

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JUNE 8, 2020**

The Wendell Town Board of Commissioners held their virtual, regularly-scheduled meeting on Monday, June 8, 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 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](mailto:mhoward@townofwendell.com) or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, June 6<sup>th</sup> at 5 p.m.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Pastor Nathan Miller of Hephzibah Baptist Church provided the invocation.

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

**TOWN OF WENDELL  
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**ACTION**

Mover: Commissioner Jon Lutz moved to approve the agenda, as presented.  
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.  
Nays: None.  
Vote: 5-0

**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](mailto:mhoward@townofwendell.com) by Friday, June 5<sup>th</sup> at 5 p.m.

or

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

No public comments were given at this 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

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**ACTION**

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

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

4a. Presentation on the Stormwater Gap Analysis Study

Speaker: Public Works Director Brian Bray

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

**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.*

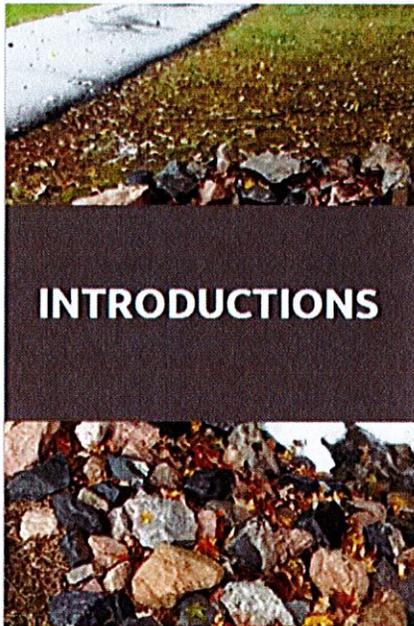
Mr. Bray introduced Withers Ravenel representatives Lars Hagen, Katie Balaze, and Katherine Knight, who gave the following presentation, virtually:

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TOWN COUNCIL UPDATE  
JUNE 8, 2020

Mr. Hagen greeted the Board and residents of the Town of Wendell and introduced himself as the Stormwater Director at Withers Ravenel. He thanked the Town for allowing his team to present virtually and thanked staff for all of the hard work that they've done.



# WITHERSRAVENEL STORMWATER



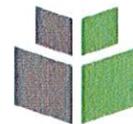
Lars Hagen



Katie Balaze



Katherine Knight



# COMPANY OVERVIEW

35 Years

250+ Employees

100% Employee Owned

Employee Stock Ownership Plan (ESOP) Company

Recognized by our Peers

ENR Top 500 #1 NC-based, NC-focused firm



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Mr. Hagen said that Withers Ravenel is a consulting firm with a broad range of services including stormwater, transportation, planning, environmental, funding and asset management, and many other things. He said that all employees become owners and that's important to the company culture.

## WENDELL STORMWATER



1

MS4 Phase II Permit

2

Gap Analysis Results

3

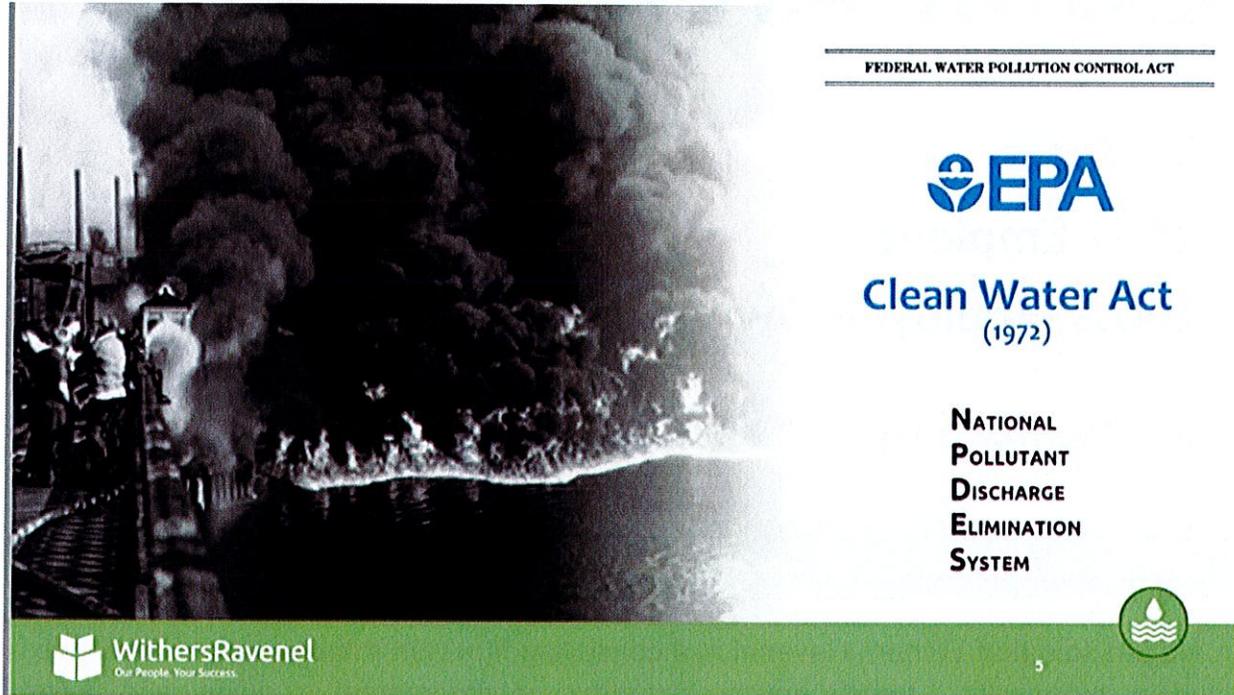
Moving Forward



4

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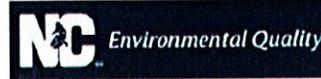
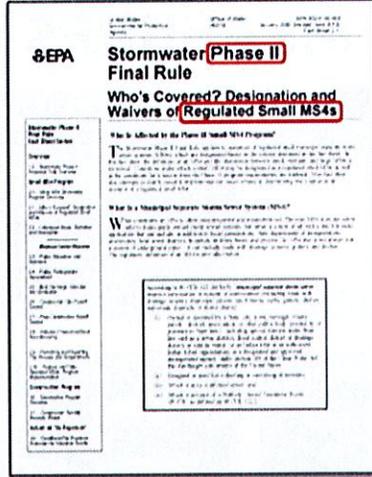
Mr. Hagen said that MS4 is just an abbreviation for Municipal Separate Storm Sewer System. He said that Katie would go over section 2: Gap Analysis Results.



Mr. Hagen asked why does Wendell need a stormwater program and what is a phase 2 permit. He said it all started with the EPA, referring to the photo of the Cuyahoga River in Ohio, which was one of the most polluted rivers in the United States, with 13 fires altogether from the pollution. The EPA was established in the late 1970's and the Clean Water Act was established to create the National Pollutant Discharge Elimination System to prevent such pollution.

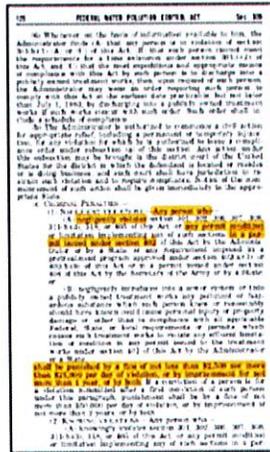
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# NPDES



Mr. Hagen said the rules and regulations were established for communities, with Wendell being classified as an MS4, according to NPDES. He said that the EPA looks to the State of North Carolina to enforce the rules, and then the state looks to all of the MS4s including Wendell to enforce these rules.

# NPDES



Any person who... negligently violates... any permit condition... in a permit issued under section 402... shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.



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Mr. Hagen said that the Federal Control Act states that MS4 communities have to meet all rules and regulations, with the state auditing as it sees fit.

## NPDES - SIX MINIMUM MEASURES

PUBLIC EDUCATION



Citizen Advisory Board Vacancies

BOARDS	ATTORNEY GENERAL	BOARD OF ADJUSTMENT	IL. FORMS DEVELOPMENT	PLANNING & ZONING	PLANNING BOARD	TREAS. BOARD
VACANCY	3	3	5	2	3	5
TERM LIMIT	3 years	3 years	3 years	3 years	3 years	3 years
MEETINGS	1 per year	1 per year	1 per year	1 per year	1 per year	1 per year

PUBLIC PARTICIPATION

ILLICIT DISCHARGES (IDDE)





CONSTRUCTION SITE RUNOFF

POST-CONSTRUCTION SITE RUNOFF





GOOD HOUSEKEEPING



WithersRavenel

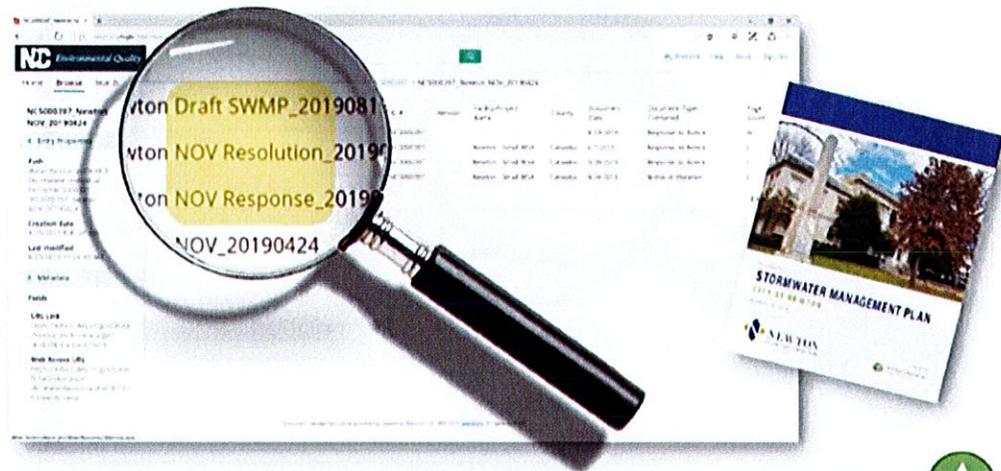
Our People. Your Success.

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Mr. Hagen introduced Katie Balaze, who would be covering this part of the presentation. Ms. Balaze said in order to meet the NPDES requirements, there are six minimum measures that are identified by the EPA. They make up the tasks that are included in the stormwater plan that will be developed by the town and approved by the state to prevent pollution to be in compliance with the permit.

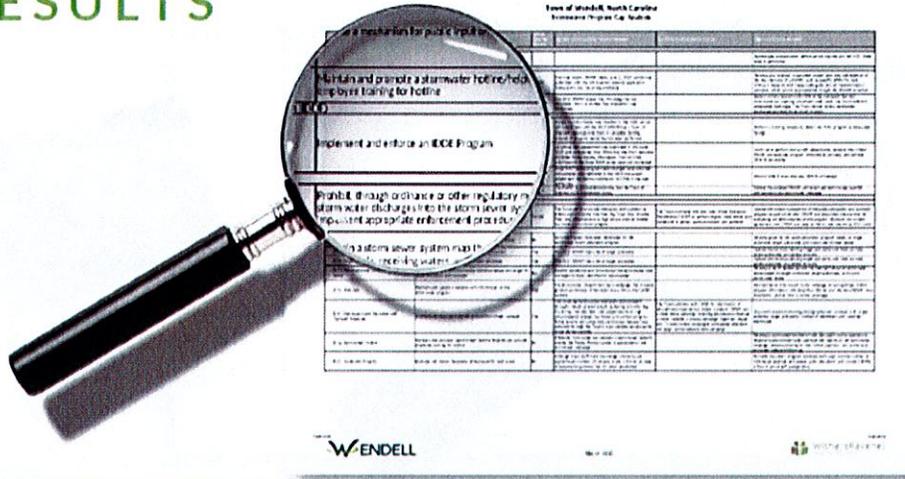
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# MS4 AUDITS



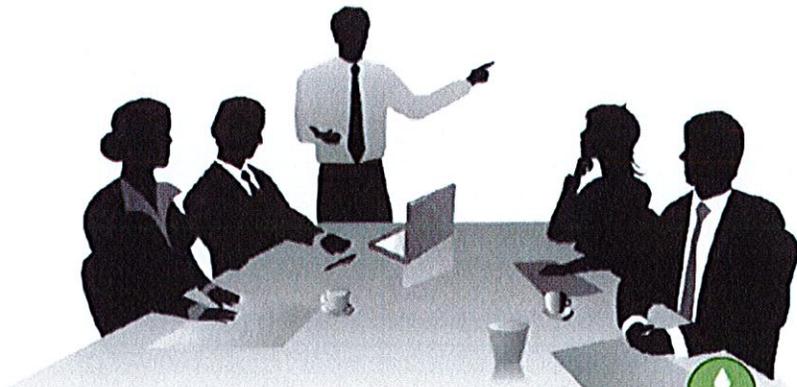
Ms. Balaze said that the state is now performing audits of each city and town's stormwater program on a five-year cycle, which is the length of the permit. Wendell's audit is currently scheduled for 2022 and the DEQ has posted the results of their audit to date on their website and have indicated that the results aren't great. She said they have completed 30 audits to date and only 3 have been found in compliance. Those who were deemed not substantially compliant received citations.

# GAP ANALYSIS RESULTS



Ms. Balaze said that Withers Ravenel performed a pre-audit gap analysis of Wendell's stormwater program compared to the requirements in the permit to give Wendell an idea on how to move forward towards compliance.

# PROGRAM HIGHLIGHTS TRAINING



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Ms. Balaze said that one of the Program Highlights is that Wendell has performed training for its municipal employees. She said that the town will need to continue these trainings and expand this program to cover all required topics including stormwater control measures.

# PROGRAM HIGHLIGHTS

## PUBLIC EDUCATION



stormwater@

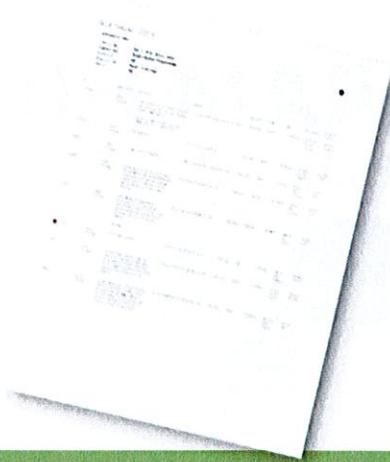


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Ms. Balaze said that another Program Highlight is that Wendell, in conjunction with the Clean Water Education partnership and local volunteers, have been conducting educational outreach. She said that this program should be continued and documented.

# PROGRAM HIGHLIGHTS

## MAINTENANCE



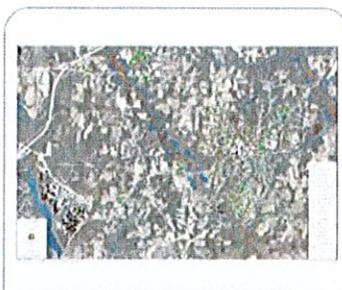
Ms. Balaze said that Wendell does a great job documenting work orders and maintenance of their storm sewer system. Before the audit, the town will need to document all aspects of the program, as well as maintenance.

# IMPROVEMENT AREAS

## ILLICIT DISCHARGES (IDDE)



PROGRAM  
DOCUMENTATION



COMPLETE MS4  
MAP AND IDENTIFY  
MAJOR OUTFALLS



PRO-ACTIVE  
INSPECTIONS



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Ms. Balaze said that Withers Ravenel has identified two critical areas that will need to be addressed for compliance because they will require lots of work. She said that one of these areas is the Illicit Discharge Detection and Elimination minimum measures. For that, the town will need a complete map of their storm sewer system before any other work on this measure can be completed. She said on this map, major outfalls will need to be identified before standard operating procedure documentation and proactive inspections can occur.

# IMPROVEMENT AREAS

## GOOD HOUSEKEEPING

The image displays three improvement area cards arranged horizontally. Each card features a header image, a title, and an icon.

- Facility I&M's:** The header image shows a document with the WithersRavenel logo and the text 'OPERATIONAL MAINTENANCE RECORD'. The title 'FACILITY I&M's' is on a red background. The icon is a document with a pencil.
- SOP Development:** The header image shows a document with a table. The title 'SOP DEVELOPMENT' is on a purple background. The icon is an open book.
- Inspections & Upgrades:** The header image shows a photograph of a building and a white truck. The title 'INSPECTIONS & UPGRADES' is on a dark blue background. The icon is a gear with a circular arrow.

Ms. Balaze said that another critical component is good housekeeping for municipal operations. Inspections and maintenance programs for each municipal-owned property, which includes buildings, parks and stormwater control measures should be developed and inspections should be performed and documented.

# WHAT REMAINS?

MS4 PERMIT COMPLIANCE

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Ms. Balaze said that the goal is to get to permit compliance. She said there are many small permit items that need to be addressed.

# WHAT REMAINS?

MS4 PERMIT COMPLIANCE

WithersRavenel  
Our People. Your Success.

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Ms. Balaze said that some of these other items that will be required for a compliant program are identified here, all of which are explained in the gap analysis. Most concerns

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are in developing standard operating procedures, performing inspections, and documentation. Ms. Balaze turned the presentation back to Mr. Hagen.



Mr. Hagen said that the good news is that Wendell staff and leadership have already begun taking the steps toward compliance.

# MS4 AUDITS

MS4 Audit Report  
Town of Wendell, MA - MS4 Permit No. 10-00000

Find (Check)	Program Requirement	Notes	Compliance
5.1.1 Staffing and Funding	<p>The permittee must maintain adequate funding and staffing to ensure the successful implementation of the program.</p> <p>The permittee must also have a specific position responsible for the overall administration, implementation, and maintenance of the program.</p> <p>Payment of this fee for all components of the program must be documented and paid for in a timely manner.</p> <p>The permittee is required to maintain adequate staffing and funding to ensure the successful implementation of the program.</p>	<p>The permittee has maintained adequate funding and staffing to ensure the successful implementation of the program.</p>	<p>Compliant</p>
5.1.2 Performance Evaluation and Reporting	<p>The permittee must evaluate the performance and effectiveness of the program on an annual basis.</p> <p>If any, the permittee must submit the results of the evaluation to the permittee and submit the necessary information to the permittee.</p> <p>The permittee must also submit a copy of the evaluation to the permittee.</p> <p>The permittee must also submit a copy of the evaluation to the permittee.</p>	<p>The permittee has submitted a performance evaluation report to the permittee.</p>	<p>Compliant</p>

A red arrow points from the text "maintained adequate funding and staffing" to the 'Notes' column of the 5.1.1 row.

“maintained adequate funding and staffing”

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Mr. Hagen said that Wendell's audit is coming up in 2022. He said the image on the left of the slide is the state's template of the audit, with the first question being asked being "does Wendell have adequate funding and staffing?" He said they're working towards making that answer be affirmative while showing the appropriate documentation. Today, Mr. Hagen said it would be very hard for Wendell to answer this question with a "yes."

## FUNDING

- OVERALL BUDGET ANALYSIS
- UTILITY RATE STUDY



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Mr. Hagen said that Withers Ravenel recommends that Wendell be given an overall budget analysis. He said that they've identified the gaps but need to find out what resources are required to fill in these gaps. Mr. Hagen also recommended a utility rate study for Wendell. He said that once they know the resources that are required, they can look at what it will take over the years to meet those requirements. He said that they need to be careful in comparing to the town's neighbor's utility rates. 27 out of the first 30 MS4s that were audited were not compliant. He said when one looks at their neighbors to see what their rates are, chances are that the comparison is not to a compliant program.

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**DISCUSSION**

Mr. Hagen opened the floor up to any questions from the Board.

Commissioner Joyner mentioned the staffing requirement and that the town can't make that assessment at this time. He asked if that is because the town doesn't know how big the stormwater system is and where it goes and ultimately won't know the number of staff required to take care of it once the town figures it all out. Or, he asked, is it because they feel that the town at this very moment is an internal problem that can be addressed now or after the study is completed.

Mr. Hagen said he had difficulty hearing the question.

Town Manager Marc Collins asked if completing the map and where the infrastructure is located connected to telling the town what staffing and resources the town needs to allocate to meet the staffing requirement.

Mr. Hagan said no, that's a piece of the puzzle. He said the town needs to finish the mapping of the stormwater system, but there's also a lot of other items such as the SOP development, inspections, and other items identified in the gap analysis.

Mr. Joyner said he was wondering where that staffing requirement will fit into budgeting for the town.

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Mr. Collins said that the budget allocates a position in this coming fiscal year for recruiting a stormwater program manager, which is a staff position that will be dedicated to this program. This staff position will work with other public works staff to work towards implementation along with the town's contract engineer. Mr. Collins said that Withers Ravenel is the town's engineer of record and the town brings them in on different task service agreements as needed. He said that there's also contract engineering funds allocated for FY 2021 which will be for Withers Ravenel to finish the work of mapping, identifying and maintaining what's needed and what staffing equipment and funding over time would be necessary. He said that this will help the town with the challenges of next fiscal year's budget so the town will be able to answer that question going into the audit in FY 2022.

## **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 8<sup>th</sup>, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) by Wednesday, June 9<sup>th</sup> 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 5<sup>th</sup> at 5pm will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action.

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 5<sup>th</sup> at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any non-public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.
- If you have questions regarding an agenda item, please email the staff contact directly in advance of the meeting. If preferred, you may call Town Hall at (919) 365-

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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](mailto:mhoward@townofwendell.com)

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

**Item Summary:**

*Recruitment for the Town of Wendell's Citizen Advisory Boards began 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 Board of Adjustment and Appearance Commission 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 22<sup>nd</sup>, 2020: Parks and Recreation Commission and the Tree Board.*

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*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.*

Ms. Howard passed out the ballots and tallied the following votes:

Board of Adjustment In-Town Votes:

Bennie Collins: 3 votes  
John H. Boyette: 3 votes  
Jose A. Fuentes: 1 vote  
Terri L. Moore: 4 votes  
Brad Ellis: 1 vote  
Jeremy Fryett: 2 votes

Board of Adjustment ETJ Votes:

Kevin King: 5 votes

Appearance Commission Votes:

Nicole Bills: 5 votes  
Danielle Jordan: 4 votes  
John H. Boyette: 0 votes  
Jeremy Fryett: 1 vote  
Jose A. Fuentes: 5 votes  
Terri L. Moore: 0 votes

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**WENDELL** Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

Bennie Collins

John H. Boyette

Jose A. Fuentes

Terri L Moore

Brad Ellis

Jeremy Fryett

Signature: 

**WENDELL** Citizen Advisory Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY (3-YEAR TERM):

Bennie Collins

John H. Boyette

Jose A. Fuentes

Terri L Moore

Brad Ellis

Jeremy Fryett

Signature: 

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Citizen Advisory  
Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY  
(3-YEAR TERM):

- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

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



Citizen Advisory  
Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY  
(3-YEAR TERM):

- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

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

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Citizen Advisory  
Board Ballot

3 BOARD OF ADJUSTMENT IN-TOWN VACANCY  
(3-YEAR TERM):

- Bennie Collins
- John H. Boyette
- Jose A. Fuentes
- Terri L Moore
- Brad Ellis
- Jeremy Fryett

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

A handwritten signature in black ink, appearing to read 'myonma', written over a horizontal line.



Citizen Advisory  
Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY  
(3-YEAR TERM):

- Kevin King

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

A handwritten signature in black ink, appearing to read 'Kevin King', written over a horizontal line.

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Citizen Advisory  
Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY  
(3-YEAR TERM):

Kevin King

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

A handwritten signature in black ink, appearing to be 'Kevin King', written over a horizontal line.



Citizen Advisory  
Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY  
(3-YEAR TERM):

Kevin King

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

A handwritten signature in black ink, appearing to be 'Kevin King', written over a horizontal line.

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Citizen Advisory  
Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY  
(3-YEAR TERM):

Kevin King

Signature: 



Citizen Advisory  
Board Ballot

1 BOARD OF ADJUSTMENT ETJ VACANCY  
(3-YEAR TERM):

Kevin King

Signature: 

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The following Appearance Commission ballots have the names John H. Boyette and Terri L. Moore's names crossed off due to the fact that they were appointed to the Board of Adjustment and cannot serve on 2 citizen boards at the same time:

**WENDELL** Citizen Advisory Board Ballot

3 APPEARANCE COMMISSION VACANCIES  
(3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- John H. Boyette
- Jeremy Fryett
- Jose A. Fuentes
- Terri L. Moore

Signature: 

**WENDELL** Citizen Advisory Board Ballot

3 APPEARANCE COMMISSION VACANCIES  
(3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- ~~John H. Boyette~~
- Jeremy Fryett
- Jose A. Fuentes
- ~~Terri L. Moore~~

Signature: 

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Citizen Advisory  
Board Ballot

3 APPEARANCE COMMISSION VACANCIES  
(3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- ~~John H. Boyette~~
- Jeremy Fryett
- Jose A. Fuentes
- ~~Terri L. Moore~~

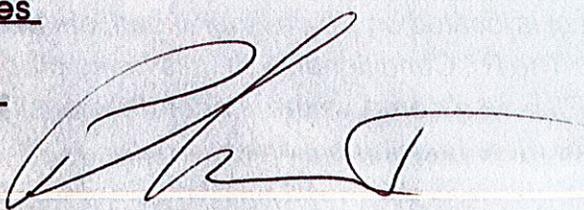
Signature: 



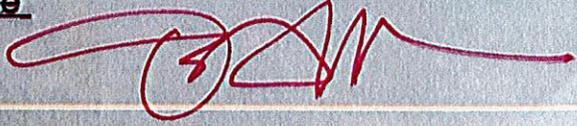
Citizen Advisory  
Board Ballot

3 APPEARANCE COMMISSION VACANCIES  
(3-YEAR TERM):

- Nicole Bills
- Danielle Jordan
- ~~John H. Boyette~~
- Jeremy Fryett
- Jose A. Fuentes
- ~~Terri L. Moore~~

Signature: 

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	Citizen Advisory Board Ballot
<b>3 APPEARANCE COMMISSION VACANCIES (3-YEAR TERM):</b>	
<input checked="" type="checkbox"/>	<u>Nicole Bills</u>
<input checked="" type="checkbox"/>	<u>Danielle Jordan</u>
<input type="checkbox"/>	<del><u>John H. Boyette</u></del>
<input type="checkbox"/>	<u>Jeremy Fryett</u>
<input checked="" type="checkbox"/>	<u>Jose A. Fuentes</u>
<input type="checkbox"/>	<u>Terri L. Moore</u>
<b>Signature:</b>	

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](mailto:bcoates@townofwendell.com)

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

**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:**

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*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

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*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

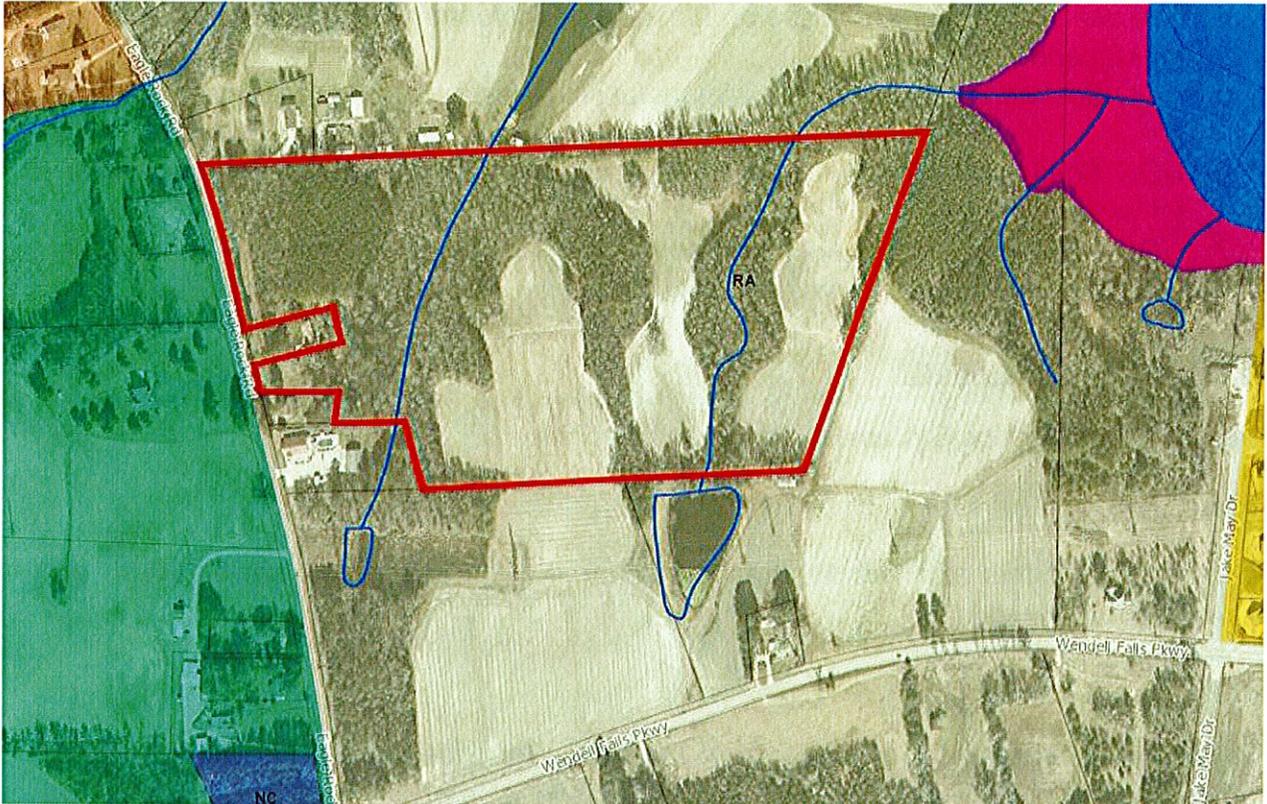
*PROPOSED LAND USE:* Residential

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

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

**Current Zoning Map:**

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**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.

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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*

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*(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

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***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.*

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

Mayor Gray asked if any of the conditions have been changed.

Mr. Coates said that none of the conditions have been changed at this time. He said that the applicant has agreed to not build the stub street and put 20 feet of buffer. He said that they would dedicate the right-of-way but would not construct it if the Board agreed to that condition.

Mayor Gray asked if that was the result of a citizen concern.

Mr. Coates confirmed.

Commissioner Joyner said that he and Commissioner Tarnaski spoke with the applicant and one of the neighbors after the previous town meeting and he understood that was their request to get rid of the stub. He asked what the effect is when future development occurs.

Mr. Coates said that the street right-of-way would be there, but the 20 feet of pavement would not be constructed by this developer. He said most likely it would fall to the town to go back in and finish that in the future when that property to the north develops.

Commissioner Joyner said that the conversation that they had was that you don't want the developer to not build a stub because of plans. He asked if there is a possibility of putting a buffer that would satisfy the citizens with Leyland Cypress trees at the end of

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the stub to get both as a temporary tree with the infrastructure. He said that the concerns that he heard were all concerning line of sight and not so much noise.

Mr. Coates said that, according to the town's UDO, the stub road would go to the property line. The Town Board and the developer would have to make some kind of agreement that the road gets built 4 feet away from the property line with trees being built on the remaining space of the property. Mr. Coates said that he thinks the applicant would be willing to do that.

Commissioner Joyner said the citizen's request was concerning the line of sight and while he appreciates getting rid of the stub street, that won't solve the problem, it's just going to make the road end sooner. He said that he thinks the citizen thought his issue was with the stub street when it was actually line of sight that will be enhanced by a stub street.

Mr. Coates said he would text the applicant to ask.

Commissioner Tarnaski suggested the subdivision put up a privacy fence while construction was occurring and take it down when it's finished like the development on Old Zebulon Road was doing in addition to the buffer.

Mr. Coates said the Old Zebulon Road development was putting up the privacy fence on the back end of the property, not at the end of a stub. He said that he would check with the applicant to see if this was an option. He asked Brian Duncan if he could hear the discussion through the Uber Conference line.

Mr. Duncan said that yes, he could hear the discussion.

Mr. Coates asked if they would be amendable to build the stub up to a few feet from the property line and then put a row of Leyland Cypress trees or some kind of other shrubbery.

Mr. Duncan said absolutely they would.

Mr. Coates asked the Board if that was sufficient.

Commissioner Joyner said that it was.

Commissioner Lutz asked if it is the stub road closest to Eagle Rock Road on the western side.

Mr. Coates confirmed. He said the future street name is Nelson Knobs Court.

Commissioner Joyner said that he appreciates the development coming in.

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**ACTION**

Mover: Commissioner Jason Joyner moved to approve the R7 Conditional District for property located at 1425 Eagle Rock Road continued from the May 26, 2020 Town Board Meeting with the inclusion of the stub street and buffer addition as discussed.  
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.  
Nays: None.  
Vote: 5-0

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](mailto:bcoates@townofwendell.com)

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

**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:**

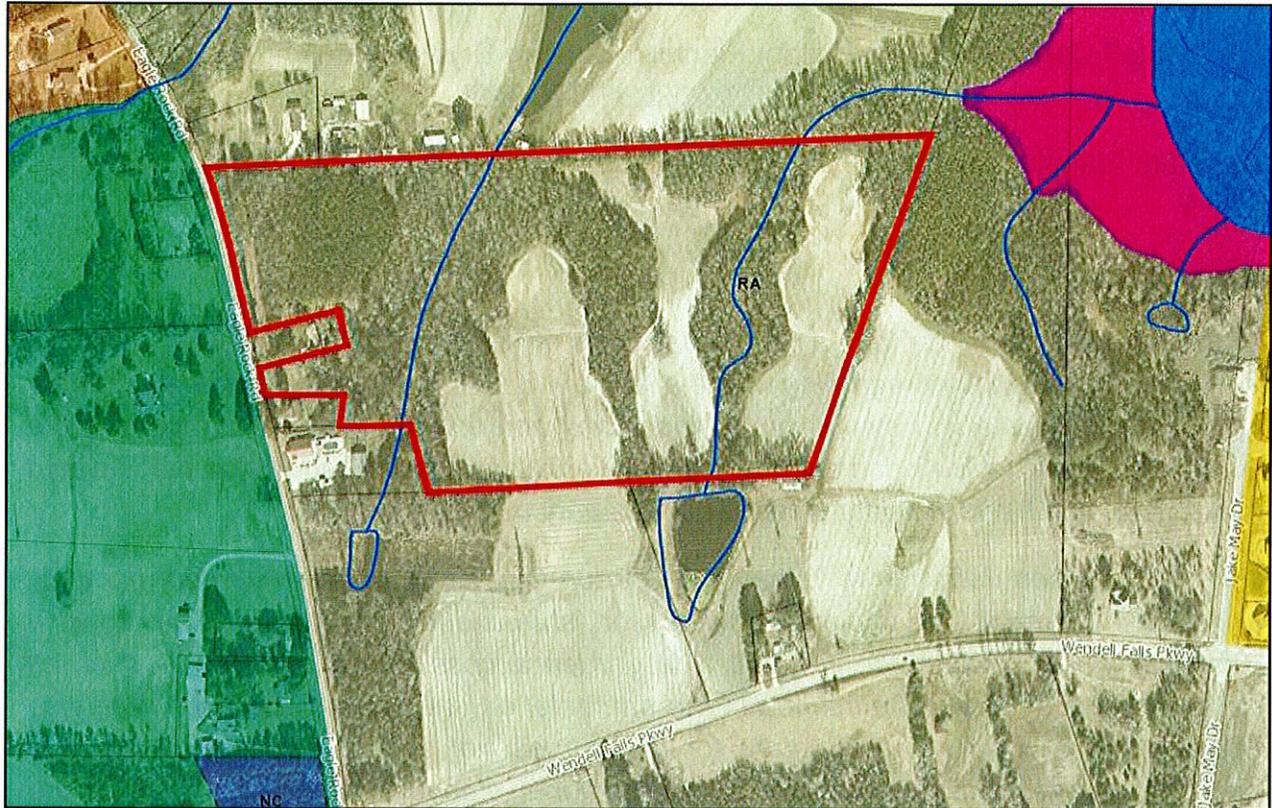
*The property is currently located within the Residential Agricultural district. The applicant has also submitted an R7 Conditional District rezoning request for this property.*

**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:**

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**Staff Recommendation:**

Staff recommends approval of the request.

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

**ACTION**

Mover: Commissioner Jon Lutz moved to approve the non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN#1773-88-6827] at 1425 Eagle Rock Rd.

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

Nays: None.

Vote: 5-0

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

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

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

**Item Summary:**

*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:**

- 1. 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	OS C	PU D	R A	R R	R 2	R 3	R 4	R 7	NC	CM X	CC	DM X	M H	CH	M& I	TN D
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<b>Retail/Restaurants</b>																	
<i>Alcoholic Beverage Sales Store</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>SU P</i>	<i>PS</i>	<i>PS</i>	<i>PS</i>	-	<i>PS</i>	-	<i>PS</i>
<i>Auto Parts Sales</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	-	-
<i>Bar/Tavern/Night Club</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>SU P</i>	<i>SU P</i>	<i>SU P</i>	<i>SU P</i>	-	<i>SU P</i>	-	<i>SU P</i>
<i>Car Wash—Stand Alone, Self Service</i>	-	<i>P*</i>	-	-	-	-	-	-	-	-	<i>PS</i>	<i>PS</i>	-	-	<i>PS</i>	-	<i>PS</i>
<i>Drive-Thru Retail/Restaurants</i>	-	<i>P*</i>	-	-	-	-	-	-	-	-	<i>PS</i>	-	-	-	<i>PS</i>	-	-
<i>Gas Station</i>	-	<i>P*</i>	-	-	-	-	-	-	-	-	<i>PS</i>	<i>PS</i>	<i>SU P</i>	-	<i>PS</i>	-	<i>PS</i>
<i>General Retail—10,000 sf or less</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>PS</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	<i>P</i>	<i>P</i>
<i>General Retail—10,001-50,000 sf</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>SU P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	-	<i>P</i>
<i>General Retail—Greater than 50,000 sf</i>	-	<i>P*</i>	-	-	-	-	-	-	-	-	<i>PS</i>	<i>PS</i>	<i>PS</i>	-	<i>PS</i>	-	<i>PS</i>
<b><u>Nursery &amp; Garden Center</u></b>	-	<b><u>P*</u></b>	<b><u>P S</u></b>	-	-	-	-	-	-	-	-	-	-	-	<b><u>PS</u></b>	<b><u>PS</u></b>	-
<i>Restaurant</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	<i>P</i>	<i>P</i>	<i>P</i>
<i>Shopping Center—</i>	-	<i>P*</i>	-	-	-	-	-	-	-	<i>SU P</i>	<i>P</i>	<i>P</i>	-	-	<i>P</i>	-	<i>P</i>

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Neighborhood Center																
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	-

- 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

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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:

1. Replace "fully screened" with "partially screened"
2. 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.

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

No questions were asked.

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**ACTION**

Mover: Commissioner Jon Lutz moved to approve the Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.

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

Nays: None.

Vote: 5-0

- 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](mailto:bcoates@townofwendell.com)

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

**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).*

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*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*

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*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.*

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- 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*

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*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:*

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- 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

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<i>Planning Board</i>	<i>Courtesy hearing, if requested</i>	<i>n/a</i>
<i>Planning Board</i>	<i>Review and recommendation of Conditional District application</i>	<i>n/a</i>
<i>Board of Commissioners</i>	<i>Public hearing</i>	<i>n/a</i>
<i>Board of Commissioners</i>	<i>Grant Conditional District - or - Denial and Request for Rehearing</i>	<i>Superior Court</i>
<i>Planning Board <b><u>Administrator</u></b></i>	<i>Approve Final Development Plan</i>	<i>n/a</i>

( [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:**

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*Staff recommends approval of the proposed text amendment*

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

No questions were asked.

**ACTION**

Mover: Commissioner Jon Lutz moved to approve the Zoning Text Amendment to section 15.13 of the UDO as it relates to the approval process for Final Development Plans.

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

Nays: None.

Vote: 5-0

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

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

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

**Item Summary:**

*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, 3<sup>rd</sup> 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*

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*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.*

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

Commissioner Lutz asked if the town has received some official quotes on the project.

Mr. Coates confirmed that they did.

Commissioner DeLoach asked for confirmation that there would be some funds available for other projects.

Mr. Coates said that this request is to use the remaining \$5,000 in this year's budget and then take \$5,000 out of the fiscal year 2021 budget. He said there would still be an additional \$5,000 in fiscal year 2021 for other projects.

Commissioner Joyner asked as to the permanency of these improvements.

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Mr. Coates said that the conduit would be there for lighting and other improvements, the patio would be raised and built with wrought iron, steel and concrete and would be a permanent structure.

Commissioner Lutz asked if this is the building directly next door to 1 N. Main.

Mr. Coates said it was, in an "L" shape on the west side of Third Street.

Mayor Gray said it was between 1 N. Main Street and Agave Restaurant.

**ACTION**

Mover: Commissioner Jon Lutz moved to approve the Downtown Façade Grant Request for improvements to 5 N. Main Street.

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

Nays: None.

Vote: 5-0

- 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](mailto:mcollins@townofwendell.com)

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

***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.*

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*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.*

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

Commissioner Joyner asked if this addresses the billing services until the year 2036.

Mr. Collins confirmed, saying that there is a provision in the contract for the cost of increase after the City of Raleigh conducts an internal service study, so the town won't have to come back repeatedly until all of the different jurisdictions have been updated. He said that the actual cost is reviewed with the town and then increased in the proposed contract. He said that they do have to conduct a study to show where that cost increase would come from.

**ACTION**

Mover: Commissioner Jon Lutz moved to 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.

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

Nays: None.

Vote: 5-0

6h. Designate Board Member for Design Services Selection Committee

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

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

**Item Summary:**

*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.*

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*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.*

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

Mayor Gray said that she believed Commissioner Boyette had expressed an interest in serving the Design Services Selection Committee.

**ACTION**

Mover: Commissioner Jason Joyner moved to designate Mayor Pro Tempore John Boyette for the Design Services Selection Committee.

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

Nays: None.

Vote: 5-0

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

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

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

Commissioner Joyner said the meeting was held at the new Fire Station and it was great to see that new facility. He said that it is still not open to the general public and they had a nice table in the center of the new facility, which was made by Commissioner Boyette. He encouraged citizens to check it out when the station is open to the public.

**8. COMMISSIONERS' REPORTS / COMMENTS**

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Commissioner Joyner said that the past couple of weeks have been the longest year in anyone's recent weeks. He said that he would like to say that everyone understands, but the point is that they don't as to how everyone feels amidst the conflict. He said there's a lot going on in the world right now, speaking specifically to the business impacts of COVID-19. He said that he understands that it hurts the community which is experiencing a lot of changes that seem unfair. He said, speaking to the Minneapolis situation, he had the fortunate life experience of growing up in Rocky Mount with a dad that worked at the Fire Station. Mr. Joyner said he had previously worked in EMS and now represents clients from all over the spectrum in policy work and these problems aren't easy, which is why they aren't solved. He said that those that are willing to come to the table should come to the table. He said that those that are not willing to come to the table eventually will see that everyone else is at the table. He said sometimes that's all you can do is to show up at the table. He encouraged citizens to contact him from his information on the town's website to discuss anything from local business what interactions with the Wendell Police Department have been like to what they would like to see future interactions look like. He said his cell phone information is on the website and he's happy to meet anyone at the picnic tables by the railroad tracks. Mr. Joyner said that he's eager to be a part of the conversation.

Commissioner DeLoach said that Garmin is going to have a parade to celebrate Operation Coming Home in Wendell Falls to celebrate First Class Sargent Ortiz family building a home at 7:30 p.m. on Tuesday June 9<sup>th</sup>. He said that there's a lot of folks hurting and the last couple of weeks have been rough. He said that we need to listen to people, speak to people, and love them. He said that he's proud of Wendell and what it stands for. He said the sense of community is strong and he's proud to be here. He said that love will get us through and encouraged people to support their friends and neighbors.

Commissioner Lutz had no comment.

Commissioner Tarnaski thanked all of the town employees for all of their hard work for making Wendell a great place to work, live, and raise families in. Mr. Tarnaski said he would like to especially thank the Wendell Police Department for keeping the town safe.

Commissioner Boyette said he said he wanted to focus on some good news and media coverage for the town of Wendell. He said that on the front page of WRAL.com under the "WRAL at Home," there is a nice write-up of the Robertson Mill Pond Nature Preserve highlighting Wendell in a very good light. He said that it points out one of the strongpoints that Wendell has on this side of the county which is its open space. He said it was pointed out as a great place to go and get exercise while maintaining social distancing. Overall, he said that he thought it was a great write-up and a great way to point out some of the good things that Wendell has going on this side of the county. Mr. Boyette encouraged people to visit because it's a beautiful place and said that he's very happy that Wendell has so many outdoor activities for people to enjoy.

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

Mayor Gray said that the Farmer's Market is on Saturdays from 9 a.m. to 1 p.m. on Campen Street with varying vendors, some of which are cycling Wendell's market, as well as others. She said that this gives residents a good variety of products and she hopes people will come and visit as there may be something new there every time that one might not have seen, previously. Mayor Gray congratulated all recent 2020 East Wake High School graduates that are graduating this Monday and Tuesday in a modified ceremony that is taking place at the high school. She said that the modifications are what makes the ceremony take up two days. Mayor Gray thanked Principal Stacey Alston and his staff for making the best of a very unusual situation and doing his best to make students feel special. She said that students are still being able to walk across the stage individually with the music playing and an opportunity for photographs. She said that it is an unusual year and someday students will be able to look back and say that they graduated during that time and that's something unique to them. Mayor Gray said that the town's COVID-19 numbers are still increasing slightly every single day and she wanted to remind residents that as things are beginning to open up to not forget or become too careless to forget to use the precautions to be in the world, especially those in high-risk groups. Mayor Gray said that she feels like there is not enough that she can say about how difficult 2020 has been. She said that she is deeply saddened by the death of George Floyd in Minneapolis and others. She said it is her hope that, when people look back at 2020, maybe we're able to capture something from it that we learned that we didn't know before and we can look back at it instead of a terrible year, but a great year of growth and grace. She said that people need to be giving each other more grace and remember that, as a society, no one is at their best right now and we need to give each other a tiny bit of a pass on that. Mayor Gray said that in the pursuance of the CALEA Accreditation, the town has a lot of plans for its police department. She said that she received a bunch of emails about this from citizens and that she's read every single one of them, writing responses that she decided were just not adequate. She said that she's still working on it and if citizens have emailed her to know that she will email them back, she's just processing like everyone is. She promised citizens that they have had a lot of conversations in Wendell and are taking a look at things in multiple meetings. She said it is her expectation that good things are going to happen here. She encouraged citizens to reach out to her or members of the Board or on Town staff if they have something to add. She said there will be additional opportunities to provide input during the CALEA process, as well.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

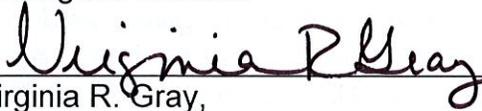
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**ACTION:**

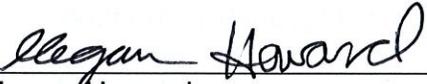
Mover: Commissioner Lutz moved to adjourn at 8:07 p.m.

Vote: 5-0

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

  
Virginia R. Gray,  
Mayor

**ATTEST:**

  
Megan Howard,  
Town Clerk

