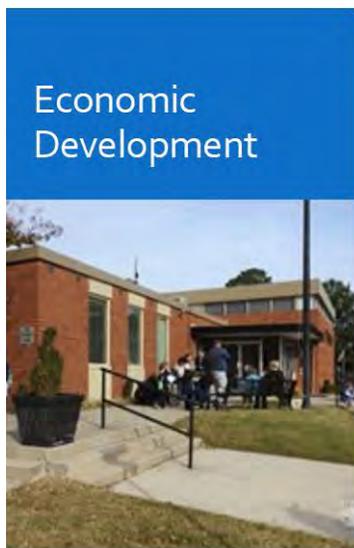


▣ Achievements in FY 2020

- ▣ IT Consultant Selection
- ▣ Assessment of Current Technology
- ▣ Replace a Server

▣ Challenges in FY 2021

- ▣ Sustainable technology replacement schedule
- ▣ Training for employees



▣ Achievements in FY 2020

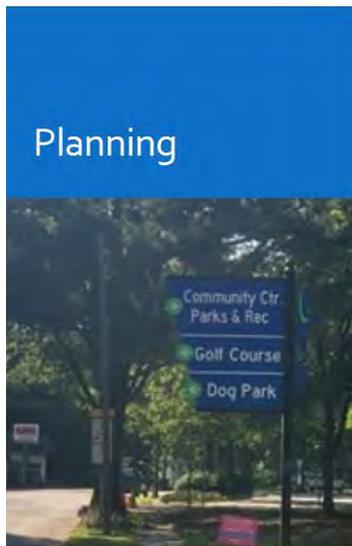
- ▣ Established an Economic Development Program
- ▣ Economic Development Strategic Plan updated
- ▣ Special Event Policy established, partner events reviewed/enhanced, and new events

▣ Challenges in FY 2021

- ▣ Existing business program development
- ▣ Advance product development
- ▣ Sustainable downtown development/redevelopment

4c. Planning (12:20 PM)

Planning Director David Bergmark presented the following achievements and challenges for the planning department.



▣ Achievements in FY 2020

- ▣ Downtown Redevelopment Projects
- ▣ Development Activity
- ▣ Advanced special projects for pedestrian projects, open space, greenways, and neighborhood improvements

▣ Challenges in FY 2021

- ▣ Comprehensive Plan Update
- ▣ Staff development and training
- ▣ Move to implementation of special projects and plan for new projects

4d. Police (12:30 PM)

Police Captain John Slaughter presented the following achievements and challenges for the police department.



▣ Achievements in FY 2020

- ▣ Grant received for Handguns and Equipment will all officers qualifying with new weapons
- ▣ Filling positions (3 officers and 1 CALEA manager)
- ▣ Medicine Drop-off Box
- ▣ Watch for Me NC program for pedestrian and bicycle safety

▣ Challenges in FY 2021

- ▣ Maintain Four (4) Officers for each Patrol Shift
- ▣ Staffing to meet increased community event needs
- ▣ Initiate CALEA policy reviews
- ▣ Training, resources, and legal consultation

4e. Public Works (12:40 PM)

Public Works Director Brian Bray presented the following achievements and challenges for the public works department.



☐ Achievements in FY 2020

- ☐ Downtown utility replacement and road resurfacing with Raleigh and NCDOT partners
- ☐ Facility maintenance efforts at Senior Center and Community Center sewer extension to Ballfields
- ☐ Improved training and professional development

☐ Challenges in FY 2021

- ☐ Staffing for stormwater program compliance
- ☐ Front end loader for solid waste program
- ☐ Two (2) trucks

5. BUDGET DOCUMENT

5a. Layout & GFOA compliance (12:50 PM)

Mr. Collins encouraged the board to contact him with any questions they or their constituents might have. He said he would schedule meetings with each commissioner to discuss the budget process in the coming weeks.

6. ADJOURN 1:00 PM

Mayor Gray adjourned the meeting at 12:56 p.m.

Duly adopted this 8th day of June, 2020.

Virginia Gray, Mayor

ATTEST:

Megan Howard, Town Clerk

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

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

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

ABSENT:

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

SPECIAL NOTICE

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell altered the traditional meeting process to accommodate and encourage positive public health practices. The Town incorporated 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 was encouraged to remain home and watch the business meeting on Facebook Live, or after it was posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall was allowed.

Public Comment period for the April 27, 2020 Board of Commissioners meeting was organized in advance. The public submitted their public comment to the Town Clerk via email to mhoward@townofwendell.com or submitted 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, April 24th at 5 p.m.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Wallace Johnson of the Wendell Council of Churches provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

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ACTION

Mover: Commissioner Jon Lutz moved to add item 6f.
 Ayes: Commissioner Joyner, Commissioner Lutz, Commissioner Tarnaski,
 Commissioner DeLoach, Commissioner Boyette
 Nays: None
 Vote: 5-0

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

No Public Comment was given.

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. Certification of Sufficiency and setting public hearing date for non-contiguous annexation petition A-20-01 for 38.99 acres located at 1425 Eagle Rock Road and identified by PIN # 1773-88-6927.

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

- 3b. Resolution directing the clerk to investigate a non-contiguous annexation for 10.272 acres located within the parcel addressed as 0 Eagle Rock Rd and identified by PIN # 1774-55-1916.

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

- 3c. Resolution directing the clerk to investigate a contiguous annexation for 15.79 acres located within the parcel addressed as 941 Wendell Falls Pkwy and identified by PIN # 1783-17-8750

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

- 3d. Meet on Main Road Closure and Alcohol Waiver Request for June 19, August 21 and September 18, 2020.

Staff Contact: Assistant to the Manager Stephanie Smith

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BOARD OF COMMISSIONER MEETING MINUTES
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ssmith@townofwendell.com

- 3e. Temporary Suspension of Meeting Policies during the COVID-19 State of Emergency and Personnel Policy Authorization to Town Manager.

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

ACTION

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

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette.

Nays: None.

Vote: 5-0

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Snap Shot Monthly Reports for February 2020 (provided for informational purposes only).

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

Town Manager Marc Collins presented the Monthly Report to the Board and offered to answer any questions that they might have.

No questions were asked.

- 4b. Blueprint Wendell 2030 Comprehensive Plan Presentation

Staff Contact: Assistant Planning Director Bryan Coates
bcoates@townofwendell.com

Assistant Planning Director Bryan Coates presented the following presentation to the Board, below in italics:

Item Summary:

Staff will share a PowerPoint video presentation prepared by the consultants, Meg Nealon and Scott Lane, to introduce Comprehensive Planning and the process the Town will use to develop a new plan to guide community growth.

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Blueprint Wendell 2030

Town of Wendell, NC
Comprehensive Plan Briefing
4.27.2020

www.BlueprintWendell2030.com

Contents

THE COMPREHENSIVE PLAN

- Comprehensive Planning in NC
- Objectives + Benefits
- How is it different from zoning?
- How do we use it?

THE PLANNING PROCESS

- Phases, Milestones, and Meetings
- Community Engagement

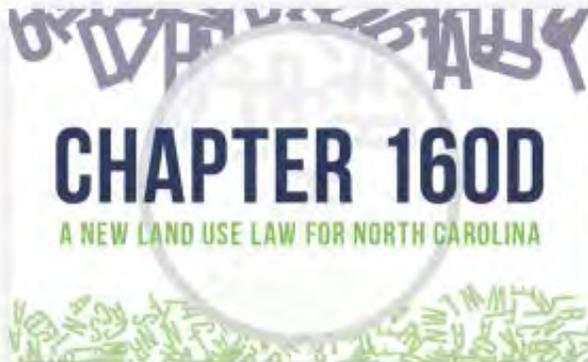
DISCUSSION: KEY SUCCESS FACTORS



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Comprehensive Planning in NC

- Authority granted by the State to local governments (NC G.S. 160A).
- Plans are policy guides. They do not have binding legal effect.
- Plans are implemented by land development ordinances (such as zoning or subdivision regulations).
- The plans can also be used to guide public investments, such as water, sewer, and transportation improvements.



Source: UNC School of Government



- ✓ Effective January 1, 2021
- ✓ Clarifying Existing State Law
 - Zoning Decisions
 - Development Agreements
 - Map Adoption / Records
 - Form-Based Code Authority
- ✓ Must have a Comprehensive Plan by July 1, 2022
- ✓ Language changes (e.g., “Conditional Use Permit” is out; “Special Use Permit” is in)
- ✓ Expanded Conflict of Interest Statement
- ✓ Some Procedural Changes

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Objectives + Benefits

FRAME – Defines the issues and opportunities so everyone can move forward with purpose.

FOCUS – Sets a clear vision for the future so everyone—leaders, staff, citizens, partner agencies—are all headed in the same general direction.

GUIDE – Informs decisions, especially those pertaining to use of tax revenue.

COORDINATE – Aids coordination across departments and with neighboring jurisdictions.

STRENGTHEN – Bolsters grant application and other initiatives to build funding.

COMPLY – Sets foundation for regulations and other government functions.

- NC General Statutes 160
- NEW: 160D Requirements and Changes



Plan



Sets the VISION for the future of the community.

Zoning

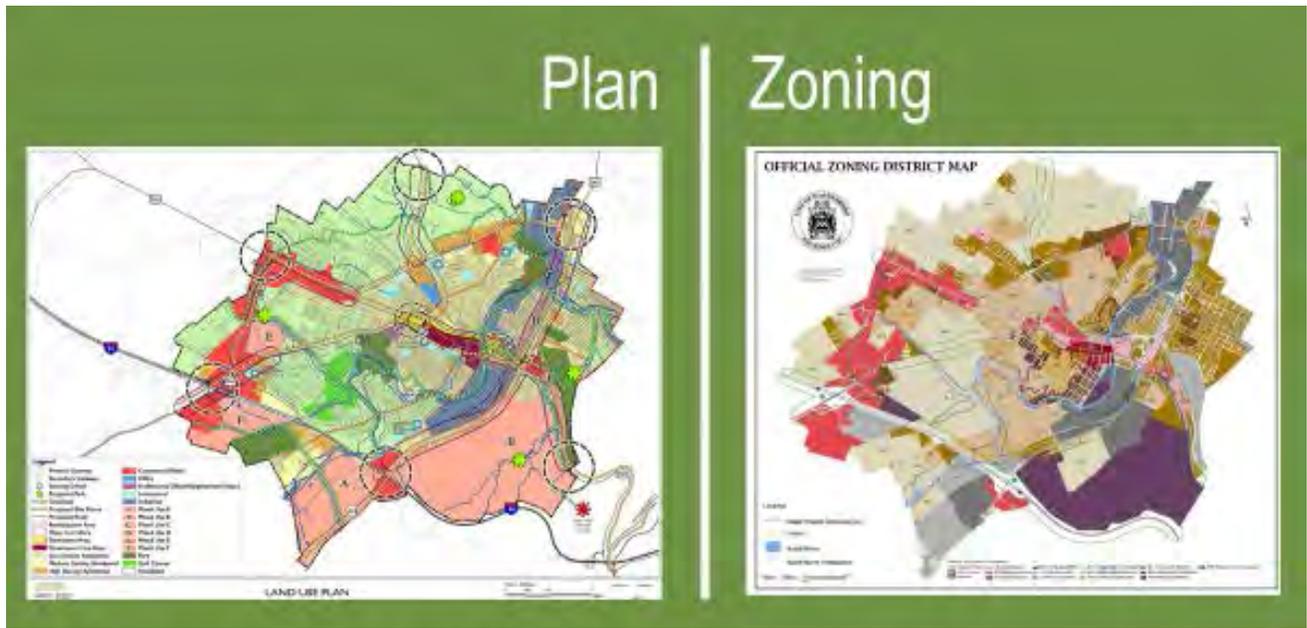


Establishes the RULES to achieve that vision.

Plan vs. Zoning Ordinance



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Plan vs. Zoning Ordinance



Using the Plan

		
Marketing: Job Retention and Attraction	Development Approvals: Zoning Subdivision	Investments: Infrastructure Services Amenities Quality of Life



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The Planning Process

KEY MILESTONES:

- Existing Conditions Assessment
- Goals
- "Vision" Plan
- Policy Recommendations
- Action Plan

MEETINGS:

- Staff
- Elected/Appointed Officials
- Steering Committee Meetings
- Community Meetings*
- Charrette*

* May be held virtually.



Community Engagement

- Steering Committee
- Stakeholder Interviews / Focus Groups
- Community Presentations
- Pop-ups at events
- Charrette



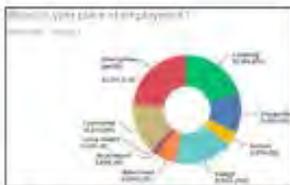
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Community Engagement

- **Project Website (mobile-friendly)**



- **Surveys**



- **Interactive Mapping**



Community Engagement



How do we get people involved—and keep them involved—when COVID-19 has disrupted our lives?



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Community Engagement



Virtual Meetings

- Live with live polling or chat
- Pre-recorded presentations with short surveys:
 - Videos
 - PowerPoint

Non-Digital Tools

- Mail-back paper surveys distributed through
 - Senior Center
 - Direct mail (utilities)
- Public (East Wake) Television
- Public School communications
- Next Door App + "Friends List" for Posts
- Handouts at Farmer's Market
- Church Distribution Lists



Discussion: Key Success Factors

What are your expectations?

What does SUCCESS look like?



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Stay Involved!

www.BlueprintWendell2030.com



Mr. Coates said that the Blueprint website is now live.

5. PUBLIC HEARINGS

Public Hearing Guidelines:

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

PLEASE NOTE: Due to the State of Emergency and in the interest of public health, the following accommodations were made to allow public participation in public hearings, but no public attendance at Town Hall was permitted:

- Public participation for public hearing items on the agenda for the April 27, 2020 Board of Commissioners meeting was organized in advance. The public submitted their public hearing comments to the Town Clerk via email to mhoward@townofwendell.com by Friday, April 24th at 5 p.m. The public was asked to provide their name, address, and the agenda item number with comments. Copies

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of the written comments were provided to the Board of Commissioners at the meeting, read at the meeting, and are included in the minutes of the meeting.

Or

- Citizens could 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, April 24th at 5 p.m. The Clerk provided the call-in phone number and provided five (5) minutes to speak on any public hearing item or topic. Comments made by phone were recorded and transcribed to maintain the public record.
- 5a. PUBLIC HEARING: Rezoning requested by Josh Lambert of Strong Rock Development Company to rezone approximately 1.06 acres of property located at 0 East Fourth Street within the parcels identified by PIN #1784-80-2530 and PIN #1784-80-3458 from Residential 3 (R3) to a Neighborhood Center Conditional District (NC-CD).

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

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

Item Summary:

The applicant's proposed conditional district will feature 9 townhomes. This project is located on East Fourth Street, between N Hollybrook Rd and N Selma Rd. The NC Conditional District is being proposed to be consistent with the Town Framework Plan and to allow for a mix of housing types within the downtown.

The overall site plan is included as Attachment A (Along with a link to the full Master Plan for download).

Purpose of a Conditional District:

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

A CD may depart from the strict application of the requirements of the town's general zoning districts. The CD alternative may allow uses which are not specially allowed in standard zoning districts. A primary purpose of this section is to provide standards by

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which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of citizens. In this case, no alternative uses, or lot dimensions 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.

Location and History:

This property is currently located in the Town of Wendell city limits and is zoned Residential-3 (R3). The site is three blocks from Main Street and walkable to the downtown core. The parcels have been vacant for many decades.

Project Profile:

*Property Location: 0 East Fourth Street
Wake County PIN: 1784-80-2530 & 1784-80-3458
Current Zoning District: R3 (Residential-3)
Cross References: NA
Property Owner: Connie Murray
3213 Leonard Rd.
Knightdale, NC 27545*

*Applicant: Josh Lambert, Strong Rock Development Company
205 S Fuquay Ave
Fuquay-Varina, NC 27526*

*Property Size: 1.06 acres
Current Land Use: Vacant
Proposed Land Use: Residential*

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Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	<i>Residential</i>	<i>R3</i>
South	<i>Vacant</i>	<i>M&I</i>
East	<i>Residential</i>	<i>R3</i>
West	<i>Residential/Vacant</i>	<i>R3</i>

Current Zoning Map



Proposed Conditional District Conditions:

The applicant is proposing 10 conditions for the proposed CD, as follows:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details or carriage-style adornments on them.

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3. *A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter and accent colors complementing the siding color, for the whole development.*
4. *The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.*
5. *There shall be a variable width landscaped buffer to the north with a minimum dimension of 15 ft.*
6. *A 15 ft. landscape perimeter buffer shall be provided along the northwest corner properties per feedback from the NC State Historic Preservation Office (SHPO).*
7. *All units shall be solely rear loaded.*
8. *The development will include a dedicated, walk-up mail kiosk for the residents.*
9. *Pedestrian wayfinding (signage) shall be included for the pocket park and open space access.*
10. *Landscape buffer along western property line is not required.*

Applicant's Justification:

Rezoning this site is reasonable and justified due to the following reasons:

1. *Rezoning is consistent with the Town of Wendell Comprehensive Land Use Plan. This area is currently identified as Neighborhood Center. The requested rezoning to NC-CD will be consistent with this land use plan.*
2. *The proposed Townhouses will be an attractive use of this currently vacant property and will provide the residents a convenient location to the downtown Wendell location, within walking distance.*

Public Utilities:

Development of this site will connect to the existing city water and sewer located in East Fourth Street. A waterline will be extended from the street to the guest parking area behind the timelines to install another hydrant.

Streets:

The applicant will be responsible for making the required improvements which include sidewalk, landscape area and curb and gutter.

Phasing:

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The applicant anticipates that the nine townhome dwelling units would be built together, and no phasing would occur.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-6 Infill/Redevelopment Sector, Village/Town Center and Neighborhood Center.

The Comprehensive Plan describes the S-6 Sector as existing urban/suburban development with a dense street grid which includes areas 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.

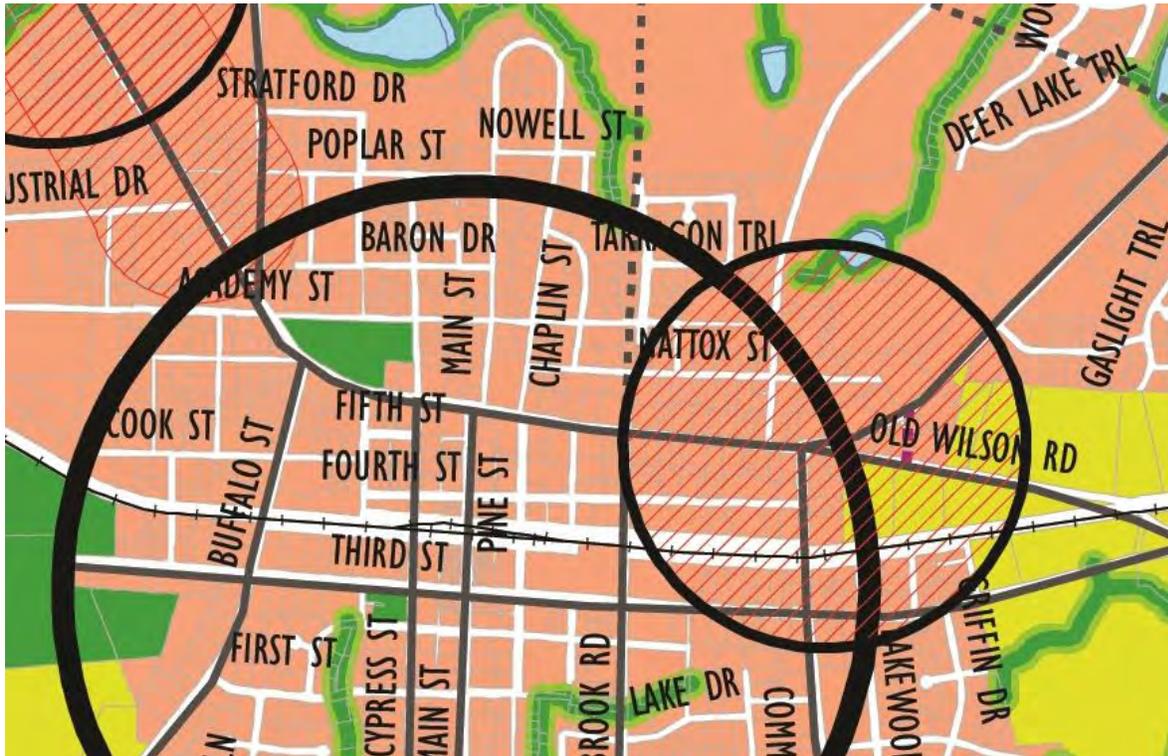
The following development types and uses are appropriate for the S-6 sector: neighborhoods, downtowns, single-family and multi-family residential, commercial uses (retail and office), civic uses and light industrial uses.

Village and Town Centers are “mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for the area’s highest density housing.

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

The proposed development on the site meets the appropriate uses.

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TRC Review:

The Technical Review Committee (TRC) recommended the current design layout versus the first submittal which had a local dead-end street proposed. The applicant added guest parking and a fire hydrant towards the rear of the property based on TRC feedback. The site layout would take advantage of existing utilities within Fourth Street. The garages would be in the rear of the townhomes and not visible from the street.

Planning Board Recommendation:

At their February 17, 2020 meeting, the Planning Board voted 7-0 in favor of the requested conditional district.

Voting in Favor: Jonathan Olsen, Alan Swaim, Jimmena Huffman-Hall, Michael Firstbrook, Levin Jones, Brett Hennington and Ryan Zakany.

Voting Against: None

Absent: Victoria Curtis

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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 conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-6 sector and reasonable due to its proximity to the Downtown Core.*

Staff Recommendation:

Staff recommends approval of the proposed Master Plan

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

Commissioner Jon Lutz asked, looking at items five and six, speaking to the landscape buffers, could Mr. Coates speak to what kind of plans they have for these.

Mr. Coates said that the landscape buffer in the northwest corner shows a variety of trees and shrubs at different heights that's 15-feet thick to provide a barrier. The remaining northern boundary just has a regular landscape buffer that was required by code and will have some plantings there, as well.

Commissioner Jason Joyner said that he sees where there's a 15-foot perimeter on the northwest side. He asked if, behind the parking spaces, the same type is not being put up because of the historic homes and not the others. He asked if it would be a Type B buffer.

Mr. Coates said that it would be a Type B buffer.

Commissioner Joyner said that his thought was to make a uniform-looking buffer along the back, but that he understands the drainage issue along that side.

Mayor Gray opened the public hearing and asked the Town Clerk to read in the written comments that were submitted.

Town Clerk Megan Howard read the following Public Comments into the record:

- 1. Aubrey Sidney Baynes; 3900 Wendell Blvd; 919-971-9914 (email)**

**TOWN OF WENDELL
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I am sending this letter concerning Agenda Item 5.a. as scheduled for your upcoming April 27, 2020 meeting. This item deals with a request by Josh Lambert of Strong Rock Development Co. to rezone property located at 0 East Fourth Street. I request that my letter be read at the public hearing on this item and then entered accordingly as a part of your official meeting minutes. My wife and I live at 3900 Wendell Boulevard and jointly own said property as well as the adjacent property, 3910 Wendell Boulevard, which connects to the northwest corner of Mr. Lambert's proposed project.

For the following reasons, I strongly support this request:

This project will be infill for the existing contiguous boundaries of the Town and will help to further Wendell's long-time goal of advancing the development of our core. While I do support satellite developments such as Wendell Falls, Edgemont Landing, and others, I recognize the imperative nature of continued balanced growth. Imbalanced growth can lead to imbalances in our tax base and political base. Simply said, if our satellites generate more tax base and consist of larger populations than our core, those living and owning property within the core could eventually have little impact on the government and future of Wendell. This can happen when development patterns change, and it can lead to strife among citizens and loss of community spirit. The citizens of outlying areas must have a voice, but hearing the voices of everyone makes a community strong. Mr. Lambert's plan is very nice and will complement surrounding existing development. He has taken care to give adjacent properties protection as well as privacy and is providing design and construction quality as well as amenities which will create nice homes for the future residents. For some time now, the Town has recognized the need for quality townhomes and other forms of nice compact development. This proposed project will help meet this need, and it will utilize properties that are not really well-suited for single family dwellings.

Such compact development covers far less land and is much more environmentally sound than many other forms of development. Also, it is far more efficient from a municipal services standpoint, and it can provide greater home quality for money spent by the purchaser.

While I could list other reasons for supporting this proposed project, I will not belabor the point and will simply ask that you approve the request and assist the developer with moving forward. In conclusion, thank you for your service to Wendell and for my opportunity to speak in this fashion.

2. Dillon Piotrkowski; 3930 Wendell Blvd (email)

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Good Evening,

My name is Dillon Piotrkowski and I live at 3930 Wendell Blvd with my wife. We bought our first home here almost a year ago. We have fallen in love with the historic small town and the family feel. We feel as if the rezoning should not happen, considering that the houses in the surrounding area are all single-family homes. These townhomes will back Wendell Blvd's historic district. In return, this will go against the symmetry of the area, as nine random townhomes will be placed right in the backyards of historical properties with agriculture integrity. After talking with some of our local community and neighbors they have the same concerns as us. If this rezoning does get approved our major concerns are the parking spots backing our property and the gathering space on the other side of us. Out of all our neighbors, we are the most affected by this. We do not have a fence and didn't plan or have the need for one. Now that all of this will be basically right on our property line on both sides and we have 3 small dogs to worry about we will now have to figure something out. We feel the builder/developer should supply a fence to separate the parking and gathering space from our property so that we do not have light and noise pollution from the cars and gathering space. We love Wendell and are glad we made this our first home. Thank you for your time.

3. Brandie L. Beebe; 3936 Wendell Blvd. (email)

Dear Commissioners;

With reference to the captioned matter and your correspondence dated April 16, 2020, I own the home located at 3936 Wendell Blvd. I, and the surrounding properties in Historic Wendell will be impacted by the proposed townhomes. I have multiple concerns in regards to this proposal and strongly disagree with the town approving the rezoning. I have no issue with 3 or 4 single family homes being constructed in the same area, as that usage would be consistent with the surrounding homes.

1. **HISTORIC SIGNIFICANCE.** My house is located in the section of Wendell referred to as the Historic District. I believe that keeping the area free of multi-use housing stems more in line with this area of Wendell. I could understand adding townhomes to the business district or an area that is larger and can house more homes. However, allowing townhomes to back up to single family homes, in my opinion, is not a good plan. I question whether any of the Commissioners would appreciate the same in their own backyards.

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2. **STORM WATER DRAINAGE.** This area is affected tremendously by rain. Any time it rains, the area always floods. When we have rain for multiple days this area resembles a small pond. I have attached photos I have taken from my property on January 14, 2020. My concern is if there has even been a water study or perc test performed to ensure that this land is viable for structures, without compromising the surrounding homes. The far back of my property and my neighbors property already have issues with standing water and runoff when it rains, the water has nowhere to go. Will the buildings cause the water to now make our yards worse? Is there a plan in place to protect us if so, or require the builder to remedy any drainage issues that may directly impact us?

3. **SAFETY/SECURITY.** In looking at the preliminary plans I see no boundary of a fence/wall/trees being constructed to separate the townhomes from the single family homes they abut. If the town is willing to accept the rezoning, can this be a requirement? Essentially the homes impacted will have to deal with a parking lot backing up to our properties, with vehicles for 9 homes coming and going. I also see a proposed gathering area with no separation to protect the properties surrounding.

4. **QUALITY OF LIFE/POLLUTION.** There is an unmistakable charm that is derived from living in Historic Wendell. The simple fact is that the multi-unit dwellings proposed in this plan are entirely inconsistent with the usage in the area that existed today. To suggest that noise, light, and sound pollution will not be a result is to overlook the nature of this type of development.

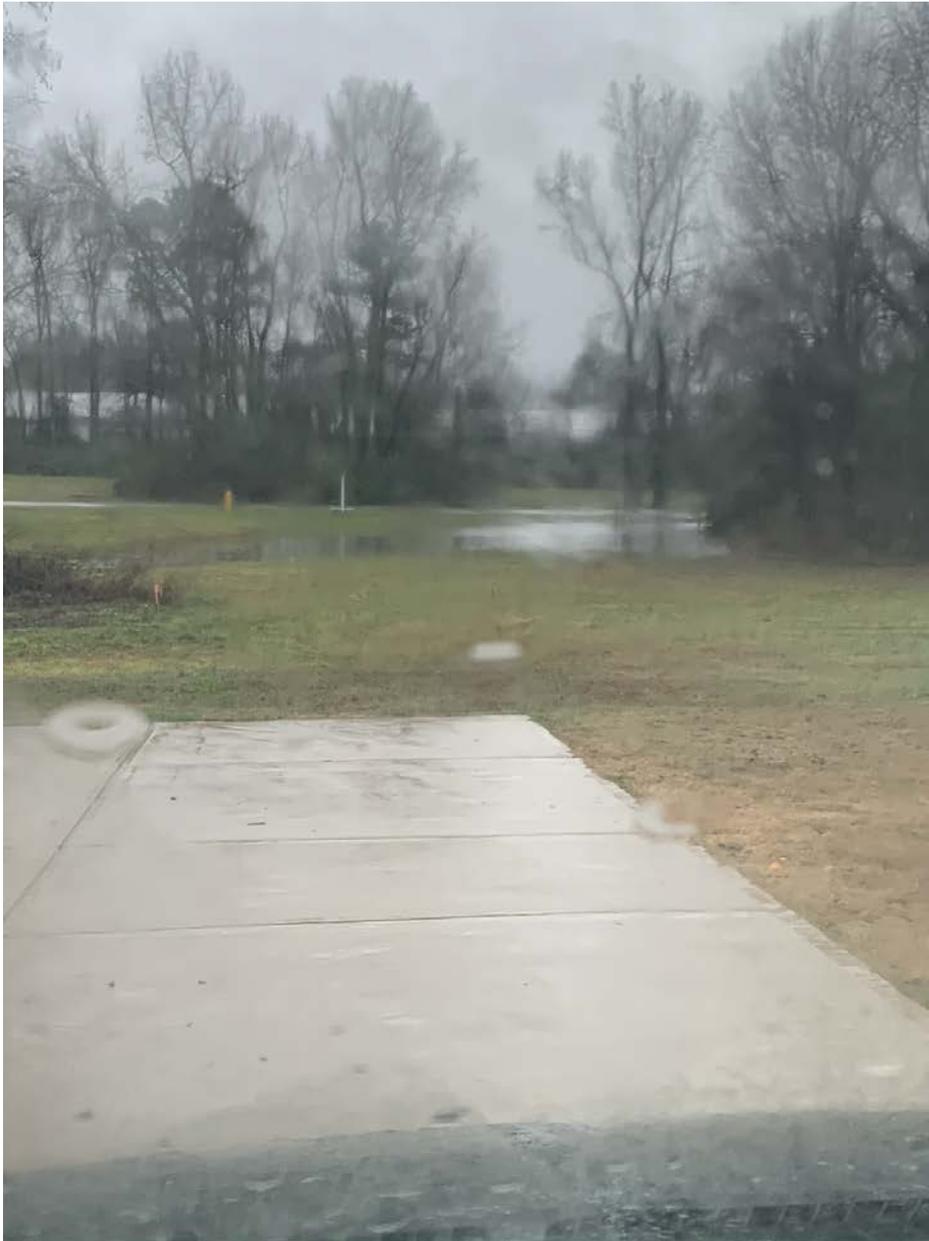
I recognize that growth is essential and vital to the success of Wendell and I strongly support this. It is one of the reasons I chose to move here from Knightdale last summer. In deciding on location I recognized the fact that more homes could/would be constructed behind me. I also recognize that the potential for money for the town is higher with more houses. I do not, however, think this specific area should be constructed with town homes. If the town does decide to approve the rezoning, what assurances do we as neighbors to this area have for safety, privacy, and drainage/flooding issues impacted by this decision?

I thank you for your attention to this matter. Should you have any questions with regard to the above, please do not hesitate to contact me directly. Please confirm receipt of my email and that it will be presented at the board meeting.

The following pictures were presented by Brandie L. Beebe to the Town Board:

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Mayor Gray closed the public hearing.

Commissioner Lutz asked if the stormwater on the back pocket was addressed.

Mr. Coates said stormwater drainage will be put in the rear, with a catchwater basin in the parking lot and the gathering open space, with water going out to catchwater basements near fourth street. He said all of these plans would have to get approved by Wake County, who monitors and enforces the Town's stormwater program for the Town.

Mayor Gray asked if it would be enough to handle all of the stormwater.

Mr. Coates said that it would, as it has to be designed to handle all of the development's runoff plus what's already existing.

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Commissioner Lutz said concerning the noise pollution, the people complaining about the noise bought a house on Wendell Boulevard. He asked if there was any discussion as far as extending that buffer in the back corner to create a thicker buffer.

Mr. Coates said he has texted the developer based on Mr. Lutz's first few questions, and they said that they're willing to extend the buffer along the northern side.

Commissioner Lutz said he didn't like the idea of developers putting up fences and he felt that the landscaping buffer will be nicer.

Mr. Coates said that it is a 15-foot type B buffer.

Mayor Gray said that would alleviate some of the concern and asked where they would extend to.

Mr. Coates said they would extend along the side to the north.

Commissioner Tarnaski said that, looking at some of the other developments that are coming up that are offering townhomes, it looks like they were going to offer privacy fences for those. He asked if this development would be putting up a privacy fence, as well.

Mr. Coates said no, only landscaping buffers with trees.

Commissioner Tarnaski said that the other development was doing both buffers with trees and landscaping on both sides of the fence.

Mr. Coates said that they all vary, based on what the developer proposes, but this one did not propose any fencing.

Mayor Gray asked if Mr. Coates could briefly describe a type B buffer.

Mr. Coates said that the actual detail is that every so many feet, there has to be shrubs and then trees. So there will be a mixture of deciduous and coniferous trees so that it's not all one type of tree when it loses its leaves it's not all open.

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ACTION

Mover: Commissioner Lutz moved to approve the Rezoning requested by Josh Lambert of Strong Rock Development Company to rezone approximately 1.06 acres of property located at 0 East Fourth Street within the parcels identified by PIN #1784-80-2530 and PIN #1784-80-3458 from Residential 3 (R3) to a Neighborhood Center Conditional District (NC-CD) with the condition of extending the 15-foot buffer along the northern part of the property.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, and Commissioner Boyette.

Nays: Commissioner Tarnaski

Vote: 4-1

Town Attorney Jim Cauley asked if it could be confirmed that the developer agreed to those conditions.

Mr. Coates confirmed that the developer agreed to those conditions.

- 5b. PUBLIC HEARING: Rezoning request by Josh Lambert of Strong Rock Development Company to rezone approximately 15.79 acres of property located at 941 Wendell Falls Parkway within the parcel identified by PIN #1783-17-8750 from Rural Agricultural (RA) to a Neighborhood Center Conditional District (NC-CD).

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

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

Item Summary:

The applicant's proposed conditional district will feature 75 townhomes. This project is located on Wendell Falls Parkway adjacent to the Wendell Country Club golf course. The NC Conditional District is being proposed to be consistent with the Town Framework Plan and to allow for a mix of housing types due to its proximity to Wendell Falls Parkway and the golf course.

The overall site plan is included as Attachment A (Along with a link to the full Master Plan for download).

Amenities include a fully active park space near the mail kiosk in the middle of the neighborhood as well as a 10-foot-wide multi-use path that extends along Wendell Falls Parkway.

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The applicant voluntarily conducted a neighborhood meeting with adjacent property owners that was held at the Wendell Community Center.

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 specially 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 citizens. In this case, no alternative uses, or lot dimensions 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.

Location and History:

This property is currently located in the Town of Wendell extra-territorial jurisdiction (ETJ) and is zoned Residential-Agricultural (RA). The parcels have been vacant for the last twenty years but previously contains residences and farm buildings.

Project Profile:

<i>Property Location:</i>	<i>941 Wendell Falls Parkway</i>
<i>Wake County PIN:</i>	<i>1783-17-8750</i>
<i>Current Zoning District:</i>	<i>RA (Residential-Agricultural)</i>
<i>Cross References:</i>	<i>NA</i>
<i>Property Owner:</i>	<i>Jackie F Smith Revocable Living Trust</i>

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*June May Heirs Fowler
8821 Cypress Lakes Drive, Villa 403
Raleigh, NC 27615-2133*

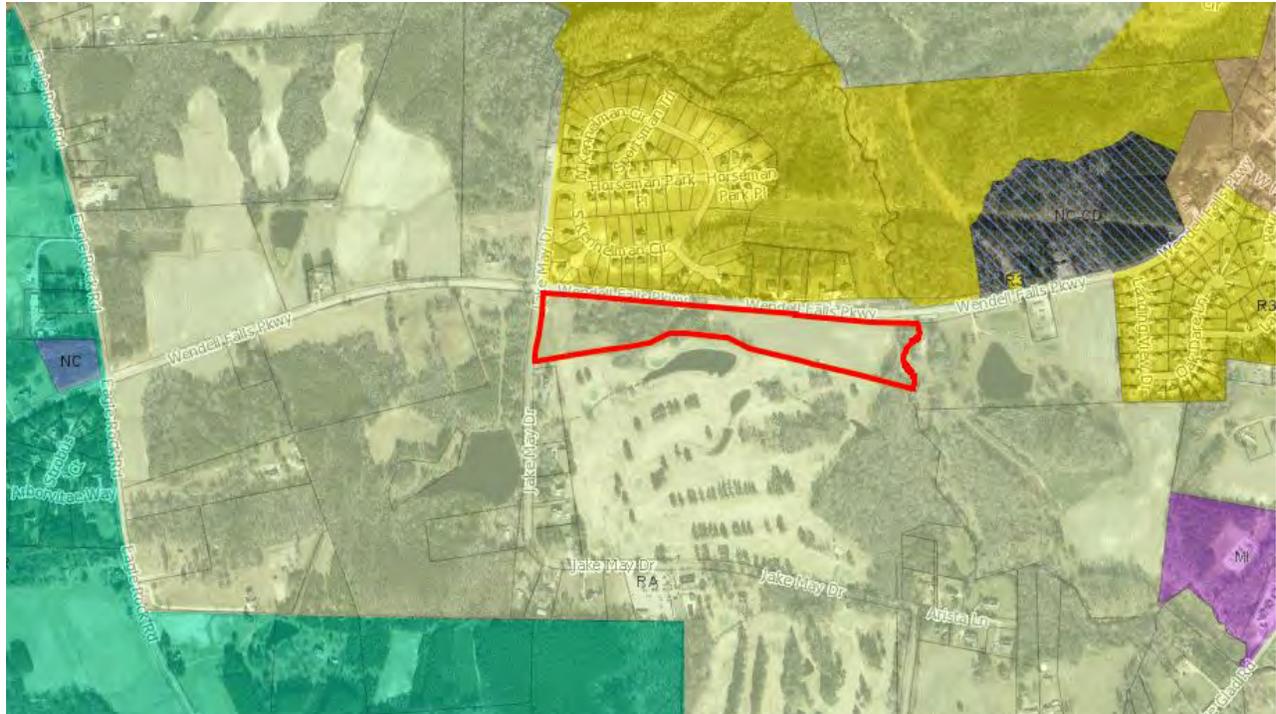
*Applicant: Josh Lambert, Strong Rock Development Company
205 S Fuquay Ave
Fuquay-Varina, NC 27526*

*Property Size: 15.79 acres
Current Land Use: Vacant
Proposed Land Use: Residential*

Project Setting – Surrounding Districts and Land uses:

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

Current Zoning Map



Proposed Conditional District Conditions:

The applicant is proposing 6 conditions for the proposed CD, as follows:

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1. *Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.*
2. *Garage doors must have windows, decorative details or carriage-style adornments on them.*
3. *A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter and accent colors complementing the siding color, for the whole development.*
4. *The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.*
5. *All units will be solely front-loaded.*
6. *Landscape buffer along southern property line at golf course is not required.*

Applicant's Justification:

Rezoning this site is reasonable and justified due to the following reasons:

1. *Rezoning is consistent with the Town of Wendell Comprehensive Land Use Plan. This area is currently identified as Controlled Growth Area. The requested rezoning to NC-CD will be consistent with this land use plan.*
2. *The proposed Townhouses will be an attractive use of this currently vacant property, being adjacent to the Wendell Country Club and Golf Course. This development will provide the residents a convenient location not far from downtown Wendell.*

Public Utilities:

Development of this site will require connection to city water and sewer which is available nearby and will need to be annexed. The applicant has petitioned for annexation.

Streets:

The applicant will be responsible for making the required improvements which include sidewalk, bike lanes, landscape area and curb and gutter.

Phasing:

The applicant has not indicated that there will be phasing on this project.

Comprehensive Plan:

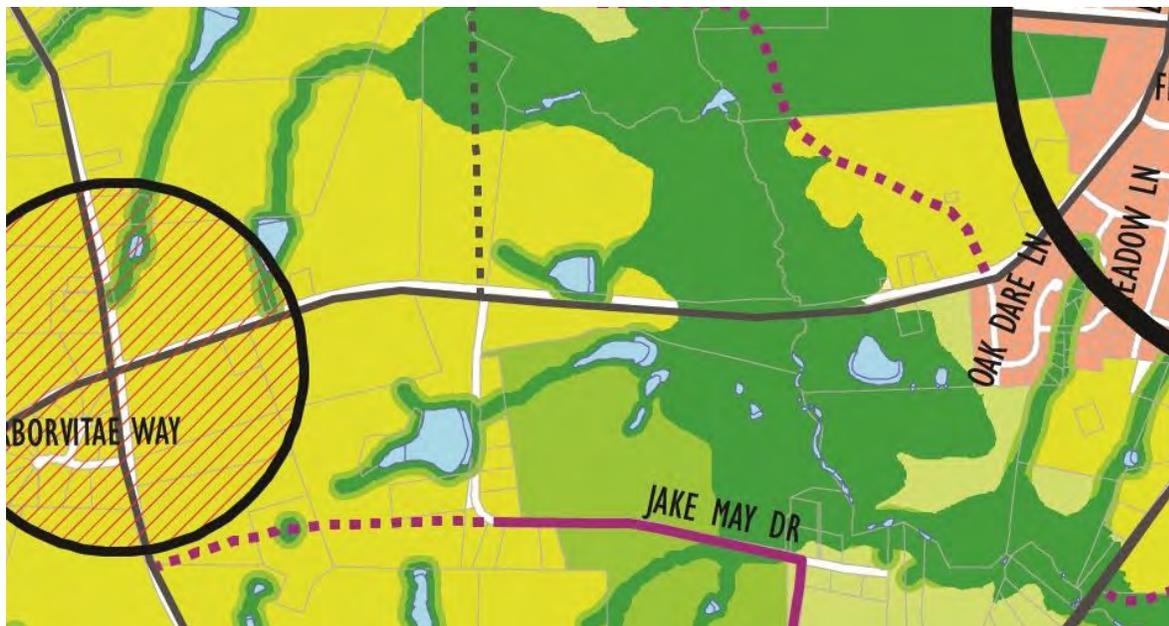
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The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Sector.

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

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

The proposed development on the site meets the appropriate uses.



TRC Review:

The Technical Review Committee (TRC) expressed a desire for a side path along Wendell Falls Parkway to connect Wendell Falls and Downtown Wendell in the future. TRC also wanted to address the need for guest parking on site as well. The site will require road improvements along the full length of the property. The applicant added an additional 26 guest parking spaces and the 10-foot wide sidepath.

Planning Board Recommendation:

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At their February 17, 2020 meeting, the Planning Board voted 5-1-1 in favor of the requested conditional district.

Voting in Favor: Jonathan Olsen, Jimmena Huffman-Hall, Levin Jones, Brett Hennington and Ryan Zakany.

Voting Against: Michael Firstbrook

Abstained: Alan Swaim

Absent: Victoria Curtis

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 conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector and reasonable due to its proximity to the Wendell Falls Parkway.*

Staff Recommendation:

Staff recommends approval of the proposed Master Plan

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

No questions were asked. Mayor Gray opened the public hearing and asked the clerk to read the submitted public comments for this hearing.

Town Clerk Megan Howard read the following emailed public comment and staff's response into the record:

1. Justin Mercer; 820 Wendell Falls Parkway; 919-410-1833 (email)

I have some concern over the potential for increased traffic along Wendell Falls Parkway through this stretch. As it is now, there is often some difficulty in entering and exiting my driveway. It appears as if one of the proposed entrances for the new town home development would be directly across from my driveway. With the potential addition of 75 townhouses here and another 100 or so just down the road, is there anything that is being done to address potential concerns over increased traffic and/or impact to existing homeowners?

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The homes at 820, 816, 808, and 804 Wendell Falls Parkway are all part of the Foxborough Crossing subdivision. When this area was developed broadband internet infrastructure was not run to these four homes as it was for the rest of the neighborhood (both Spectrum and AT&T). Broadband access has become a necessity in today's world. My neighbors and I have school-aged children that I fear will be left at a disadvantage as internet access becomes increasingly vital to their education. It seems to me that additional development raises the opportunity to correct this former oversight. Is there any way that further development of this area can be done in a way that encourages developers and/or service providers to make service accessible to these four homes?

Thank you for your consideration and for ensuring the public's ability to stay involved.

→Assistant Planning Director Bryan Coates responded to Mr. Mercer's questions:

"The preliminary plans do show a full southern entrance at this time. This proposal does show a center turn lane at the middle entrance and a small amount of road widening. All entrances would need to be approved by NCDOT at the construction plan phase. We could ask that the southern entrance that is aligned with your driveway to be a right in and right out only for the townhomes. This would remove conflict points with traffic turning left from Wendell Falls Parkway into the southern entrance. If the preliminary plan is approved by Council, the plans would then need to go through construction plan review with much more detail. We also anticipate with the nearby developments that NCDOT may lower the speed limit on Wendell Falls Parkway as well.

With two developments being nearby, I would recommend checking with the high speed internet providers as progress occurs on the Stone Arbor Townhomes as they may be willing to extend towards you all or it seems the connection would be made when the townhomes proposed at the golf course were built. At times we have AT&T or others request to construct service within our right of way and we could reach out as well."

→Mr. Mercer responded to Bryan's response:

Thank you for your response. Turning left out of our driveway is what gives us the most difficulty currently. A "right in, right out" drive would at least ensure that cars are not stopped in the middle of the road in front of our house, waiting to turn. Unfortunately, it doesn't change the reality of an additional 200+ cars passing the house every day. I recognize that there are limits to what can be done, my wife and I primarily just wanted to voice our concern.

As for internet access, I have been trying for three years to get service here. When we bought the house, we were told (by both the builder and the provider) that the house was serviced by Spectrum. It was not until 3 months after being here that we were finally told that we were unserviceable (despite the adjoining property 200 feet away having service). AT&T has not been willing to speak with me any further than to tell me that we are not serviceable. I have been through the process with Spectrum twice and spent countless hours on the phone. The issue is that we are between two service lines (one coming from Wendell and the other from

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Wendell Falls). Neither of the current developments would be required to bridge any gaps in order to provide service. The latest (as of a few weeks ago) is that they will do three houses (820, 816, and 808) for roughly \$10,000. I was willing to pay my share, (roughly \$3,333) but my neighbors were not willing to contribute based on the prospect that the townhouses might bring it to us. \$10,000 is just too much for me to do by myself for a service that I will then have to pay for monthly. Based on my conversations with Spectrum, it does not seem that is likely that they will make our homes serviceable on their own accord. My concern is that providers will route their service along newly-constructed roads rather than along Wendell Falls Parkway, which would bring us no closer than we currently are to a serviceable area. I recognize that this infrastructure is not necessarily a Town matter, but thought it was worth a mention to see if the Town had a greater ability to negotiate with new construction than we do as individuals. This is probably significantly more information than you wanted, but we are looking for any sign of hope given that we are now attempting to work and learn from home. Thank you again for your time.

Mayor Gray closed the public hearing.

Commissioner DeLoach said he thinks it's worth addressing the concern. He asked if the town able to speak with the builder to do this at a reduced rate that the Mercers would be able to pay.

Mr. Coates said that staff only has the application to create the development before the board tonight and they don't know who the builder will be at this time. He said that he told Mr. Mercer that through both projects, whether it be Stone Arbor or Wendell Falls Townhomes, he didn't mind asking the builders to consider it. He said that staff cannot force the builder to do off-site improvements, outside of their development.

Commissioner DeLoach said he liked the idea of the right way in and out of the development.

Mr. Coates said that NCDOT will have to approve all of those entrances, so they could nix the southern exit, but staff did offer it as a right-in, right-out.

Commissioner Lutz asked if staff discussed with the developer on making it a right-in, right-out entrance.

Mr. Coates said that it will happen during the construction-drawing phase, when it gets reviewed by NCDOT in more detail.

Commissioner Lutz asked if the board could put that in as a condition in the approval, now, since they're creating a conditional district.

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Town Manager Marc Collins said that the Board could do this, but they had to get the applicant's agreement on any condition being added that wasn't in the packet that the board received.

Mr. Coates said he was texting the applicant on this condition and that he can field any questions while he awaits response.

Commissioner Lutz asked if the homes on the left-hand side would be facing Wendell Falls Parkway.

Mr. Coates said that they would face the internal street so the backs of the houses will face the golf course or the open space that leads to Wendell Falls Parkway.

Mayor Gray asked that if, with the backs of the houses facing Wendell Falls Parkway, if there was going to be some landscaping there.

Mr. Coates said that yes, there would be plenty of trees and landscaping along that side.

Commissioner DeLoach said that, based on the shape of the property narrow strip and quite a bit is in the floodplain, with road improvements and a 10-foot path connectivity being key, he thinks that this is a solid use for this property.

Mr. Coates said that the applicant responded saying they don't necessarily feel that the right-in, right-out is necessary at this time—NCDOT may dictate that, but they aren't ready to make that as a condition at the moment.

Commissioner Joyner said that he agreed with Commissioner DeLoach's comments, feeling that this development would be an added value to that area. He asked the clerk to send him Mr. Mercer's email address, saying he had the solution for his internet issues.

Mr. Coates said the applicant said they would rather have NCDOT dictate the right-in, right-out entrance if they choose, due to the traffic counts.

Commissioner Joyner said, that with the current economic climate, it might be better to allow NCDOT to make that decision.

Mr. Coates said that NCDOT could remove the whole entrance, as well.

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ACTION

Mover: Commissioner Lutz moved to approve the Rezoning request by Josh Lambert of Strong Rock Development Company to rezone approximately 15.79 acres of property located at 941 Wendell Falls Parkway within the parcel identified by PIN #1783-17-8750 from Rural Agricultural (RA) to a Neighborhood Center Conditional District (NC-CD).

Ayes: Commissioner Boyette, Commissioner Tarnaski, Commissioner Lutz, Commissioner DeLoach, Commissioner Joyner.

Nays: None

Vote: 5-0

- 5c. PUBLIC HEARING: Amendment to the Development Agreement governing Wendell Falls as it relates to infrastructure improvements along Martin Pond Road and Poole Road and consideration of a related Fee in Lieu Request.

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

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

Item Summary:

The Wendell Falls Planned Unit Development (PUD) document and associated development agreement outlined specific road improvements to Martin Pond Road and Poole Road which NASH Wendell Falls, LLC is responsible for. These improvements were staged in phases, and the terms of the agreement have been amended over the years through the development agreement based on development progress and the timing of City of Raleigh utility improvements within the same area.

The improvement area (shown in Attachment A) covers approximately 0.79 miles of pavement widening, 0.26 miles of sidewalk and curb improvements, and 0.07 miles of road realignment. Per the Town's agreements, the developer would be responsible for widening Poole Rd south of its intersection with Martin Pond Road to a 4-lane road. The portion of Poole Rd north/east of the Martin Pond road intersection would be widened to a 3-lane section.

The development agreement calls for NASH Wendell Falls, LLC to complete all road improvements within the specified area no later than eighteen months after CORPUD completes the waterline improvement project along Poole/Martin Pond Road. It further states that NASH Wendell Falls LLC will bond any of the improvements that are not completed prior to recording the plat for Phase 7 (the residential phase on the east side of Martin Pond Road).

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*Construction Drawings for Phase 7A are currently being finalized. Rather than bond the improvements and install them following CORPUD's work, **the applicant is seeking to pay the town a fee lieu of construction in the amount of \$2,077,000.***

The Town Engineer reviewed the proposed fee in lieu estimate and compared it to recent road improvement bids and NCDOT bid averages. Based on his evaluation, AMT estimated the probable construction cost (if the Town were to complete these road improvements) to be \$2,669,503. The largest price differences came from his estimated increases in mobilization cost, asphalt binder, base course, and traffic control.

Due to the level of development activity occurring at Wendell Falls, Newland is able to realize cost savings and has minimal costs associated with items like mobilization, since their contractors are already on site.

Since their development along Martin Pond/Poole Road is divided into 2 phases, the fee in lieu (if approved) would be split accordingly. Per the development agreement amendment, 50% of the fee in lieu amount (\$1,038,500) would be paid prior to approval of the final plat for Phase 7A. The remaining 50% would be due on or before the date that is 2 years after the date of recordation of the final plat for Phase 7A of the Wendell Falls development.

Staff Recommendation:

Though the applicant's estimate and the Town Engineer's estimate vary notably, staff believes it is in the Town's best interest to approve the fee in lieu request and associated development agreement amendment. Unlike other developments which benefit from the Town's revised Arterial and Collector Street Plan improvement requirements (which reduced upfront infrastructure widening requirements along future 4-lane roads) the Wendell Falls PUD specifically calls for construction of a 4-lane section along much of Poole road. Thus, in this case, Wendell Falls is being held to a higher and more expensive standard for this road.

Furthermore, the future widening of Poole Road towards Raleigh is a very long term (20+ year project). It is staff's belief that these funds could be put to better use along a more highly prioritized corridor with more immediate needs than Poole Road and Martin Pond Road.

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

Mayor Gray opened the public hearing and asked if there were any public comments or requests to speak for this item.

Town Clerk Megan Howard said that no public comments or requests to speak were received for this item.

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

Commissioner Lutz asked if there needed to be two separate motions.

Town Manager Marc Collins said that the board could do one motion including both actions.

Commissioner Boyette said that he's normally not in favor of fee in lieu requests and is not a fan of pushing the responsibility for development improvements onto the town whether or not they're paid for by the developer. He said he doesn't see the benefit to the town or the developer of this. For this reason, he said that he's not in favor of this.

Commissioner Joyner said that he appreciates Commissioner Boyette's comments and said that the portion that got him was the part about NCDOT and the bridge—making a four-lane road down to two lanes at the bridge. He said that changed his opinion on this and he would be in favor of it.

ACTION

Mover: Commissioner Lutz moved to approve the Amendment to the Development Agreement governing Wendell Falls as it relates to infrastructure improvements along Martin Pond Road and Poole Road and to approve the related Fee in Lieu Request in the amount of \$2,077,000.00

Ayes: Commissioner Tarnaski, Commissioner Lutz, Commissioner DeLoach, Commissioner Joyner

Nays: Commissioner Boyette

Vote: 4-1

6. ADMINISTRATIVE ITEMS

6a. Ordinance amending *Section 24-90 Parking in specific places prohibited of Article III Specific Street Regulations of the Town Code of Ordinances.*

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

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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.

The minor amendments in the attached draft are provided 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 begin implementation of proposed changes with public education regarding parking enforcement.

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

Commissioner Joyner said that he understands the need for a lot of these changes to be made, but he also understands that a lot of people, specifically in these areas, have been doing it the same way for a long time. He asked that staff be cognizant of that as the town moves forward.

ACTION

Mover: Commissioner Lutz moved to approve the Ordinance amending Section 24-90 Parking in specific places prohibited of Article III Specific Street Regulations of the Town Code of Ordinances.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette.

Nays: None.

Vote: 5-0

6b. Acceptance of certain Public Streets in the Wendell Falls Subdivision for Town maintenance and enforcement.

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

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

Item Summary:

While approval of final plats for new subdivisions includes the dedication of public right-of-way to serve new streets, public maintenance of roads does not commence until additional steps are taken by the developer and verified by Town staff.

Per the Town's Standards and specifications document, the final lift of asphalt in new subdivisions are installed after 80 percent of the lots have been constructed and occupied, unless otherwise specified by the Town Representative. Following the installation of the final surface course, a final inspection by Town staff is conducted and a punch list generated of items required to be repaired. Final acceptance of streets is subject to satisfactory correction of any defects in the facilities.

Phases SF1, SF2, SF3, and SF13 of the Wendell Falls subdivision have completed all these steps. The developer has also provided a written warranty against defects equivalent to 10 percent of the cost of the installation of stormwater improvements within said streets, per the Town's UDO requirements.

As such, the developer is requesting the Town to officially accept and take over maintenance of all public streets within these phases. Private alleys would continue to be maintained by the HOA. Staff has timed this request to coincide with the Town's parking ordinance amendment. If approved, the approximately 5.3 miles of roadway within these phases would be added to the next annual Powell Bill map, which would increase the town's eligible Powell Bill funding.

Staff will work with the HOA and residents through public education on how to report maintenance needs (for example: reporting potholes) and traffic enforcement over the coming months.

Staff Recommendation:

Staff recommends adoption of the attached Resolution to accept these roads for maintenance. The developer has met all applicable requirements per the Town's Standards and Specifications document and UDO.

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

No questions were asked.

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ACTION

Mover: Mayor Pro Tem Boyette moved to approve the Acceptance of certain Public Streets in the Wendell Falls Subdivision for Town maintenance and enforcement.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette

Nays: None.

Vote: 5-0

6c. Review and approval of a proposed mural for 128 N. Main Street.

Staff Contact: Assistant Planning Director Bryan Coates
BCoates@townofwendell.com

Item Summary:

At the March 2, 2020 meeting, the Appearance Commission reviewed one mural application.

The Appearance Commission unanimously recommended to the Board of Commissioners, approval of the mural application for the rear of 128 N Main Street with one suggested condition, that the applicant remove the proposed quote. The appearance commission felt that having another quote along Wendell Boulevard would be a distraction for traffic. Peggy Lee took the suggested condition back to the property owner and they agreed to remove the quote.

128 N Main Street

In 2013, as part of their long-range work plan, the Appearance Commission set a goal of having murals painted in the downtown area of Wendell. The purposes of adding murals is to create conversation pieces to help draw visitors to the Town; help improve the vibrancy of the community; and to encourage other building/business owners to have a mural painted on their property, or just a fresh coat of paint to the building.

The property owner expressed the desire to create a new mural on the rear of the building, which is prominently visible to westbound motorists on Wendell Boulevard. The visibility of this location makes it an ideal location. The new mural would be a vibrant colored oak tree and would coverup the previous artwork on the building. The artist chosen is Peggy Lee, who has done other murals within the region. The Appearance Commission recommended funding the mural up to \$750.

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Section 12.8.Q of the UDO states that:

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 façade 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 6 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.*

Staff Recommendation:

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Staff requests that the Board of Commissioners review the recommendation of the Appearance Commission in relation to the mural regulations in order to render action on the submitted application. Staff has reviewed the proposed mural and has determined that, the mural meets the Town's regulations.

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

No questions were asked.

ACTION

Mover: Commissioner Lutz moved to approve the review and approval of a proposed mural for 128 N. Main Street.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette.

Nays: None.

Vote: 5-0

6d. Amendment to the Water Allocation Policy as it relates to Procedural Requirements for Infill Development

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

The State of Emergency brought on by COVID-19 has highlighted recommended procedural changes to the Town's water allocation policy which staff wishes to bring to the Town Board for consideration. Based on guidance provided by the School of Government, the procedural requirements for quasi-judicial procedures mandated by NC General Statute do not support on-line or remote public hearings. Thus, during a state of emergency when public gatherings cannot be safely accommodated, the Town finds itself unable to act on certain items that require quasi-judicial proceedings.

As a result, staff has sought to identify reasonable changes that can be made to Town policies and procedures to permit more action to be taken outside of quasi-judicial proceedings. One such recommended change deals with amending the water allocation policy to permit approval of most allocation requests for infill development administratively, rather than through a quasi-judicial process.

Current Allocation Process

The current allocation policy's process was created to mirror the UDO process that allows for most projects to keep moving forward at staff level if the proposed project meets the standards set forth in the policy.

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Proposed projects may only be approved for water allocation under the following 3 scenarios. However, under the current language, all allocation requests which require Board of Commissioner approval shall follow the standards and requirements of quasi-judicial decisions.

Allocation Scenarios

- 1. Scenario 1: Project scores a minimum of 50 points and maintains 100,000+ GPD of sanitary sewer capacity for the Town.**
 - a. Approval Authority: Town Manager
 - b. Process: If a project is awarded a minimum of 50 TOTAL POINTS or more, water allocation can automatically be granted by the Town Manager with a completed Utility Allocation Agreement, so long as granting such allocation would leave the Town with a minimum of 100,000 GPD of reserve sewer capacity.

- 2. Scenario 2: Project Scores a minimum of 50 points, but the requested allocation would not maintain a reserve of at least 100,000 GPD of sanitary sewer capacity for the Town.**
 - a. Approval Authority: Board of Commissioners
 - b. Process: Qualification for water allocation under Scenario 2 shall be determined by the Board of Commissioners according to the standards listed under this section. Projects must substantially advance at least 3 of the 9 categories listed below in order to be approved for allocation:
 - i. Anticipated increases in the Town's ad valorem tax base or the level of developer investment
 - ii. Construction and dedication of public infrastructure
 - iii. Provision of employment opportunities for Wendell citizens
 - iv. Provisions of diversified housing stock
 - v. Preservation of open space or conservation of existing habitat
 - vi. Protection of existing tree canopy or the provision of additional landscaping
 - vii. Provision of recreational amenities for current or future Wendell residents
 - viii. Provision of outdoor enhancements and/or transit improvements

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- ix. Advancement of the Town's goal of obtaining a 60%-40% ratio of residential to non-residential tax values*

3. Scenario 3: Project scores less than 50 points but qualifies as a 'Special Exception'

- a. Approval Authority: Board of Commissioners
- b. Process: In order to facilitate residential infill development of smaller parcels, a Special Exception may be granted by the Board of Commissioners for major subdivisions to receive water allocation, regardless of point totals. In order to receive water allocation under this provision, the applicant must demonstrate that the following conditions have been met:
- i. The property submitted for allocation is within the primary corporate limits or adjacent to the primary corporate limits.
 - ii. The property is less than 20 acres in size.
 - iii. There is no vacant or underdeveloped land of 10 acres or more in size adjacent to the project which could feasibly be added to the development to create a larger subdivision.
 - iv. The market will not support the development of the subject land as a non-residential use that would score more base points than a major subdivision.
 - v. All homes shall have at least 2200 square feet of heated space (per the approved utility agreement or development agreement).

Proposed Allocation Process:

Staff's recommended amendment is to modify the Town's policy to only require quasi-judicial proceedings to be followed when approval would drop the Town's reserve sewer allocation to less than 100,000 gallons, but to permit the Town Manager to otherwise approve requests. Staff also recommends amending the conditions of approval for infill development allocation requests to provide more concrete, objective standards.

Amendment # 1: Amend the Section entitled 'Water Allocation Process' to read as follows: (amendments are italicized and underlined. Deletions are shown with strike-throughs).

Water Allocation Process

Proposed projects shall complete the **WATER ALLOCATION WORKSHEET** according to its instructions to determine the total number of points achieved.

Proposed projects may only be approved for water allocation under the following 3 scenarios. Allocation requests which are captured by Scenario 3 shall follow the

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standards and requirements of quasi-judicial decisions. All other Allocation requests shall be handled administratively.

Allocation Scenarios

1. **Scenario 1: Project scores a minimum of 50 points and maintains 100,000+ GPD of sanitary sewer capacity for the Town.**
 - a. Approval Authority: Town Manager
 - b. Process: If a project is awarded a minimum of 50 TOTAL POINTS or more, water allocation can automatically be granted by the Town Manager with a completed Utility Allocation Agreement, so long as granting such allocation would leave the Town with a minimum of 100,000 GPD of reserve sewer capacity.

2. **Scenario 2: Project scores less than 50 points but qualifies as a 'Special Exception' and maintains 100,000+ GPD of sanitary sewer capacity for the Town.**
 - a. Approval Authority: ~~Board of Commissioners~~ Town Manager
 - b. Process: In order to facilitate residential infill development of smaller parcels, a Special Exception may be granted by the ~~Town Manager~~ Board of Commissioners for major subdivisions to receive water allocation, regardless of point totals. For the purpose of this section, 'adjacent property' shall include any land sharing property boundaries or immediately across road right-of-way for any roadway not classified as a collector or thoroughfare. In order to be eligible to receive water allocation under this provision, ~~the applicant must demonstrate that the following conditions have been~~ must be met:
 - i. The property submitted for allocation is within the primary corporate limits or adjacent to the primary corporate limits.
 - ii. The property is less than 20 acres in size.
 - iii. The requested amount of water allocation required to serve the development may not exceed 12,500 gallons per day.
 - iv. There is no vacant or underdeveloped land of 10 acres or more in size adjacent to the project which could feasibly be added to the development to create a larger subdivision.
 - v. The majority of the property's boundary must be adjacent to existing developed property, or property which cannot be developed due to environmental constraints, per the Town's development ordinances.
 - vi. The property has a Residential or Neighborhood Center zoning designation, unless the project consists of a multi-family or

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~~*mixed-use development. market will not support the development of the subject land as a non-residential use that would score more base points than a major subdivision.*~~

- vii. All single-family detached homes shall have at least 1800 square feet of heated space (per the approved utility agreement or development agreement).

3. Scenario 3: Project Scores a minimum of 50 points or meets the criteria to qualify as a 'Special Exception', but the requested allocation would not maintain a reserve of at least 100,000 GPD of sanitary sewer capacity for the Town.

- a. Approval Authority: Board of Commissioners
- b. Process: Qualification for water allocation under Scenario 2 shall be determined by the Board of Commissioners according to the standards listed under this section. Projects must substantially advance at least 3 of the 9 categories listed below in order to be approved for allocation:
 - i. Anticipated increases in the Town's ad valorem tax base or the level of developer investment
 - ii. Construction and dedication of public infrastructure
 - iii. Provision of employment opportunities for Wendell citizens
 - iv. Provisions of diversified housing stock
 - v. Preservation of open space or conservation of existing habitat
 - vi. Protection of existing tree canopy or the provision of additional landscaping
 - vii. Provision of recreational amenities for current or future Wendell residents
 - viii. Provision of outdoor enhancements and/or transit improvements
 - ix. Advancement of the Town's goal of obtaining a 60%-40% ratio of residential to non-residential tax values

Improvements or site conditions which are required under the Town's Unified Development Ordinance shall not be given consideration as part of the water allocation approval process. In the case where multiple water allocation submittals are received by the Town, the Board or Town Manager shall also compare the number of total points each projects scored.

The Board of Commissioners or Town Manager shall make a determination for allocation requests prior to the approval of any development plans (i.e. preliminary plans, site plans, final development plans, etc.)

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Points are awarded in two categories, BASE POINTS and BONUS POINTS. BONUS POINTS are broken down into four categories.

- 1. Non-Conformity Abatement and Public Infrastructure Improvements.*
- 2. Green Development Standards*
- 3. Outdoor Enhancement and Transit Improvements.*
- 4. Amenities (Only for Projects with Residential Components).*

Specific categories of bonus points, if selected, also require review and approval by the Board of Commissioners (i.e. Murals).

Unless a project can gain all necessary BONUS POINTS from a single improvement identified in the approved list, improvements must be made from at least two of the categories of BONUS POINTS.

A developer/applicant who has secured allocation according to this policy and hasn't reasonably progressed, in the opinion of the Town Manager, in construction plan approval, building permit approval, or on-site construction for a period of 12 months will lose the award of allocation without benefit.

The Town reserves the right to withhold allocation from projects which have stalled for a period of 12 consecutive months if there is a shortage in capacity (less than 100,000 gallons of sewer capacity), even if they have fulfilled the approved Utility Allocation Agreement or Developer's Agreement. The project would however be entitled to re- allocation as soon as additional capacity was available without the necessity of reapplying for water allocation.

Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained water allocation through the Town.

This policy shall be reviewed periodically and, when appropriate, readjusted by the Board of Commissioners. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

Appeals of any provision of this policy shall be decided upon by the Board of Commissioners.

Staff Recommendation:

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Staff recommends approval of the proposed water allocation policy amendments, which would streamline the development process and permit additional administrative action so long as a minimum reserve of sewer capacity were in place.

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

No questions were asked.

ACTION

Mover: Commissioner Lutz moved to approve the Amendment to the Water Allocation Policy as it relates to Procedural Requirements for Infill Development.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette.

Nays: None.

Vote: 5-0

- 6e. Agreement for Purchase and Sale of Two Properties (recombined portions of PIN 1783946022 and PIN 1783837560) totaling approximately 23.2 acres on Hollybrook Road for the Future Development of a Neighborhood Park

Staff Contact: Town Manager Marc Collins
mcollins@townofwendell.com

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

Item Summary:

The Town Attorney and staff negotiated with the representative of the property owner, Smith-Edwards LLC, as directed by the Board of Commission for the purchase of an offered portion of properties on Hollybrook Road for the purpose of constructing a neighborhood park totaling 23.3 acres for the amount of \$150,000. The attached agreement provides for the purchase.

The 2019 Parks & Recreation Master Plan for the Town of Wendell identifies the need for three (3) new neighborhood parks to provide walkable opportunities for nearby residential neighborhoods. Neighborhood parks typically serve a ¾ to 1 mile radius with a desirable size ranging from 7 to 15 acres. Typical activities serve both active and passive recreation needs for a diverse user population. The property to be acquired meets the neighborhood park description.

The agreement includes the follow provisions of note:

- *Deposit - Escrow of \$10,000 by the Town within five business days of the effective date of the agreement that is refundable if the Buyer terminates the contract within a 60 day contingency period. The escrow applies to the purchase price if the sale is closed.*

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- *Contingency Period – 60 day period to determine the suitability of the property and complete due diligence for the property.*
- *Closing Contingent on the repeal of Ordinance # O-17-2018 for the prior development and rezoning the balance of the property for a revised development plan. The contingency period may be extended and deposit returned if this condition is not met.*
- *Use of Property – The Town will use the property as a park for a minimum of 10 years. If the Town decides to sale the property within 10 years, the Town must offer the property to the developer for its then fair market value.*

The Board appropriated \$500,000 in FY 2020 to initiate the design of the Town Hall capital project. The Town Hall project is just starting and will not expend the appropriated amount in FY 2020 and the FY 2021 Budget provides for the completion of the project. Staff recommends the use of \$150,000 from this project appropriated in FY 2020 to purchase the property.

If purchased, staff proposes to complete a site-specific master plan for the neighborhood park in FY 2021 for the preparation of a Parks & Recreation Trust Fund grant for the construction of the new park in FY 2022.

Staff recommends the Board to authorize the Town Manager to sign the agreement and complete the purchase of the property upon the satisfaction of the conditions for the amount of \$150,000.

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

No questions were asked.

ACTION

Mover: Commissioner Lutz moved to approve the Agreement for Purchase and Sale of Two Properties (recombined portions of PIN# 1783946022 and PIN# 1783837560) totaling approximately 23.2 acres on Hollybrook Road for the Future Development of a Neighborhood Park.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette.

Nays: None.

Vote: 5-0

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6f. Discussion of Downtown Parking and Event Space Design and Budget

Staff Contact: Town Manager Marc Collins

mcollins@townofwendell.com

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

Item Summary:

The Commission allocated \$300,000 for the design and construction of the Downtown and Event Space capital project in FY 2020. JM Thompson Company was awarded the design-build project and retained Withers Ravenel for design. Over the past two (2) the contractor and designer have worked with staff and adjoining business owners to develop the attached concept plan.

The initial cost estimate to construct the project is \$495,085 with \$258,400 remaining for construction after design. This leaves a \$236,685 deficit in the project budget. The contractor provided value engineering options to reduce the costs (see attached).

Staff supports the \$64,667 of suggested cost reductions but recommends leaving the cost for installing conduit for future burying of the overhead lines (\$54,665) in the project. This leaves a project deficit of \$172,018.

The Board appropriated \$500,000 in FY 2020 to initiate the design for the Town Hall project. Staff has delayed starting the project until late in the fiscal year and does not anticipate much expense being taken from the project this fiscal year. The design funding is included in the FY 2021 Town Hall capital project cost estimate.

As such, staff recommends that the Board direct staff to re-allocate appropriated capital funds from the Town Hall Design project to meet the deficit in the Downtown Parking and Event Space project.

Attachments:

- A. Concept Drawing
- B. Project Cost Estimate

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*This plan is conceptual and illustrative design intent. The plan has not been reviewed or approved by the Town of Wendell.
**This plan is based on preliminary GIS (Zoning), topographic, and census location information.



EAST CAMPEN ROW: MASTER PLAN

WithersRavenel
131 S Wilmington Street | Suite 200 | Raleigh, NC 27601
419.499.2462 | www.wr.com | info@withersravenel.com

East Campen Row/Wendell, NC
#191199
202004.16



*This plan is conceptual and illustrative design intent. The plan has not been reviewed or approved by the Town of Wendell.
**This plan is based on preliminary GIS (Zoning), topographic, and census location information.

EAST CAMPEN ROW

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202004.16

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*This plan is conceptual and final site design intent. The plan has not been reviewed or approved by the Town of Wendell.
**This plan is based on preliminary 3D rendering, topographic, and known location information.

EAST CAMPEN ROW

WithersRavenel
For People. For Places.
137 S Wilmington Street | Suite 200 | Raleigh, NC 27601
4108 609 3262 | www.wr.com | www.withersravenel.com

East Campen Row/Wendell, NC
#511199
2/20/24/24



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**This plan is based on preliminary 3D rendering, topographic, and known location information.

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East Campen Row/Wendell, NC
#511199
2/20/24/24

TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES APRIL 27, 2020



*This plan is conceptual and illustrative design intent. The plan has not been reviewed or approved by the Town of Wendell.
**This plan is based on preliminary 3D drawings, topographic, and known location information.

EAST CAMPEN ROW

WithersRavenel
an Arcadis Company
137 S Wilmington Street | Suite 200 | Raleigh, NC 27601
t. 919.489.3200 | c. 919.489.3202 | withersravenel.com

East Campen Row@Wendell, NC
#511199
2020.04.14

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TOWN OF WENDELL / CAMPEN STREET STREETScape VALUE ENGINEERING

The following VE items can be used with very little changes to the design

<u>ITEM</u>	<u>DEDUCT</u>
Change asphalt paving from 8" stone & 4" asphalt to 6" stone & 3" asphalt	\$ (10,844.00)
Reduce Stalite Structural Soil from 4,200 cubic feet to 3,000 cubic feet	\$ (7,116.00)
Change 435 sq ft of artificial turf to Bermuda SOD	\$ (7,000.00)
Replace brick wall at NW corner of Perry's store with curb & gutter	\$ (2,218.00)
Owner to furnish & install Benches & Trash Cans	\$ (12,377.00)
Charging Stations:	\$ (15,565.00)
Install conduit only for 2 charging stations	
Delete 3 charging stations	
Leave 1 charging station in project & 400 amp panel for food trucks	
Deduct 1 food truck pedestal / 2 remain in project	\$ (1,547.00)
Duke Energy to provide conduit material	\$ (8,000.00)
Duke Energy to provide two hand hole boxes	\$ (2,000.00)
Subtotal	\$ (64,667.00)
The following VE items could impact long term design:	
Eliminate conduit installation for future burying of overhead electrical lines	\$ (54,665.00)

Summary

Original Budget	\$ 300,000.00
Phase 1 Expenses / Surveying, Landscape Architect Service, Engineering Services, Preconstruction Budgeting	\$ (41,600.00)
Construction Budget	\$ 258,400.00
4/22/2020 Budget Estimate	\$ 495,085.00
Over budget	\$ 236,685.00

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EXHIBIT A

TOWN OF WENDELL

EAST CAMPEN STREET PARKING AND EVENT SPACE

PHASE 1: DESIGN AND BUDGETING

DESIGN & SURVEYING:

WITHERS RAVENEL

- | | |
|--|-------------|
| • SURVEING / SUE LEVEL B | \$1,600.00 |
| • EXISTING CONDITIONS & TOPOGRAPHICAL SURVEY | \$7,500.00 |
| • LANDSCAPE ARCHITECTURE SERVICE | \$5,000.00 |
| • ENGINEERING SERVICES | \$22,500.00 |

PRECONSTRUCTION SERVICES:

J M THOMPSON COMPANY	<u>\$5,000.00</u>
TOTAL PHASE 1	\$41,600.00

PHASE 2: CONSTRUCTION

J M THOMPSON COMPANY	\$258,400.00
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TOTAL PROJECT BUDGET	\$300,000.00
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Mr. Collins offered to answer any questions that the Board might have.

Mayor Gray asked how many food trucks a space like this would accommodate.

Mr. Collins said three within that space.

Mayor Gray asked how many parking spaces this space would accommodate. She said she felt like the whole point of this was to create an event space and increase the town's parking.

Mr. Collins said that it still retains the parking along East Campen Street that's existing, with additional parking in the alleyway that's unimproved, right now.

Mayor Gray asked how many parking spaces would be back there when it isn't being used as an event space.

Mr. Collins said an additional 19 parking spaces would be available, which includes the parking spaces on Campen. He said that parking couldn't be incorporated in alleyways where local businesses are operating their loading bays and doors. Mr. Collins said that there's angled parking in the alleyway adjoining the dumpster spaces, which would create new parking spaces. He said that there's also the creation of the parklet fill around where the outdoor seating is going to be so that the public enjoys that space.

Mr. Coates said that moving the dumpster from Campen Street down into the sheltered area in the alley so that they could be screened and picked up by the garbage trucks with the appropriate pavement underneath.

Mr. Collins added that this isn't the only place downtown to add parking and added that future conversation on adding additional parking with the Perry's, moving forward with the proposed open market space. He said that this would have a return investment on the adjoining properties, such as the Bearded Bee.

Commissioner DeLoach asked how much it would cost the town in the future to go back and fix or upfit some of the items that the Board pulled out.

Mr. Collins said that the first one deals with the depth of the stone and asphalt going from an 8-inch to a 6-inch. He said that there's a \$10,000 savings to that and it's not affecting the look of the project. Mr. Collins said that there was an initial concern about big, heavy trucks pulling into the back and in talking to the Perrys, that functionality is not needed for their gun shop. They would just use the East Campen and in between the industrial building in the back door. Mr. Collins said that the satellite structural soil is a higher-end component of the landscaping part of the budget, which isn't needed and can be swapped for a more common-use type of soil, saving \$7,000. He said that there was a section of artificial turf in the little parklet that is changing to a Bermuda Sod that the town can maintain that becomes a little more maintenance for the town on the

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space, longer-term, but definitely saves in the landscaping costs--\$7,000 up front and isn't something that the town would have to retrofit. Mr. Collins said that there's some decorative brick wall at the northwest corner of Perry's store that would be replaced with curb and gutter and could be retrofitted later in the future on some future streetscape enhancement, or the public might find that the curb and gutter is fine. He said that furnish install of benches and trash cans can be worked into the town's operating budgets with the town rather than have it done privately in this project. It can be worked into the town's regular installation and replacement of benches and trash cans, downtown. Mr. Collins said that the charging stations installation of two charging stations while deleting three of them and leaving one gives the town an electric vehicle charging station downtown, which the town currently does not have and have conduit in place for a couple. He said that there is a cost savings to that reduced electrical and installation of \$15,000 on the charging stations. He said deducting one food truck pedestal while keeping two in the project is an easy fix because the conduit is run next to an area that doesn't have a hardened surface, so you could put that into a landscaped area without tearing up your asphalt—making it a low-cost addition in the future. Mr. Collins said that Duke Energy providing some of the materials that originally was budgeted private to the project is an additional cost savings. He said that there's not much there that the town is going to have to do later and there are cost savings to the design, today. He said the big one that staff had more concern is an item with a significant saving of \$54,000 that's just basically committing that the town's not looking to lower the power lines in the future—the town will keep dealing with the overhead lines. Mr. Collins said that once you make that decision, it's hard to get conduit underneath asphalt.

Commissioner Joyner said that he appreciates staff's work on cost savings to the project and said that he understands that when he thinks it's adding parking all over town, specifically on the other side of Campen Street where the town has food trucks, he said that his concern is that it is a tight spot. He said that he understands that having food trucks run their motors while people are meeting on main street is more logical there, so having the electrical in that space where the town is having private investment with outdoor seating is important. Mr. Joyner said that he thinks it's going to be a great project, giving the town more private investment, as it will bring people in to redevelop around the space. He said that he would be in favor of keeping as much of the electrical components in the project as possible because he thinks it's such a small environment for a loud motor to be echoing off two concrete walls, which could ruin the experience for the events held downtown.

Mr. Collins said that he's heard the board tell him to try and delineate additional parking in the design, if possible, and to keep the electric component in the project because that's harder to do later. He said that he knows that the food trucks are important to the Bearded Bee.

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Commissioner DeLoach said that even the charging station creates a destination and the town would want it to be a destination for people. He said that he thinks that the electrical creates the experience.

Mr. Collins said leaving the charging station in and leaving the food trucks in adds about \$17,000 more to the project than the original staff value engineer, bringing the total cost up to about \$185,000.

Commissioner Tarnaski said that the parklet could be additional parking in that section.

Mr. Collins said that that's where the mural is going to be, giving the public the experience of sitting outside the restaurant with the marketplace looking down into that area, making it a visual focal point that kind of breaks up the parking. Mr. Collins said that staff didn't realize how much of the metal roof drains into that area. Having the parklet over there is a part of the stormwater plan and being able to drain that out to third street. Mr. Collins said if there's a way to put in another spot or two, shifting a little bit here or there is not going to add a lot of cost, one way or the other.

Commissioner Lutz asked if Mr. Collins could note on the map where the charging stations are going to be located.

Mr. Collins said that they would be located on East Campen Street, along the landscaping on the northern end, next to the railroad.

Commissioner Lutz asked if there was just the one in that area.

Mr. Coates said that there will be electrical boxes for food trucks that can be used for the farmer's market and other events. He said that the car charging stations will be in where two parking spots are. There will be conduit for different things in that area. For the food truck box, the Public Works Director advised staff on how it comes out of the ground and will conserve lots of different purposes. He said when there's no food trucks, the town might want to hook other things up to it, such as farmer's market vendors that need electrical hookups.

Commissioner Lutz asked if the goal is to have the food trucks located at the northernmost end of the area instead of the alley.

Mr. Coates said there's also a spot at the inlet near the biergarten area.

Mayor Gray said that she thinks that it's beautiful and that her concern was parking, that staff has addressed.

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ACTION

Mover: Commissioner Joyner moved to direct the Town Manager to work with the design-build contractor to finalize the design and cost consistent with keeping the electrical in, maintain the car charging stations, to see if additional parking may be delineated in the concept, and to install the conduit for future lowering of the overhead power lines.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz, Commissioner Tarnaski, Commissioner Boyette.

Nays: None.

Vote: 5-0

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

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

- **CAMPO:** Mayor Virginia Gray
Mayor Gray said that CAMPO has met twice virtually, holding several public hearings: one approving the amendment to number eleven on the FY 2018-2027 transportation improvement plan, one approving the resolution for the S-line Railroad line, received various updates on LAPP programs and funding project updates, also all 6.0 modal candidates project lists while receiving other project lists directing staff to release those for public review, a public hearing on April 15th which received the Wake Transit Plan status update and the budget for 2020, approved proposed methodology for selection of projects to the program with budget allocation funds, approved a list of prioritized projects and directed staff to work with the DOT and local partners to develop programming recommendations for 540, a bonus allocation fund, and held a public hearing and approved a draft list submission and directing the CAMPO staff to coordinate with division engineers to get alternate projects to be submitted.
- **Wendell Volunteer Fire Department Board of Directors:** Commissioner Jason Joyner
Commissioner Joyner said that the new Wendell Falls Fire Station is now open, although it is only open to the firefighters at this time. He said that the department opened on April 20th without public attendance, but the firefighters are looking forward to celebrating the new fire station at a future date. The fire chief is going to be discussing the recommended budget for them on April 28th with the county and is already hearing about proposed cuts from the county.
- **Technical Review Committee:** Mayor Pro Tempore John Boyette
Mayor Pro Tempore Boyette said that fire station three is a very nice station and that they're looking forward to celebrating it with the community. He said that the TRC discussed road design, curb and gutter design and carport stations at Wendell Falls, with discussion on traffic issues and emergency response ingress and egress and questions about the garage location on the townhomes.

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8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Joyner said it's good to see staff and work on some of the things they've been working on for a better part of the year. He acknowledged that this is the first time that the town is meeting in a virtual environment and that the town is under a stay-at-home order for the first time in his lifetime and that a lot has changed in the past couple of weeks. Commissioner Joyner said that he knows everyone in the community is feeling it personally from business, to family, to lost jobs, to a variety of impacts. He said that those impacts aren't lost on him and he doesn't think that they're lost on the Board. He said the goal has got to be, moving forward, to realize that things that the town continues to highlight as they move through this that it was blind-sighted with—for instance, Mr. Mercer's comments about not being able to connect to the internet or the public comment process—it's a lot more important today than it was a couple of months back where at least the town knew it would be in a different light, today. He encouraged the entire board to collectively work together to identify those spots and use this time, when access to the capital and borrowing is going to be constrained for some of the businesses, in a way that is going to fix some of the problems the town may be seeing. He praised the businesses downtown for stepping up to help throughout this in a variety of ways. He encouraged citizens to reach out with any questions or requests for help throughout this process and said that the Board's contact information is online. He said that he looks forward to the town's businesses being able to open back up.

Commissioner DeLoach echoed some of Commissioner Joyner's sentiments and said he appreciates town staff in dealing with the temporary new normal. He thanked staff for addressing his questions and putting the welfare of the town and its citizens first. Commissioner DeLoach said that a lot has happened and COVID has impacted the town in ways they didn't realize. He thanked the citizens of Wendell for their grace and support of each other through this. He said that the town had a tremendous amount of momentum going for the town's involvement, particularly with citizen board applications. He said he doesn't want to lose that momentum and he appreciates the involvement of the citizens. Commissioner DeLoach said that if anyone had any questions or concerns, the board members are here and he encouraged people to reach out.

Commissioner Lutz echoed Commissioner DeLoach's sentiments and thanked town staff for continuing to work hard to keep the momentum going.

Commissioner Tarnaski said he's looking forward to the businesses opening back up and especially the town's churches so the town can get back to normal life.

Commissioner Boyette thanked the citizens of Wendell and the vast majority of the town's business owners who have done a great job respecting social distancing and understanding the importance of all the things the town is doing right now. He said that the truth is in the numbers that he gets updates on every night showing that the town is keeping its numbers lower than some other places. He said that he understands that it's hard on everybody, but public health takes precedence. Commissioner Boyette gave a

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shout out to staff and the administration for making the virtual meetings possible and he understands it's taken a lot of work the past few weeks trying to get everything put together.

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray said that the town has done a tremendous amount of work and that staff has been business as usual with some modifications. She said that modifications like that can be difficult, but town staff has been exemplary, wearing lots of hats and getting the job done along with those new challenges and she thanked them for their flexibility. Mayor Gray said that she received a comment from a citizen that felt like she wasn't doing enough for the town during the Coronavirus. Mayor Gray said that she had made a list and that she likes to gather her own information to draw her own conclusions about things. In an attempt to navigate the situation that the town has found itself in, she said she has been collecting information from multiple resources, attending COVID-19 management meetings with the town, twice-weekly calls with the Wake County Mayor's Association where they've heard from the Wake County Town Manager and Emergency Response staff in addition to email and telephone communications with the association, she's attended virtual meetings with the chief operations officer of the Raleigh Hospital Systems regarding what resources are available for the town's citizens, weekly virtual meetings with the NC League of Municipalities discussing responses and mitigation practices, she said she's received multiple emails from the Department of Commerce, participated in a series of virtual updates and numerous blog posts from the UNC School of Government regarding meetings, best practices, statutory requirements for meetings and ensuring the safety of town citizens, staff and the board, she's participated in virtual updates with representative Aaron Jackson, Senator Dan Blue, US Representative David Price, US Senator Thom Tillis, and NC Speaker Tim Moore. Mayor Gray said that she's received weekly teleconference updates and briefings from the White House Corona Task Force covering federal government response to states and municipalities, availability of equipment, hotspot identification, as well as delegating supplies. She said she's received updates from the CDC, FEMA, the Surgeon General, and many more. She said that all of these things have given her the opportunity to advocate on behalf of the town. She encouraged people to contact her with any questions they might have and said it's a fine line to balance health concerns with experts and financial concerns. She said she thought the town could do both, moving forward.

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN

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BOARD OF COMMISSIONER MEETING MINUTES
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ACTION:

Mover: Commissioner Lutz moved to adjourn at 9:55 p.m.

Ayes: Commissioner Joyner, Commissioner DeLoach, Commissioner Lutz,
Commissioner Tarnaski, Commissioner Boyette

Nays: None

Vote: 5-0

Duly adopted this 8th day of June 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

Item Title:

Receive the Clerk’s certificate of sufficiency of a contiguous annexation for 1 parcel totaling 15.79 acres [PIN #1783-17-8750] located at 941 Wendell Falls Parkway and schedule the Public Hearing.

Report to the Board of Commissioners:

June 8, 2020 - Receive Certificate of Sufficiency and set Public Hearing
April 27, 2020 - Direct Clerk to Certify Annexation Request

Specific Action Requested:

That the Board of Commissioners receives the Clerk’s certificate of sufficiency and schedule the public hearing for this petition for Monday, July 13, 2020 by adopting the attached resolution.

Item Summary:

Jackie Smith submitted an annexation request for 1 contiguous parcel totaling 15.79 acres [PIN #1783-17-8750] located at 941 Wendell Falls Parkway. The Town Clerk certified the petition’s sufficiency. A resolution setting the date of the public hearing for July 13, 2020 is attached.

Zoning District:

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

Location Map:



Attachments:

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



TOWN OF WENDELL

NORTH CAROLINA

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Wendell, this 8 day of June 2020.

Megan Howard,
Town Clerk

DESCRIPTION/ADDRESS A-20-02:

941 Wendell Falls Parkway; Pin #: 1783178750
Contiguous; 15.79 acres



TOWN OF WENDELL

NORTH CAROLINA

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO NC GS 160A-58.2
RESOLUTION NO.: R-14-2020**

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

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

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

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

SECTION 1. A public hearing on the question of annexation of the area described
herein will be held at the Wendell Town Hall, Board Room, at 7:00 p.m. on Monday, July 13,
2020.

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

A 15.79-acre tract located off of Wendell Falls Parkway addressed as 941 Wendell Falls
Parkway, PIN # 1783-17-8750 and is available in Deed Book 15786, Pages 2665-2668, Wake
County Registry;

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

Duly adopted this 8th day of June 2020, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk

DESCRIPTION/ADDRESS A-20-02:
941 Wendell Falls Parkway; Contiguous; 15.79 acres; PIN #: 1783178750

Item Title:

Presentation of findings for the Stormwater Program Gap Analysis that was conducted by Withers Ravenel

Report to the Board of Commissioners:

June 8, 2019 – Presentation of Stormwater Program Gap Analysis

Specific Action Requested:

Presentation only, no action requested.

Item Summary:

The Town of Wendell is required to maintain a MS4 Phase II Permit for its stormwater program to ensure compliance with the 1972 Clean Water Act administered by the US Environmental Protection Agency (EPA). The NC Department of Environmental Quality (DEQ) monitors and enforces permit compliance for municipalities and counties with MS4 permits. The Town is scheduled to have its MS4 permit audited by DEQ in 2022

In anticipation of the DEQ review, the Town requested Withers Ravenel to evaluate the current Town stormwater program and identify program “gaps” for improvement to improve the program. Staff from Withers Ravenel completed the initial gap analysis and will report its findings to the Board.

Moving forward, staff will work with the engineer to prepare implementation recommendations for staffing, maintenance and other improvements to the stormwater program to improve compliance.

Attachments:

None

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Item Title:

Appointments to the Town of Wendell Appearance Commission and Board of Adjustment.

Specific Action Requested:

Take action to appoint citizens to serve on vacant positions for the Appearance Commission and the Board of Adjustment.

Item Summary:

Recruitment for the Town of Wendell's Citizen Advisory Boards began in February 2020 and closed at the end of April . Communication efforts included the following:

- Advertising posted on the Town's website's calendar, News Feed, Events, and Citizen Advisory Board Pages.
- An E-Board Post on Wendell Blvd.
- Social Media Marketing launched throughout the months on Facebook and Instagram.
- A PSA video posted on the Town's Social Media pages.
- Advertising posted in *When in the Dell*

The Citizen Advisory Board recruitment process was adjusted to provide safe social distancing at Town Hall during COVID-19. Staff requested on Tuesday, May 12, 2020 that the Board of Commissioners review the applications sent via email for the Planning Board and Economic Development Committee and follow up with applicants on any questions concerning their application.

The Appearance Commission has three (3) vacancies with terms lasting for three years. The Board of Adjustment has four vacancies; three (3) in-Town vacancies with terms lasting for three years and one (1) extra-territorial jurisdiction (ETJ) vacancy with a term lasting for three years.

The upcoming Citizen Advisory Boards will be filled at the upcoming Town of Wendell Town Board of Commissioners Meeting:

June 22nd, 2020: Parks and Recreation Commission and the Tree Board.

The same process will be used as for the appointments considered at this meeting. The Clerk will inquire with applicants not appointed if they would like to be considered on subsequent available boards at the next Board meeting date.

Attachments: None

Item Title:

Motion on an R7 Conditional District for property located at 1425 Eagle Rock Road.

Report to the Board of Commissioners:

Monday, June 8, 2020- Item for Decision
Tuesday, May 26, 2020 – Public Hearing & Staff Report

Report to the Planning Board:

Monday, May 4, 2020
Tuesday, January 21, 2020
Monday, November 18, 2019

Specific Action Requested:

Make a motion on the proposed R7 Conditional District request and consider adopting the attached ordinance to rezone the described area subject to conditions and in conformance with the associated Master Plan. The public hearing was held for this item on Tuesday, May 26, 2020.

Applicant:

Brian Duncan, The Spaulding Group, PA

Petition:

The applicant has requested to create an R7 conditional district for 38.99 acres of property within the parcel identified by PIN #1773-88-6927. The proposed conditional district consists of a residential subdivision featuring a mix of both single-family and townhome dwelling units.

Item Summary:

The applicant's proposed R7 Conditional District will feature 82 single family homes and 90 townhomes. This project is located on Eagle Rock Road, about one quarter mile north of Wendell Falls Parkway. The R7 Conditional District is being proposed to be consistent with the Comprehensive Plan as an area where moderate intensity new development is appropriate and to allow for more housing options.

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

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and

industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town’s general zoning districts.

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.

Location and History:

This property is currently located in the extraterritorial jurisdiction and is zoned Rural Agricultural (RA) and will need to be annexed into the Town of Wendell.

Project Profile:

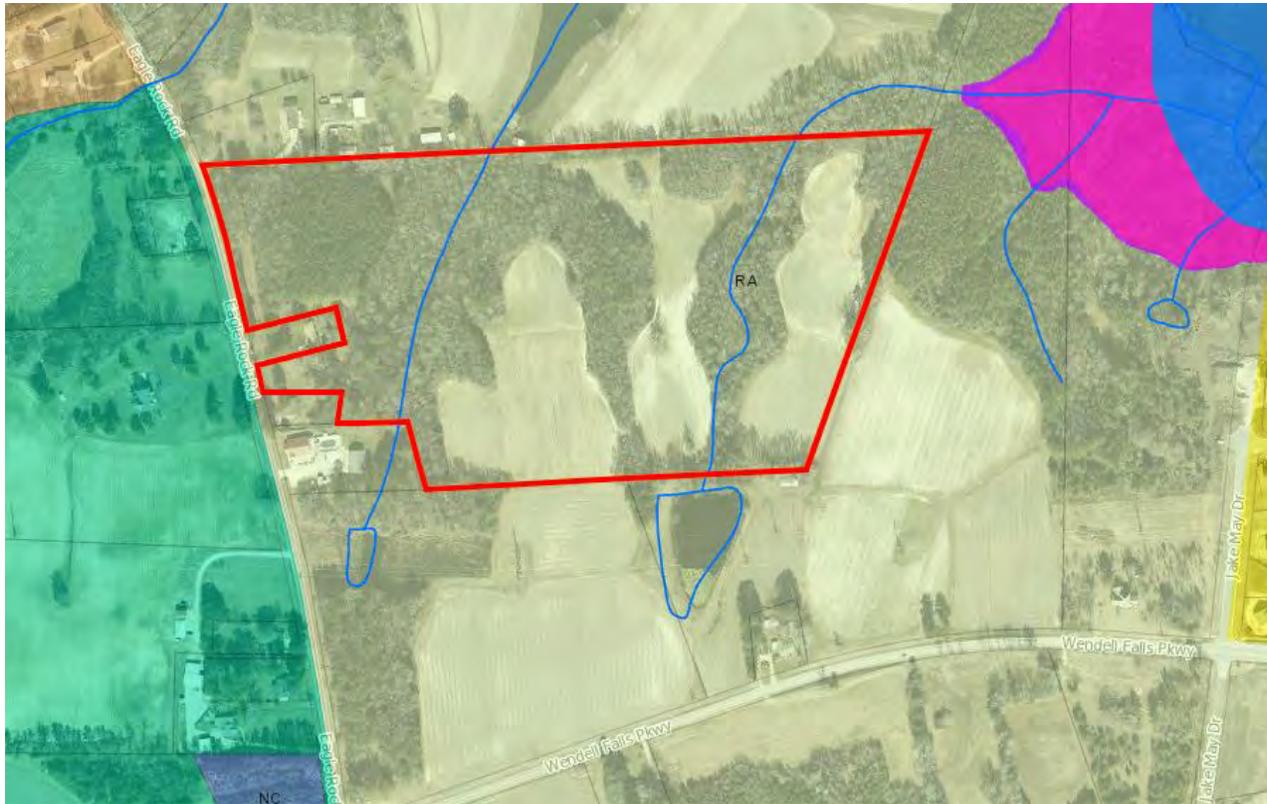
PROPERTY LOCATION:	1425 Eagle Rock Road
WAKE COUNTY PIN:	1773886927
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	G&F Properties, LLC PO Box 767 Wendell, NC 27591-0767
APPLICANT:	Brian Duncan, The Spaulding Group, PA 1611 Jones Franklin Road, Suite 101 Raleigh, NC 27606
PROPERTY SIZE:	38.99 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Residential

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	Residential/Agricultural	RA

South	Residential/Agricultural	RA
East	Residential/Agricultural	RA
West	Residential/Agricultural	RR

Current Zoning Map:



Proposed Conditional District Conditions:

The applicant is proposing 7 conditions for the proposed CD, as follows:

1. UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7 (CD), and the maximum number of townhomes shall not exceed 53% of the total number of units- UDO Section 2.7 B.2.

2. Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10” projection which may include gutter), off-sets in building face or roof (minimum 12”), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.

3. Garage doors shall either contain windows or carriage style adornments.
4. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.
5. UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,400 sq. ft.
6. UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.
7. UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.

Applicant’s Justification:

Applicants Justification Statement added as Attachment B.

Public Utilities:

Development of this site will require connection to city water and sewer which will necessitate annexation.

Streets:

The Town’s Arterial and Collector Street Plan calls for widening and improvements to Eagle Rock Road (ultimately a 4-lane divided road; developer is responsible for improving to 3-lane undivided section). This would necessitate some widening and improvements along their frontage. They will dedicate the full R-O-W and construct the required road improvements along Eagle Rock Road. The development plan also includes a minor collector that includes bike lanes and sidewalks from Eagle Rock Rd to the stub on the eastern side of the property. The TIA is requiring a 250 ft. right turn lane from Wendell Falls Parkway onto Southbound Eagle Rock Road.

Phasing:

The applicant has indicated that there will be three phases on this project.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Area and a neighborhood center.

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

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

The proposed development on the site meets the appropriate uses.



TRC Review:

- The applicant has addressed all Technical Review Comments identified to date. If the master plan is approved, the TRC would also review the subsequent final development plan (construction drawings).

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted 5-2 in favor of the requested Conditional District.

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

Voting Against: Michael Firstbrook and Allen Swaim

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency:

The proposed Conditional District is found to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector/Neighborhood Center and is reasonable to allow for diversity in housing options. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

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

Staff Comments:

Staff supports the proposed conditional district.

Attachments:

- A. Overall Site Plan (Spaulding & Norris Eagle Rock Road Property)
 - a. Full Master Plan Link:
<https://nmcndn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/Eagles-Rise-Subdivision-4-28-20.pdf>
- B. Applicant’s Justification Statement
- C. Ordinance for Adoption
- D. Public Comments received from May 22 to May 27, 2020



THE SPAULDING GROUP, PA

planning • civil engineering

Attachment 'C': Eagle Rock Subdivision Master Plan Narrative

The proposed rezoning request consists of approximately 38.99 acres and is located near the intersection of Eagle Rock Road and Wendell Falls Boulevard. The subject parcel is currently zoned Rural Agricultural (RA), which is intended to be rural, extremely low dense development. The proposed rezoning request is to rezone the subject property to R-7 Conditional District. The developer is seeking a Condition Use district as necessary to create greater flexibility in lot sizes, and front-loaded residential product in exchange for architectural commitments which ensure high quality development that the Town has come to expect.

The minimum lot size in this district is one acre and developments of more than five acres are not permitted. However, the UDO does state in Chapter 2.5 that RA "is intended to reserve developable areas until utility infrastructure can be installed to allow for planned growth." The current zoning of RA was never envisioned to be the 'highest and best use' of the property.

So just what is the planned growth for this parcel? Adopted in 2007, the Town of Wendell's Comprehensive Plan contains several defined development sectors, which dictate appropriate densities and land uses. The Comprehensive Plan designates the subject property as 'S-4 Controlled Growth Area'. As stated in the Plan, "This sector is intended to feature modern intensity new development and where the majority of the community's new growth should occur." This is evident in the recent residential growth that has occurred in Wendell. Just down Wendell Falls Boulevard, Wendell Falls has continued to flourish and develop through its residential development phases. This proposed rezoning of R-7, will show similar diverse and high-quality housing types as Wendell Falls, while providing active open space for its residents. Open space requirements will be met by providing several pocket parks throughout the neighborhood, which allows the residents to get to know their neighbors and allow everyone to live within a reasonable distance to an amenity.

So, although the immediate adjacent residential properties remain vacant, the developer does not see any adverse impacts of this future subdivision to other properties. This developer will be required to extend utilities to the property. Public sanitary sewer will be extended from the Foxborough Crossing subdivision, which will require an easement through the property between the subdivision and the subject parcel. This opens up additional vacant or under-developed parcels to be ripe for development which is a very positive impact for the surrounding area. Additionally, public water will also be extended along Eagle Rock Road to the subject property frontage, allowing the infrastructure vision in the area to be a lot clearer.

One of the general principles contained within the Comprehensive Plan is "Provide for a range of housing opportunities." The proposed rezoning to R-7 Conditional Use District allows that housing diversity to occur. This is supported by both single-family and multifamily development being identified as appropriate in the S-4 sector. The Town of Wendell's demographics are changing. More families are opting to live in multifamily dwellings like townhomes in addition to single-family, that feature



THE SPAULDING GROUP, PA

planning • civil engineering

maintenance-free yards and elevations and walkable amenities. The town has long since realized this, as this was an original goal within the Comprehensive Plan since the plan was first adopted in 2007. The proposed subdivision will consist of both single-family as well as townhomes, which will allow for diversity within the same neighborhood. Families can evolve and not have to move out of their community depending on what stage of life they are currently in.

It is important to note that Wake County public schools require all proposed residential development to submit a residential notification form that outlines the number of units and the year breakdown that they will be completed in. At the time of master plan submittal, this project submitted this form and clearly indicated the proposed units, complete with bedroom breakdowns.

Developers also plan for community facilities such as police, fire and EMS when designing a development. All interior streets are required to be designed to accommodate the largest emergency response vehicle. The turning template is then submitted and reviewed by staff to ensure that the vehicle can safely maneuver through all access points and amenity parking areas. Existing emergency response facilities are located within close proximity and no issues are perceived with regards to insufficient response time.

The proposed subdivision will be a pedestrian-friendly one. This project will have sidewalk on both sides of its interior streets. Additionally, the transportation plan also calls for the collector road through the proposed subdivision. Designed and shown on the proposed master plan, this collector will allow for future interconnectivity through this subdivision and into Foxborough Crossing, which will allow for alternate routes for both pedestrians and automobiles, reducing traffic and potential safety concerns on the major thoroughfares of Eagle Rock Road and Wendell Falls Boulevard.

The Eagle Road rezoning and master plan request meets both the Comprehensive Plan. When developed, this project will offer a walkable, thoughtful residential concept that will be a welcomed part of Wendell.

ORD # 0-11-2019
AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WENDELL

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to create the R7 Residential 7 Conditional District (R7-CD19-05) for the property described below, said property formerly being zoned Rural Agricultural (RA); and

WHEREAS said property is owned by G&F Properties, LLC; and

WHEREAS the Planning Board of the Town of Wendell reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Wake Weekly, a local newspaper, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-364 of the General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on May 26, 2020 at the Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

THEREFORE, after duly considering the matter, THE TOWN OF WENDELL DOES HEREBY ORDAIN;

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include the R7 Residential 7 Conditional District (R7-CD19-05) 38.99 acres of property identified by PIN #1773886927.

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as CD19-05 from RA to R7-CD19-05, due to the nature of the surrounding land uses and its consistency with the types and nature of uses described in the S-4 Sector, is found to be reasonable and consistent with the recommendation of the Wendell Comprehensive Land Use Plan.

SECTION 3. That the application is approved with the following zoning/site plan conditions:

1. UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7 (CD), and the maximum number of townhomes shall not exceed 53% of the total number of units- UDO Section 2.7 B.2.
2. Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the

proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10” projection which may include gutter), off-sets in building face or roof (minimum 12”), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.

- 3. Garage doors shall either contain windows or carriage style adornments.
- 4. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.
- 5. UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,400 sq. ft.
- 6. UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.
- 7. UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.

SECTION 4. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 8th Day of June 2020

(Town Seal)

Virginia Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

Public Comments submitted for Item 6b:

1. **From: David Liles** <davidliles71@gmail.com>

Subject:

Jeannine/Bob,

Public notice that went out made no mention of the virtual format for the hearing tonight. Per Brian call in number is 919 375-6880.

It appears people may not be aware of this. Those that aren't definitely did not put in request to speak on virtual call.

I've copied my Robert Liles and a neighbor (Mr. Shirley) as both have interest in eagle rock road proposal and may have questions.

Below are couple of questions:

1) Buffers are supposed to protect neighboring properties from audio, visual, soil and water impacts from development. Plans show a buffer around the property except for several roads that are shown in the buffer zone. How does this buffer neighbor owners from the proposed use? If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping.

2) Eagle rock road will be widened to accommodate turn lanes for traffic.

Drainage ditches run parallel to both sides of the road. As the road is widened I presume the drainage ditches will be moved also. This could require ditches on neighboring properties to be moved to ensure proper water drainage and flow is maintained in the area. Is the developer going to ensure this is addressed as part of the road construction?

Mr. Liles also submitted the following photo of the notice:



WENDELL
Planning Department

15 E. Fourth Street Wendell, NC 27591
Telephone: (919) 365-4448 Fax: (919) 366-1462 www.townofwendell.com

CD19-05

May 15, 2020

RE: Public Hearing Notice

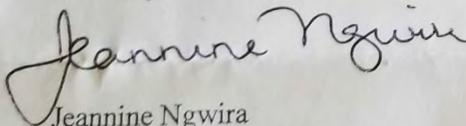
Dear Property Owner,

Please be advised that the Wendell Board of Commissioners has scheduled a public hearing on Tuesday, May 26, 2020 at 7:00 p.m. in the Wendell Town Hall.

The purpose of the hearing is to consider a request by Brian Duncan of The Spaulding Group, PA to rezone approximately 38.99 acres of property located at 1425 Eagle Rock Rd and identified by PIN #1773-88-6927 from Rural Agricultural (RA) to a Residential 7 Conditional District (R7-CD) to be developed as a Single-Family and Townhome residential community.

Interested parties and citizens shall have an opportunity to speak and may obtain additional information on the request from the Town of Wendell Zoning Administrator, 15 E. Fourth Street, Wendell, North Carolina 27591.

Sincerely,



Jeannine Ngwira
Planner 1, Town of Wendell
jngwira@townofwendell.com
(919)366-6889

2. From: Robert Liles Robert.liles@duke.edu

Subject:

To encourage public participation, instead of having a virtual meeting because of COVID-19, why not postpone or delay the meeting? There was no mention of a cutoff date for comments on the flyer that was sent out. The flyer showed up on Thursday and there was no time to research anything before the cutoff time on Friday?

When did the virtual meetings thing come about? There was no mention of that on the flyer. Is this public transparency?

Is there truly a need for this housing? Wendell Falls is still a good ways from being at capacity?

Has there been a traffic study for the additional traffic that will be created by this subdivision?

It shows some road work, but it only in this area? Does it go all the way to Wendell Falls Parkway & Wendell Boulevard?

Once they get out of the subdivision they have to be able to get to the major roads.

Has there been a ground water quality study done? Will there be follow-up studies to make sure that the water quality does not decrease?

How are the water / sewer lines going to get across the wetlands to this property without adverse effects to the wetlands?

Is there an impervious/pervious study for this subdivision?

Do the local schools have the capacity to handle the amount of students that will live here?

Will all infrastructure (water, sewer, improvements to existing public roads, etc.) be in place before any building of dwellings begins?

Will there be noise & time restrictions on when work can be performed?

Has there be a study or research done to see how surrounding land values could be affected? (It seems to me that the small lot sizes would not help the surrounding land values.)

These are a few questions that I have off of the top of my head. With a little more time I will probably have had more.

Since the roads shown lead up to surrounding properties, what measure are going to put in place to keep people from being encouraged to drive or venture on to the surrounding properties?

Will the town of Wendell and the developer be assuming any responsibilities for damages that occur to surrounding property?

What will be done to deter people from trespassing on the neighboring properties?

Will the developer or town be clearly marking the property lines to discourage people from trespassing?

Does the town or developer assume responsibility for people that may get injured while trespassing, if they do not put up adequate deterrents?

I hope that these situations never happen, but as we all know people have a sense of entitlement and seem to at times to do or go where they want even if they know better.

Robert Liles

919-470-4242

Public Comments Submitted within 24-hour period after Tuesday's Town Board Meeting:

1. David Liles- Email 1)

There was no public hearing. We had no chance to speak. We could only listen

We are requesting that you make a condition of approval for the developer to put up barricades or gates at the end of the stub roads.

David Liles - Email 2)

My mom and brother's houses are shown by the purple squares below. Allowing them to build the stub roads to the property line is extremely impactful in a negative way for them. Would you want someone building a road right beside your house which is essentially the case – especially for my brother. There are other places on the property for the road to go or only have 1 road connecting to their property (northern boundary).

No other neighboring property has multiple stub roads touching it.



David Liles - Email 3)

My mom and brother's houses are shown by the purple squares below. Allowing them to build the stub roads to the property line is extremely impactful in a negative way them for them. Would you want someone building a road right beside your house which is essentially the case – especially for my brother. There are other place on the property for the road to go or only have 1 road connecting to their property (northern boundary).

No other neighboring property has multiple stub roads touching it. Is this payback for the developer for refusing to sell???



2. Robert Liles: Email 1)

Unfortunately the public meeting notice mailed out to us made no mention of the virtual meeting – so we weren't allowed to speak. I've attached letter for reference. Hopefully future meetings will add details on how to submit comments, attend virtual call and register to speak. Nonetheless my brother and I emailed some of our questions late this afternoon to staff members. They were read during the meeting and the developer responded during tonight's meeting. Unfortunately my brother and I were not allowed to speak.

Below is a snapshot of the subdivision plan with the stub roads circled in red.

One of our biggest concerns is regarding the stub roads. Buffers are supposed to protect neighboring properties from audio, visual, soil and water impacts from development. Plans show a buffer around the property except for several roads that are shown being built in the buffer zone. How does this buffer neighbor owners from the proposed use? If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping. **We are requesting that you make a condition of approval for the developer to put up barricades/gates and increased buffer items (trees/shrubs) at the end of the stub roads.**

At this point I'm not sure why the developer has had no contact with our family to discuss ways to understand our thoughts/concerns regarding the development or discuss ways to minimize the impact to us as neighbors. Only contact has been regarding their interest to buy our property. Hopefully you understand our concerns and are willing to discuss/explore options to make this proposal work for all parties involved.

Regards,

David Liles (919) 272-9976

Robert Liles (919) 210-7832

(more questions below the image.)

Thanks for your time,

Robert Liles (919-470-4242 (work))

****Mr. Robert Liles spoke with the Town Clerk on the phone about those questions highlighted in yellow. He was informed that he would need to call the Wake County Public School System for questions concerning the school bus operations.**

Robert Liles Response from Assistant Planning Director Bryan Coates-Email 2)

Good Evening Mr. Liles, please see my response to questions that you emailed to Town Council members below. My comments are in **blue** and if you have any questions, please feel free to message me.

Bryan

Bryan Coates

Assistant Planning Director

Town of Wendell

919-366-6888

bcoates@townofwendell.com

From: Robert Liles <robert.liles@duke.edu>

Sent: Wednesday, May 27, 2020 10:23 AM

To: LILES, DAVID L <dl7784@att.com>; Phil Tarnaski - Commissioner <PTarnaski@townofwendell.com>; Jason Joyner - Commissioner

<JJoyner@townofwendell.com>; davidliles71@gmail.com <davidliles71@gmail.com>

Cc: Joe DeLoach - Commissioner <JDeLoach@townofwendell.com>; Jon Lutz - Commissioner <JLutz@townofwendell.com>

Subject: RE: Eagles Rise Subdivision - 1425 Eagle Rock Road

I have a few questions listed below that I did not hear discussed at the meeting last night. I went thru the plans (9 sheets) I found on your website and did not see the information to answer the questions listed below.

Who are the roads maintained by? Wendell? Wake county? State? Privately (if so who)? **The proposed roads would be public streets and maintained by the Town of Wendell.**

How are the roads sloped? **The engineering design of the roads will be completed during the construction drawing phase. All roads would need to meet the Town of Wendell road requirements (Unified Development Ordinance 9.3 General Provisions for Street Designs) and approved by the Town Engineer (AMT Engineering). All streets must be designed as to provide for the discharge of surface water from the right-of-way of all streets. Street drainage facilities shall be designed in accordance with the Town's *Standard Specifications and Details* which is attached.**

If sloped to neighboring properties, what would keep water from running off of the dead end roads and potentially flooding surrounding properties especially during heavy rains? **Unified Development Ordinance Chapter 6.5 – Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance requires that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm to reduce flooding, stream bank erosion, nonpoint and point source which means that no additional runoff can occur than what happens on site currently.**

All stormwater and erosion control plans would need Wake County approval as they provide that service for the Town of Wendell. No site work can be done without the grading, stormwater, and erosion control plans being approved.

There is no information, unless I overlooked it showing the final grading plan or road slope and drainage system plan. (Same question about the entire property depending on the final grading plan.) **The final grading plan that will contain the slope of the roads and the drainage system will be developed as part of the construction drawing phase of the proposal and would need Wake County approval as they provide that service for the Town of Wendell. No site work can be done without the grading, stormwater, and erosion control plans being approved.**

Weird question, will school buses go into this subdivision or just drop the kids off on Eagle Rock Road at the subdivision entrance? Depending on the answer, aren't there safety concerns first about the kids and then about traffic? I ask for 2 reasons: **General Statute 115C-246(b) states that “unless road or other conditions make it inadvisable, public school buses shall be routed on state maintained highways, municipal streets, or other streets with publicly dedicated right of way.” The roads proposed will be public streets maintained by the Town of Wendell and we anticipate the school buses will travel into the neighborhood.**

1.) I heard somewhere that school buses only go on roads maintain by certain agencies? Is this true? **See response above.**

2.) I came home early from work a few weeks back and this was happening at the subdivision up the street from there. After dropping of the kids at the subdivision entrance, the bus turned around on Eagle Rock Road by stopping and backing onto the entrance road and pulling back out and going in the opposite direction. While this was happening cars were backing up in each direction.

Thanks for your time,

Robert Liles (919-470-4242 (work))

From: LILES, DAVID L <dl7784@att.com>

Sent: Tuesday, May 26, 2020 10:35 PM

To: ptarnaski@townofwendell.com; jjoyner@townofwendell.com; davidliles71@gmail.com

Cc: jdeloach@townofwendell.com; jlutz@townofwendell.com; Robert Liles <robert.liles@duke.edu>

Subject: Eagles Rise Subdivision - 1425 Eagle Rock Road

Philip/Jason,

Thanks for taking your time earlier this evening to listen to my concerns regarding Eagles Rise Subdivision at 1425 Eagle Rock Road. I've also copied your fellow commissioners Jon Lutz and Joe DeLoach as well as my brother Robert Liles.

Unfortunately the public meeting notice mailed out to us made no mention of the virtual meeting – so we weren't allowed to speak. I've attached letter for reference. Hopefully future meetings will add details on how to submit comments, attend virtual call and register to speak. Nonetheless my brother and I emailed some of our questions late this afternoon to staff members. They were read during the meeting and the developer responded during tonight's meeting. Unfortunately my brother and I were not allowed to speak.

Below is a snapshot of the subdivision plan with the stub roads circled in red.

One of our biggest concerns is regarding the stub roads. Buffers are supposed to protect neighboring properties from audio, visual, soil and water impacts from development. Plans show a buffer around the property except for several roads that are shown being built in the buffer zone. How does this buffer neighbor owners from the proposed use? **The stub streets and firetruck turnarounds are not part of the required buffer. The Town of Wendell Unified Development Ordinance requires all stub street be extended to the property line, a firetruck turnaround is required on all stub streets that are more than 150ft in length.**

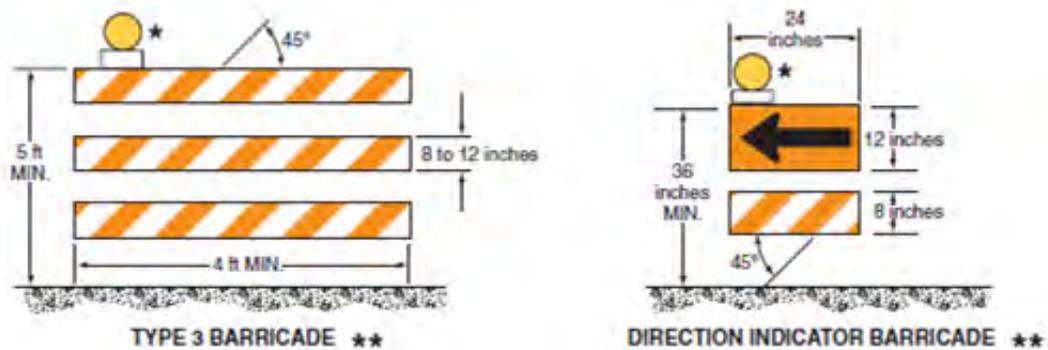
If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping. **We are requesting that you make a condition of approval for the developer to put up barricades/gates and increased buffer items (trees/shrubs) at the end of the stub roads.**

The Town's *Standard Specifications and Details* requires all regulatory signs shall meet the requirements of NCDOT's Standard Specifications for Roads & Structures. The location and types of regulatory signs shall be indicated on the construction drawings.

Barricades will be used to mark any of the following conditions: a roadway ends, a ramp or lane closed for operational purposes, or the permanent or semi-permanent closure or termination of a roadway.

Standard: When used to warn and alert road users of the terminus of a roadway in other than temporary traffic control zones, barricades shall meet the design criteria of Section 6F.68 for a Type 3 Barricade, except that the colors of the stripes shall be retroreflective white and retroreflective red. For all stub streets, this is required to notify drivers of the end of the road for safety considerations.

Type 3 Barricade as shown. Note the color for the end of street barricade would be red and white, note orange and white.



* Warning lights (optional)
 ** Rail stripe widths shall be 6 inches, except that 4-inch wide stripes may be used if rail lengths are less than 36 inches. The sides of barricades facing traffic shall have retroreflective rail faces.

information? It would be nice to be reassured that none of the surrounding properties are subject to excessive drainage after grading and paving before it happens.

Robert Liles
919-470-4242 (work until 3 pm)

Response to Robert Liles' Email #3: Sent on 5/29

Mr. Liles,

The questions you asked, as well as Bryan's responses he emailed, will be provided in the agenda packet for the board at the June 8th meeting. They will be typed into the minutes for the May 26th and June 8th meeting, which will be completed after the previous 3 meeting minutes are completed and approved by the board.

Mr. Coates addressed the questions asked at the May 26th meeting. You can watch the meeting on the [Town's YouTube page](#), if you were unable to hear his responses on the call-in line. Statutorily, town staff is not required to answer questions during Public Comment period, as it is meant for citizens to provide comments on their approval/disapproval on an item for five minutes.

The next Town Board meeting is June 8th. The Town Board meets the second and fourth Monday of every month, unless there's a holiday. Then, it meets the following day.

Thank you,

Megan Howard

Town Clerk

Town of Wendell

3. Rebecca T (no address given) Email 1)

Questions in regards to the Public Hearing help 26May2020:

For the property at 1425 Eagle Rock Rd. What will the average size for the single family homes and townhomes be? What is the target sale price for each?

Has a traffic study been done? I would strongly encourage this to be completed before approving the plan as it is proposed today as traffic at the Eagle Rock / Wendell Fall Parkway is dense at peak hours. With the proposed subdivision, it appears there is only one entrance and exit. Is there an opportunity to add additional entryways and exists?

With this land being annexed, how much tax revenue is the town projecting?

Sincerely,
R.Taft

Assistant Planning Director Bryan Coates' Response to R. Taft's Email 1: Sent 5/28

Good Afternoon R. Taft,

Thank you for reaching out to the Town of Wendell on the public hearing for the development plan for 1425 Eagle Rock Road. My responses are in **blue** to the questions that you sent to Town Clerk Megan Howard. I have also attached the Traffic Impact Analysis that was completed and approved by NCDOT Congestion Management. If you have any additional questions or comments, please let me know.

Bryan

From: Rebecca T <beck2132@gmail.com>
Sent: Wednesday, May 27, 2020 5:32:59 PM
To: Megan Howard <MHoward@townofwendell.com>
Subject: Public Hearing Questions

Questions in regards to the Public Hearing help 26May2020:

For the property at 1425 Eagle Rock Rd. What will the average size for the single family homes and townhomes be? What is the target sale price for each? **The size and the prices of the single family homes and townhomes are not required as part of the development review by the Town of Wendell. The size of the homes and prices would be determined by a builder at a later date. The consideration of home values is not a legal consideration for a rezoning request under the Fair Housing Act.**

Has a traffic study been done? I would strongly encourage this to be completed before approving the plan as it is proposed today as traffic at the Eagle Rock / Wendell Fall Parkway is dense at peak hours. With the proposed subdivision, it appears there is only one entrance and exit. Is there an opportunity to add additional entryways and exists? **A Traffic Impact Analysis (TIA) was completed for the proposal at 1425 Eagle Rock Road. The TIA does require the developer to construct a 250ft right turn lane from Wendell Falls Parkway eastbound onto southbound Eagle Rock Road. The Town of Wendell requires the developer to widen the portion of Eagle Rock Road that the development proposal fronts. The development proposal contains five future stub roads that would allow for more connections when neighboring properties develop. The TIA for 1425 Eagle Rock Road is attached for reference.**

With this land being annexed, how much tax revenue is the town projecting? **The proposed development meets the criteria for annexation. A tax revenue projection is not required as the housing size and cost have not been determined.**

Sincerely,
R.Taft

Bryan Coates

Assistant Planning Director

Town of Wendell Planning

15 East Fourth Street

Wendell, NC 27591

919-366-6888

bcoates@townofwendell.com



Item Title:

Motion on a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road.

Report to the Board of Commissioners:

June 8, 2020 – Item for Decision

May 26, 2020- Public Hearing

March 23, 2020 - Receive Certificate of Sufficiency and set Public Hearing

January 27, 2020 - Direct Clerk to Certify Annexation Request

Specific Action Requested:

Consider approval and make a motion on the ordinance for the annexation petition for 38.99 acres located at 1425 Eagle Rock Road.

Item Summary:

Edward J. Gehrke, II has submitted an annexation request for 1 non-contiguous parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road. Plans have been submitted to develop a new residential subdivision at this location, but in order gain access to needed utilities, annexation is required.

The Town Clerk has certified the sufficiency of the annexation petition.

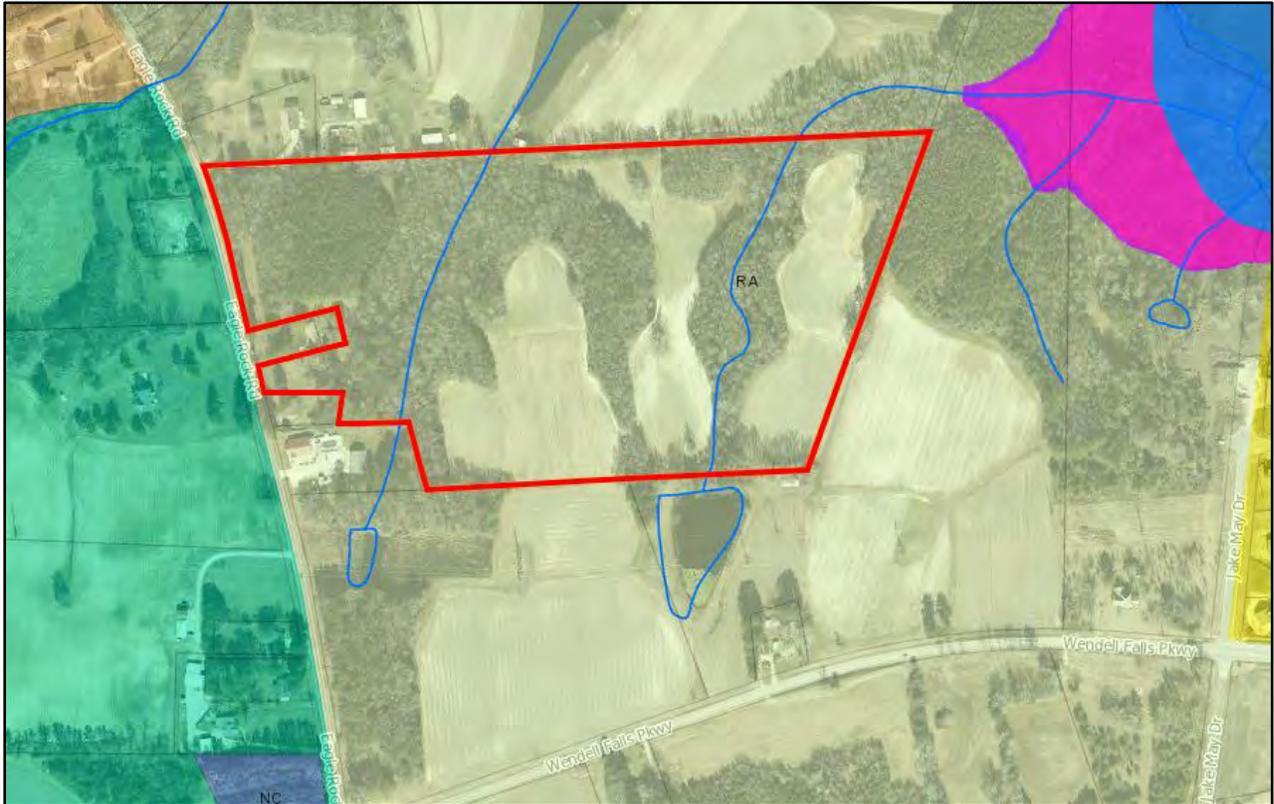
Zoning District:

The property is currently located within the Residential Agricultural district. The applicant has also submitted an R7 Conditional District rezoning request for this property.

Police & Public Works & Utility Service:

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

Location Map:



Staff Recommendation:

Staff recommends approval of the request.

Attachments:

- A. Ordinance for Adoption

Return Address: Bryan Coates, Assistant Planning Director
Town of Wendell
15 E. Fourth Street
Wendell, NC 27591

A20-01

ORDINANCE NO. 0-12-2020
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WENDELL, NORTH CAROLINA

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 26th day of May, 2020, after due notice by publication on the 14th day of May, 2020.

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation:

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wendell, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the property identified by PIN # 1773886927, also shown as the 38.99 acre tract located at 1425 Eagle Rock Road on the below identified survey plat is hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on May 26, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number _____, Page Number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Wendell and shall be entitled to the same privileges and benefits as other parts of the Town of Wendell. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Wendell shall cause to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of the ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163.228.1.

Duly adopted the 8th day of June 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK'S CERTIFICATION

I, **MEGAN HOWARD**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance #0-12-2020, as adopted by the Wendell Board of Commissioners on the 8th day of June, 2020 for property owned by **Edward J. Gehrke II**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this 8th day of June 2020.

[TOWN SEAL]

Megan Howard, Town Clerk

Item Title:

Motion on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.

Board of Commissioners Meeting:

Monday, June 8, 2020 – Item for Decision
Tuesday, May 26, 2020 – Public Hearing & Staff Report

Report to the Planning Board:

Monday, May 4, 2020

Specific Action Requested:

Take action on the ordinance with amendments to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.

Applicant:

Town of Wendell

Item Summary:

At this time, a Nursery & Garden Center use does not exist in the Town’s UDO. Since we have received an inquiry regarding where a Nursery & Garden Center would be permitted in the Town of Wendell, staff is proposing a text amendment to add this use and the zoning districts in which it can operate. The closest classification currently in place would be ‘general retail’ and ‘outdoor storage as a primary use’.

Per the proposed definition, a ‘Nursery & Garden Center’ is an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories. As proposed, the following additional standard will apply to all of the permitted zoning districts:

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

Proposed Text Amendments:

- To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Retail/Restaurants to include Nursery & Garden Center which will be permitted with additional standards in the RA, CH and M&I districts. (New text is **underlined**)

2.3 - Use Categories and Tables of Permitted Uses

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash—Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail—10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail—10,001-50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail—Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
<u>Nursery & Garden Center</u>	-	<u>P*</u>	<u>PS</u>	-	-	-	-	-	-	-	-	-	-	<u>PS</u>	<u>PS</u>	-
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center—Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P
Shopping Center—Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/ Farm Equipment Sales/Mobile	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

Home Sales																	
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- To amend Section 3.3 (Additional Standards by Use) to include an additional standard for Nursery & Garden Center. (New text is **underlined**)

3.3 - Additional Standards by Use

FF. Nursery & Garden Center (RA, CH, M&I)

- Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.
- To amend Section 19.3 (Definitions) to include the definition for Nursery & Garden Center. (New text is **underlined**)

19.3 - Definitions

Nursery & Garden Center means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories.

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted 7-0 in favor of the requested zoning text amendment with the following modifications to text amendment proposed by staff in Section 3.3-Additional Standards by Use, FF. Nursery and Garden Center:

- Replace “fully screened” with “partially screened”
- Instead of “shall be located in a side or rear yard” replace with “shall be located in a rear yard”

Voting in Favor: Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, Michael Firstbrook and Deans Eatman

Voting Against: None

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency and Reasonableness

The proposed zoning text amendment is found to be reasonable in order to diversify and increase the per capita tax base by providing more opportunities for business. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

Principle Number 4: Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community.

Staff Recommendation:

Staff recommends approval of the proposed text amendment request.

Attachments:

- A. Ordinance for Adoption

Attachment A

ORD # 0-13-2020
AN ORDINANCE TO AMEND SECTIONS 2.3, 3.3 AND 19.3 OF THE
TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE
TO CREATE A NEW NURSERY & GARDEN CENTER USE

WHEREAS, Sections 2.3, 3.3 and 19.3 of the UDO contains the Town’s use categories and tables of permitted uses, additional standards and definitions; and

WHEREAS, there is a desire to permit Nurseries and Garden Centers in the Town of Wendell; and

WHEREAS, the Town of Wendell Unified Development Ordinance Section 15.11 establishes uniform procedures for amending the text of the Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina:

SECTION 1. That Section 2.3 of the UDO be amended to read as follows:

2.3 - Use Categories and Tables of Permitted Uses
 C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash—Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail—10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail—10,001-50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail—Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
<u>Nursery & Garden Center</u>	-	<u>P*</u>	<u>PS</u>	-	-	-	-	-	-	-	-	-	-	<u>PS</u>	<u>PS</u>	-
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center—Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P

Shopping Center— Community Center	-	P*	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/ Farm Equipment Sales/Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

SECTION 2. That Section 3.3 be amended to read as follows:

3.3 - Additional Standards by Use

FF. Nursery & Garden Center (RA, CH, M&I)

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

SECTION 3. That Section 19.3 be amended to read as follows:

19.3 - Definitions

Nursery & Garden Center means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories.

SECTION 4. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 5. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 6. That the proposed text amendment to Sections 2.3, 3.3 and 19.3 of the UDO are found to be consistent with Principle # 4 of the Wendell comprehensive plan and is reasonable in order to diversify and increase the per capita tax base by providing more opportunities for business.

Principle Number 4: “Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community.”

SECTION 6. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 7. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 8. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 8th day of June 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

Item Title:

Motion on a Zoning Text Amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans.

Board of Commissioners Meeting:

Monday, June 8, 2020 – Item for Decision
Tuesday, May 26, 2020 – Public Hearing & Staff Report

Planning Board Meeting:

Monday, May 4, 2020

Specific Action Requested:

Take action on the proposed text amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans.

Item Summary:

The purpose of the Conditional Districts 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.

Conditional districts combine a map amendment request with an associated subdivision or site plan in a manner which supports flexibility and trade-offs. Procedurally, the marriage of the rezoning request with the subdivision plan means that conditional district development plans receive review and approval by the Planning Board and Board of Commissioners. When traditional map amendments are pursued rather than conditional districts, neither board participates in the review of the subdivision plan, since all aspects of the plan must confirm with the Town's adopted development standards.

Section 15.13 of the UDO outlines the procedures governing conditional district approval. Currently Conditional District Master Plans (referred to as a Preliminary Plan outside of a conditional district request) are reviewed by both the Technical Review Committee and the Planning Board, prior to Town Board approval. Once the Master Plan has been approved by the Town Board, the developer is free to begin developing a Final Development Plan (referred to as Construction drawings outside of a conditional district request).

A final development plan consists of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell

and with all applicable performance criteria, conditions, and other requirements of the approved master plan.

Under the current process, the Town's Technical Review committee reviews the final development plan for compliance, but the Town's code calls for the Planning Board to be the approving body for the final development plan. Thus, once the Technical Review Committee has finished all aspects of its review of the final development plan, the plan is taken to the Planning Board for a vote. However, since all technical aspects of the plan have already been reviewed and the conditions are already set, the only role at this point for the Planning Board is to confirm that the final development plan is substantially similar to the approved Master Plan. If it were not substantially similar, then the applicant would be required to submit a revised Master Plan.

In order to streamline the review process (which has been highlighted by the difficulties in holding public meetings during the COVID-19 pandemic), staff recommends that the approval authority for the final development plan be changed to the Administrator, rather than the Planning Board. In this format, the Planning Director would evaluate the final development plan to determine if it is substantially similar to the approved Master Plan, much like the Administrator approves Construction Drawings after the Technical Review Committee has approved the Preliminary Plan (for development operating outside of a conditional district).

If the administrator determines that there are substantial changes (many of which are specifically outlined in Section 15.13 of the UDO), then the applicant would need to resubmit a revised Master Plan for the Planning Board and Town Board to approve.

Proposed Amendment:

In order to permit administrative approval of final development plans, staff recommends amending section 15.13 to read as follows (Deletions are shown with strike-throughs. Additions are **bolded and underlined**).

15.13 - Conditional Districts

- A. Purpose: The purpose of the Conditional Districts 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 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. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section 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.

B. General Requirements:

1. Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.
2. Standards of District to be Met: 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.
3. Content of Application:
 - a. A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.
 - b. Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:
 - i. The overall boundary and area of the district, including underlying zoning districts;
 - ii. The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;
 - iii. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
 - iv. Full list of proposed uses consistent in character with the underlying zoning district;

- v. A proposed development schedule if the project is to be phased.
 - c. Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.
 - d. 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.
4. Fair and Reasonable Conditions: 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. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.
 5. Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.
- C. Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the ~~Planning Board~~ **Zoning Administrator** and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.
- D. Approval Process:
1. The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).
 2. Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the ~~Planning Board~~ **Zoning Administrator** for approval. The Final Development Plan shall implement

the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.

- E. Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.
- F. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.
 - 1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:
 - a. Land area being added or removed from the Conditional District.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
 - c. A change in land use or development type beyond that permitted by the approved Master Plan.
 - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
 - f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.
 - 2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the ~~Planning Board~~ **Zoning Administrator**. However, if in the judgment of the ~~Planning Board~~ **Zoning Administrator**, the requested changes alter the basic development concept of the CD, the ~~Planning Board~~ **Zoning Administrator** may require **review and recommendation by the Planning Board, followed by** ~~concurrent~~ approval by the Board of Commissioners.
- G. Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.
- H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a
	Planning Board	Courtesy hearing, if requested	n/a
	Planning Board	Review and recommendation of Conditional District application	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Grant Conditional District - or - Denial and Request for Rehearing	Superior Court
	Planning Board <u>Administrator</u>	Approve Final Development Plan	n/a

([Ord. No. 16-2016, § 2, 7-11-2016](#))

Planning Board Recommendation:

At their May 4, 2020 meeting, the Planning Board voted to deny the requested zoning text amendment.

Voting in Favor: Deans Eatman

Voting Against: Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, and Michael Firstbrook

Absent: Victoria Curtis and Levin Jones

Statement of Plan Consistency:

Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature. In staff’s opinion, the requested zoning text amendment is consistent with Principle #5 of the Wendell comprehensive plan and is reasonable to streamline the development review process. Principle #5: Promote Wendell’s attractiveness to business and people of all walks of life. Emphasize the strengths of the Town’s diverse population.

Staff Recommendation:

Staff recommends approval of the proposed text amendment

Attachments:

A. Ordinance for Adoption

Attachment A

ORD # 0-14-2020
AN ORDINANCE TO AMEND SECTION 15.13 OF THE
TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE
AS IT RELATES TO THE APPROVAL PROCESS FOR FINAL
DEVELOPMENT PLANS.

WHEREAS, Section 15.13 of the UDO contains the Town's general provisions for the process of Final Development Plan approval; and

WHEREAS, the Town of Wendell Unified Development Ordinance Section 15.11 establishes uniform procedures for amending the text of the Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina:

SECTION 1. That Section 15.13 of the UDO be amended to read as follows:

15.13 - Conditional Districts

- A. Purpose: The purpose of the Conditional Districts 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 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. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section 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.

- B. General Requirements:

1. Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.
2. Standards of District to be Met: 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.

3. Content of Application:
 - a. A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.
 - b. Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:
 - i. The overall boundary and area of the district, including underlying zoning districts;
 - ii. The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;
 - iii. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
 - iv. Full list of proposed uses consistent in character with the underlying zoning district;
 - v. A proposed development schedule if the project is to be phased.
 - c. Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.
 - d. 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.
4. Fair and Reasonable Conditions: 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. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.

5. Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.
- C. Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the Zoning Administrator and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.
- D. Approval Process:
1. The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).
 2. Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the Zoning Administrator for approval. The Final Development Plan shall implement the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.
- E. Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.
- F. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.
1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:
 - a. Land area being added or removed from the Conditional District.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
 - c. A change in land use or development type beyond that permitted by the approved Master Plan.
 - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

- e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
 - f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.
2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the Zoning Administrator. However, if in the judgment of the Zoning Administrator, the requested changes alter the basic development concept of the CD, the Zoning Administrator may require review and recommendation by the Planning Board, followed by approval by the Board of Commissioners.
- G. Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.

H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a
	Planning Board	Courtesy hearing, if requested	n/a
	Planning Board	Review and recommendation of Conditional District application	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Grant Conditional District - or - Denial and Request for Rehearing	Superior Court
	Administrator	Approve Final Development Plan	n/a

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That the proposed text amendment to Section 15.13 of the UDO is found to be consistent with Principle # 5 of the Wendell comprehensive plan and is reasonable in order to streamline the development review process.

Principle Number 5: "Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population."

SECTION 5. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 6. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 7. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 8th day of June 2020.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Megan Howard, Town Clerk

James P. Cauley III, Town Attorney

Item Title:

Downtown Façade Grant Request for improvements to 5 N Main Street

Report to the Board of Commissioners:

Monday, June 8, 2020

Specific Action Requested:

Consideration of the Downtown Façade Grant request for 5 N Main Street in the amount of \$10,000 (\$5,000 in FY 2020 and \$5,000 in FY 2021)

Item Summary:

On April 24, 2020, staff received an from Sigurd Westerlund the owner of 5 N Main Street for the downtown façade grant program. 5 N Main Street faces multiple public right-of-way including Main Street, 3rd Street and Tobacco Alley. The application includes improvements such as constructing a side/rear patio, installation of railings, lighting and other architectural details to enhance the outdoor area that currently is a gravel/dirt area. The project would create a patio that would contain outdoor dining and enclose the air condition units.

The total estimated cost for exterior façade improvements is \$26,522.50, broken down as follows:

- Site Work & Masonry products and labor- \$13,725.00
- Railing - \$4,560.00
- Privacy Screening & Equipment- \$6,462.50
- Electrical Conduit- \$1,775.00

The decision factors for grant approval give extra consideration to new commercial businesses, facades located in the downtown area, recently expanded businesses or seeking renovations and/or projects that are creative or offer enhanced improvements or aesthetic appeal or translates to increase customer visitation or experiences in a neighborhood. The renovation of 5 N Main Street and the creation of outdoor seating on a raised deck are eligible for funding.

The amount applied for by the applicant for the downtown façade grant program is up to \$10,000 with a request for \$5,000 in FY 2020 and \$5,000 in FY 2021. At the time of application, the downtown façade grant program currently permits a 50/50 matching for up to \$10,000 per façade from the town to the applicant based on project costs.

Appearance Commission Recommendation:

The Appearance Commission is hearing the item for recommendation at the Wednesday, June 3, 2020 meeting. The result of the vote will be provided at the Commission meeting.

Staff Recommendation:

Staff recommends that the Board of Commissioners approve the Downtown Façade Grant request for 5 N Main Street up to \$10,000 as the request meets the programs objectives and guidelines with \$5,000 to be appropriated in FY 2020 and \$5,000 to be appropriated in FY 2021.

Attachments:

None

Item Title:

Contract for Billing Services for Solid Waste Fees between the Town of Wendell and the City of Raleigh

Report to the Board of Commissioners:

Monday, June 8, 2020 – Item for Decision

Specific Action Requested:

Authorize the Town Manager to execute the Contract for Billing Services for Solid Waste Fees between the Town of Wendell and the City of Raleigh.

Item Summary:

The Town of Wendell and the City of Raleigh entered into a Merger Agreement for Water and Sewer Utility systems on June 26, 2006. As part of that agreement, the City agreed to collect Town utility rates, fees, charges, and penalties as authorized by General Statutes on behalf of the Town and remit the fees to the Town as provided for under a separate contract.

The utility billing contract was adopted on October 2, 2006. Under that agreement, the Town paid the City \$0.25 per account billing for solid waste fee collection. There was no provision for increase and the cost to provide the service far exceeds the service fee charged to the Town. City staff met with staff from the Towns of Wendell, Knightdale, and Zebulon to discuss revisions needed to update the agreement and developed a draft agreement. The Town Attorney has reviewed and made revisions in coordination with City legal staff.

The proposed agreement continues the relationship with the City of Raleigh but increases the charge per bill to \$0.50 and allows for the occasional amendment to capture cost based upon cost of service studies. The proposed cost is still significantly less than bringing the billing in-house and provides for an efficiency in billing received by Wendell residents (one bill). Staff recommends approval for the City to continue utility billing services for the Town.

Attachments:

- A. Proposed Contract for Billing Services

CONTRACT FOR BILLING SERVICES

This Billing Agreement is entered into by and between the Town of Wendell, hereinafter referred to as the "Town", and the City of Raleigh, a North Carolina municipal corporation, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the City and the Town have entered that certain Merger Agreement Merging the Water and Sewer Utility Systems of Wendell, North Carolina and Raleigh, North Carolina dated June 26, 2006 pursuant to the authority conferred by N.C. Gen. Stat. §160A-460 *et seq* (the "Utility Merger Agreement"); and

WHEREAS, the City agreed to collect certain Town rates, fees, charges and penalties as authorized by N.C. Gen. Stat. §160A-311 *et seq* (the "Fee" or "Fees") on the Town's behalf and remit such Fees to the Town pursuant to a separate contract (the "Billing Agreement"); and

NOW THEREFORE, in consideration of sums to be paid to the Town, and other good and valuable consideration, the Town and City do contract and agree as follows:

1. City's Rights and Obligations

- a. The City will invoice and receive the Town's approved solid waste and recycling charges, (the "Town's Fees") to properties designated in writing by the Town, in the form and manner specified by the City, on the schedule and in the manner that the City bills for water and wastewater utility services. The City shall have no responsibility to invoice the Town's Fees due and owing to the Town for any property not designated pursuant to the Billing Agreement by the Town for the billing of the Town's Fees by the City.
- b. The City will remit to the Town any Town's Fees actually received by the City on a monthly basis.
- c. The City shall have no obligation to take any action to collect the Town's Fees; however, to the extent permitted by law, the City will include the Town's Fees in any action it takes to collect its own rates, fees, and charges from its customers. If any collection action results in a settlement or order whereby the customer pays less than the amount sought by the City in such collection action, the City's rates, fees, and charges (the "City's Fees") will be paid first and then the Town's Fees".
- d. The City shall not be responsible to the Town for any Fees not actually received by the City unless the City failed to bill a customer Fees for services actually received by the customer as directed by the Town pursuant to this Billing Agreement.
- e. The City shall have no obligation to provide answers to customer inquiries about the Town's Fees but instead will provide such customers a telephone number designated by the Town so that the Town may answer such questions.
- f. The City will apply partial payments in the order approved by the Raleigh City Council to any Fees that appear on the City's combined utility bill, which order may be amended from time to time.
- g. The City will only change the Town's Fees one time per year, which change in fee shall be effective on the same date the City's Fees change, which is typically July 1 of each year. In the event the Town needs to change or add a Town Fee(s) at any other time of the year or changes the structure of the Town Fees that requires a change in the City's billing software, the Town shall be responsible for all costs associated with such change in the Town Fee(s) as specified by the City following the request for change by the Town.

2. Town's Rights and Obligations

- a. The Town shall pay the City as follows: \$0.50 per bill that includes Town's Fees for the first year after the date of the execution of this Billing Agreement. Thereafter, the Town shall pay the City at the rate

approved by the City Council, which amount may be amended from time to time based upon cost of service studies performed by the City. Such studies will be made available to the Town. The amount the Town owes the City pursuant to this Paragraph 2.a. will be deducted from the revenues collected by the City.

- b. The Town shall designate the properties to be billed by the City in writing.
- c. As of the date of this Billing Agreement, the Town has instructed the City to bill the Town Fee(s) as follows:

Solid Waste: \$22.00 per bin

- d. Starting July 1, 2020, the Town desires the City bill the Town Fees as follows:

Solid Waste: \$22.00 per bin

- e. In the event of a change in any Town Fee, the Town shall notify the City of the change(s) no later than March 1 of any calendar year. In the event the Town notifies the City of the change later than March 1 of any calendar year, the Town shall be responsible for all costs pursuant to Paragraph 1.g. above.
- f. The Town shall be responsible for answering any customer questions about the Town's Fees. The Town shall provide the City with a telephone number or other contact information for the City to refer a customer who calls the City's utility customer service lines with a question about the Town's Fees.
- g. The Town shall adopt the order in which the City applies partial payments to Fees that appear on the City's combined utility bill, which order may be amended from time to time and shall be adopted by the Town as amended. Upon request by the City, the Town shall collect delinquent fees for water and sewer services from user in its jurisdiction and shall pay those delinquent water and sewer services fees to the City. If necessary to accomplish the collection of such fees, the Town shall adopt an ordinance requiring that all fees for enterprise services, including those for water and sewer service, shall be collected in the same manner as delinquent personal or real property taxes. The Town shall pay to the City an amount equal to the amount collected for water and sewer services fees..

- 3. Term. The term of this Billing Agreement shall be twenty-five years from the date of execution by the City of this Billing Agreement.

4. Notices

All notices or other communications arising hereunder shall be sent to the following:

City of Raleigh
Attn: Robert Massengill, Director
of Public Utilities
P.O. Box 590
Raleigh, NC 27602
Email Robert.massengill@raleighnc.gov

Town of Wendell
Attn: Marvin "Marc" Collins, Town Manager
15 East Fourth Street
Wendell, NC 27591
Email: mcollins@townofwendell.com

5. Non-Discrimination

To the extent permitted by North Carolina law, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this Billing Agreement. The parties further agree, to the extent permitted by law, to conform with the provisions and intent of City of Raleigh Ordinance 1969-889, as amended. This provision is hereby incorporated into this Billing Agreement for the benefit of the City of Raleigh and its residents, and may be enforced by action for specific performance, injunctive relief, or

other remedy as provided by law. This provision shall be binding on the successors and assigns of the parties with reference to the subject matter of this Billing Agreement.

6. Assignment

This Billing Agreement may not be assigned without the express written consent of both parties.

7. Applicable Law

All matters relating to this Billing Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Wake County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Western Division.

8. Indemnity

Except to the extent caused by the sole negligence or willful misconduct of the City, the Town shall indemnify and hold and save the City, its officers, agents and employees, harmless from liability of any kind, including all claims, costs (including defense) and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Contract, and from any and all claims, costs (including defense) and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the Town in the performance of this Billing Agreement. In addition, the Town shall indemnify and hold and save the City, its officers, agents and employees, harmless from liability of any kind, including claims, costs (including defense) and expenses, on account of any claim that any Town Fee is illegal or otherwise unauthorized by law. This representation and warranty shall survive the termination or expiration of this Billing Agreement.

9. Intellectual Property

Any information, data, instruments, documents, studies, reports or deliverables given to, exposed to, or prepared or assembled by the Town under this Billing Agreement shall be kept as confidential proprietary information of the City and not divulged or made available to any individual or organization without the prior written approval of the City. Such information, including but not limited to public enterprise billing information, data, instruments, documents, studies, reports or deliverables will be the sole property of the City and not the Town.

All intellectual property, including, but not limited to, patentable inventions, patentable plans, copyrightable works, mask works, trademarks, service marks and trade secrets invented, developed, created or discovered in performance of this Billing Agreement shall be the property of the City.

Copyright in and to any copyrightable work, including, but not limited to, copy, art, negatives, photographs, designs, text, software, or documentation created as part of the Town's performance of this project shall vest in the City. Works of authorship and contributions to works of authorship created by the Town's performance of this project are hereby agreed to be 'works made for hire' within the meaning of 17 U.S.C. 201.

10. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations or ordinances applicable to the parties and the services performed under this Billing Agreement, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Billing Agreement must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Billing Agreement by this provision.

11. Cancellation

Either party may terminate this Billing Agreement at any time by providing sixty (60) days written notice to the other Party. In addition, if one party fails to fulfill in timely and proper manner the obligations under this Billing Agreement for any reason, including the voluntary or involuntary declaration of bankruptcy, the other party shall have the right to terminate this Billing Agreement by giving written notice to the defaulting party and termination will be effective upon receipt.

In the event of early termination, Town shall be entitled to receive any Town Fees actually received by the City for a period of one-hundred and twenty (120) days following the date of the notice of termination. Notwithstanding the foregoing, in no event will the total amount due to Town under this section exceed the total amount due Town under this Billing Agreement. The Town shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Billing Agreement, and the City may withhold any payment due to the Town for the purpose of setoff until such time as the City can determine the exact amount of damages due the City because of the breach.

Payment of compensation specified in this Billing Agreement, its continuation or any renewal thereof, is dependent upon and subject to the allocation or appropriation of funds to the City for the purpose set forth in this Billing Agreement.

12. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this Billing Agreement, this Billing Agreement and all materials submitted to the City by the Town are subject to the public records laws of the State of North Carolina, including N.C. Gen. Stat. §132-1.1 that exempts public enterprise billing information, and it is the responsibility of the Town to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the City. The Town further understands and agrees that the City may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Billing Agreement. To the extent that any other provisions of this Billing Agreement conflict with this paragraph, the provisions of this section shall control.

13. Miscellaneous

The Town shall be responsible for the proper custody and care of any property furnished or purchased by the City for use in connection with the performance of this Billing Agreement, and will reimburse the City for the replacement value of its loss or damage due to Town's negligence.

14. Amendments

This Billing Agreement may be amended only by written agreement of the parties executed by their authorized representatives. Directives from the City on how to designate properties for invoicing and changes to the per bill charge to the Towns are not amendments to this Contract.

15. Incorporation of Documents/Complete Agreement

This Billing Agreement, and any documents incorporated below, represent the entire agreement between the parties regarding the billing of utility services by the City on behalf of the Town and terminates all prior oral or written statements, agreements or contracts regarding the billing of utility services by the City on behalf of the Town. In cases of conflict between this Billing Agreement and the Utility Merger Agreement, the terms of this Billing Agreement shall prevail.

The remainder of this page remains blank intentionally.

THIS CONTRACT is entered into this 8th day of June, 2020.

IN WITNESS WHEREOF, the Town has executed the foregoing with the signature(s) of its duly authorized officer(s), and the City has executed with the signature of its City Manager, attested by its (Assistant/Deputy) Clerk-Treasurer, with the official seal affixed, the day and year first above written.

TOWN OF WENDELL:

CITY OF RALEIGH

By:

By:

City Manager or Authorized Designee

Printed Name/Title

ATTEST:

ATTEST:

By:_____

By:_____

(Deputy) Clerk-Treasurer

Printed Name/Title

(Affix Seal)

(Affix Seal)

THIS INSTRUMENT APPROVED AS TO FORM:

City Attorney

Item Title:

Designate Board Member for Design Services Selection Committee

Report to the Board of Commissioners:

Monday, June 8, 2020 – Item for Decision

Specific Action Requested:

Select a Board of Commission member to participate on the Design Services Selection Committee for the Town Hall project.

Item Summary:

The Town of Wendell is actively soliciting for design and engineering services through a request for qualifications (RFQ) process for professional services to prepare for the design and associated studies and plans needed to construct a new Town Hall.

The Owners Project Manager, Cummings Corporation, has requested a Town review committee to work with them to rank design and engineering service providers that respond to the RFQ. The Selection Committee consists of a representative from the functional areas that will use the proposed building and the department responsible for maintaining the facility. As such, the members will include representation from the Governing Board, Town Manager, Finance Department, Planning Department, and Public Works Department with the Owners Project Manager serving as an ex-officio member.

Staff requests the Board to nominate and select a member to represent the Board on the Committee. The member selected will be asked to attend review meetings and potentially interviews (if needed). The Selection Committee will rank the firms and make a recommendation to the Board to direct the Town Manager to enter into negotiations with the selected firm(s) at the end of the process. Once the design process begins, there will be provisions for all of the Board to provide input into the design of the Town Hall.

Attachments:

None

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