

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
MAY 26, 2020**

The Wendell Town Board of Commissioners held their virtual, regularly-scheduled meeting on Tuesday, May 26, 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 May 26, 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, May 22nd 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 3b to the Consent Agenda:
Continuation of a relationship with the Wake County Tax Collection Office for
the collection of property taxes for the Town of Wendell.

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

Nays: None.

Vote: 5-0

2. PUBLIC COMMENT PERIOD

- The Public Comment period for the May 26, 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, May 22th at 5 p.m.

or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, May 22th 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 comment was received for this meeting.

Mayor Gray said that Commissioner Boyette is unexpectedly detained at the Fire Station for this meeting due to the State of Emergency. She asked for a motion to excuse him should something arise that he needs to be called away for duty.

ACTION

Mover: Commissioner Jon Lutz moved to excuse Commissioner Boyette should he be called away unexpectedly for duty in the event of an emergency.

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

Nays: None.

Vote: 5-0

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

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member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.

- 3a. Wake County Tax Reports March 2020 and April 2020
- 3b. Continuation of a relationship with the Wake County Tax Collection Office for the collection of property taxes for the Town of Wendell

Item 3b was an addition to the agenda and its cover sheet and attachment are below, in italics:

Item Title:

Continuation of a relationship with the Wake County Tax Collection Office for the collection of property taxes for the Town of Wendell

Specific Action Requested:

Approve the authorization of the Wake County Revenue Department to collect taxes on behalf of the Town of Wendell.

Item Summary:

The Wake County Revenue Department provides the Town of Wendell with tax collection services that include billing, collecting, and distributing tax revenue via wire transfer. The County requests annual granting of that authority through the attached form.

Attachment:

- A. *Authorization for the Wake County Revenue Department to provide the Town of Wendell with tax collection services*

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TOWN OF WENDELL

NORTH CAROLINA

BOARD OF COMMISSIONERS

STATE OF NORTH CAROLINA

COUNTY OF WAKE

To the Revenue Director of the County of Wake:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Wake County Revenue Department in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Wendell and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Witness my hand and office seal, this 26th day of May, 2020.

*Virginia Gray, Mayor
Town of Wendell, North Carolina*

ATTEST:

Megan Howard, Town Clerk

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ACTION

Mover: Commissioner Jon Lutz moved to approve the Consent Agenda, with item 3b added.

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

Nays: None.

Vote: 5-0

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

No recognitions, reports, and presentations.

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 May 26th, 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, May 27th 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, May 22 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, May 22th 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.

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Communications of this type will not be included in the meeting minutes.

- 5a. PUBLIC HEARING: Public Hearing on an R7 Conditional District for property located at 1425 Eagle Rock Road

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 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.

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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:

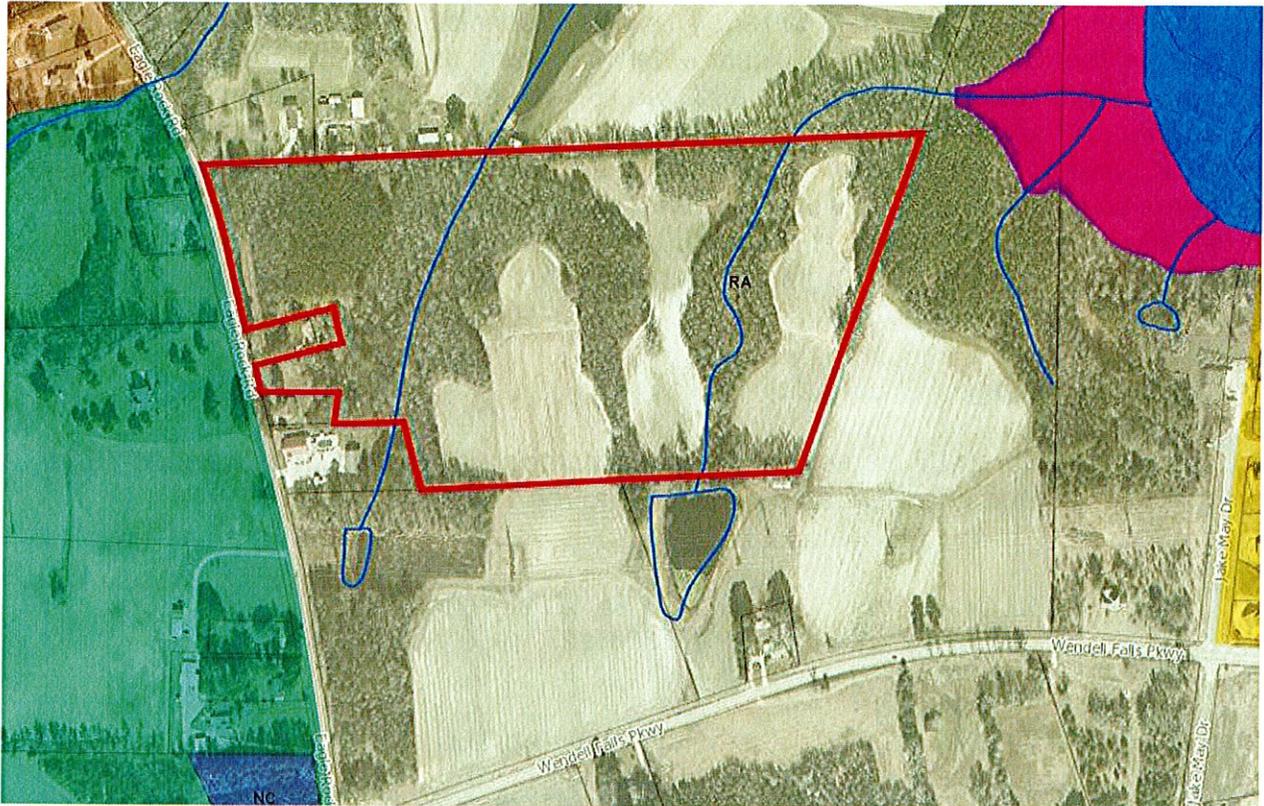
PROPERTY LOCATION:	1425 Eagle Rock Road
WAKE COUNTY PIN:	1773886927
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	G&F Properties, LLC PO Box 767 Wendell, NC 27591-0767
APPLICANT:	Brian Duncan, The Spaulding Group, PA 1611 Jones Franklin Road, Suite 101 Raleigh, NC 27606
PROPERTY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

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	<i>Residential/Agricultural</i>	RA
South	<i>Residential/Agricultural</i>	RA
East	<i>Residential/Agricultural</i>	RA
West	<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 in the Agenda Packet.

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.

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

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

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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.

Commissioner Lutz asked if Mr. Coates could go over the phases, again.

Mr. Coates pulled up the proposed development map and said that the bold lines on the map separate the phasing of the project. He said in the first phase, there would be single-family townhomes with a park. The second phase would include more bulk of the single-family townhomes and the amenity center. The third phase would contain two pocket parks and the greenway trail that would go over to phase 2.

Commissioner Lutz asked if the smaller, skinnier lines connote the townhome lots in the center of the map.

Mr. Coates confirmed that they are alley-loaded townhomes at the entrance. He said that entering the street will not have street-visible garages, as they will be located in the back alleyways.

Commissioner Joyner said in looking at the map's amenities, it seems like most of them are in phase 3. He asked what the project's timeline was for each phase.

Mr. Coates said phase 1 will include the park equipment as part of the water allocation policy requiring detailed information being given on the playground. Phase two will include the pool in the amenity center and another playground, while phase three includes the greenway trail with two small pocket parks with benches and shrubbery.

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Commissioner Joyner said the end product looks great, but he worries about the in-between.

Town Manager Marc Collins asked if Mr. Joyner was asking if each amenity has to be bonded with each phase of the project so that the people that are buying the lots know when they're getting each amenity.

Commissioner Joyner said yes, in addition to the likelihood of getting to phase three.

Mr. Collins said that the more expensive amenities are happening in the first two phases, with pocket parks and the trail in phase three. He said the pool gets bonded with phase 2, which is where most of the density is.

Commissioner DeLoach asked for confirmation on where the right turn lane coming in was.

Mr. Coates said it was coming from Wendell Falls that will go southbound on Eagle Rock Road. He said there will be a 250-foot right turn lane that's DOT-approved.

Commissioner Lutz asked about the surrounding two neighborhoods and what the differences are between the different zoning classifications between them.

Mr. Coates said the R7 District could request lots that are 3,500 square feet, although they are not, as this is a project that is closer to an R4 District. He said that because they're building townhomes, they need to ask for an R7 District as a legal interpretation. An R4 District's minimum lot size is roughly 6,000 square feet, while an R3 District minimum lot size is roughly 10,000 square feet and an R2 is roughly 15,000 square feet. He said, in this case, their average lot size is 5,800 square feet, with their minimum is at 4,400 square feet, making them in between an R4 and an R7.

Mayor Gray opened the public hearing and asked if the Board was hearing from the applicant.

Mr. Coates said that the applicant was available to answer any questions from the Board.

Commissioner Lutz asked what this development is going to add to the Town that the applicant feels will enhance the livability of citizens that are already here. He also asked about the phasing and what the pace will be between each phase.

Applicant Brian Duncan said he thinks that this project will bring a high-quality, diverse development with diversified housing types, high architectural standards, good connectivity to surrounding properties, extension of water and sewer infrastructure, will set up development along the corridor quite nicely, and will bring some needed traffic improvements to the intersection of Eagle Rock Road and Wendell Falls Parkway in the

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form of the right-turn lane as well as substantial widening in front of the project. Mr. Duncan said he thinks that the design of the master plan is mindful of the surrounding properties' uses, with substantial buffers and amenities on the site. He said that the strategy of the phasing would be able to provide all three lot types within each phase, with the exception of phase 3, which will be all single-family to be a better transition to the neighboring property to the east. Mr. Duncan said that the sewer infrastructure will begin from the east of the project all the way up to Eagle Rock Road, facilitating each phase along with the road improvements. He said each phase may be opening up every 6-8 months.

Mayor Gray said the Town received two written public comments for item 5a and asked the Clerk to read them into the record.

Town Clerk Megan Howard read the following public comments into the record:

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:

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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,

A handwritten signature in black ink that reads 'Jeannine Ngwira'.

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

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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?

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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 since of entitlement and seem to at times to do or go where they want even if the know better.

Robert Liles

919-470-4242

The following public comments and responses were provided within the 24-hour period after the May 26, 2020 Town Board Meeting in accordance with NC G.S. 166A-19.2:

Public Comments Submitted within 24-hour period after the 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 st 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 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.

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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.)

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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))

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

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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.

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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**

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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.

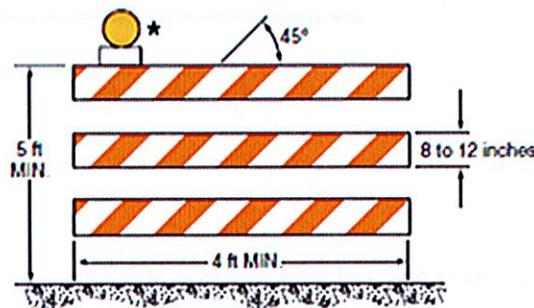
If allowed, developer should be required to put up road barricades at property boundaries to help protect neighboring owners from theft, vandalism, trespassing and illegal dumping. **We are requesting that you make a condition of approval for the developer to put up barricades/gates and increased buffer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

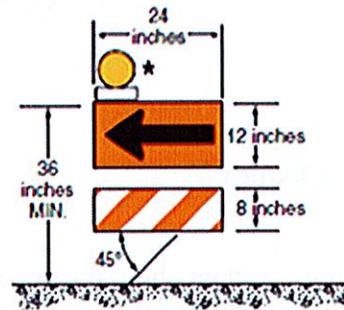
Barricades will be used to mark any of the following conditions: a roadway ends, a ramp or lane closed for operational purposes, or the permanent or semi-permanent closure or termination of a roadway.

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.



TYPE 3 BARRICADE **



DIRECTION INDICATOR BARRICADE **

* 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.

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Robert Liles
919-470-4242 (work until 3 pm)

Response to Robert Liles' Email #3: Sent on 5/29 from the Town Clerk:

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?

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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.**

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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



Mayor Gray asked if the applicant heard the public comments provided at the meeting.

Assistant Planning Director Bryan Coates said that the applicant was given the written comments received prior to the meeting. He said if the Board had any questions based on provided email comments, he can answer them. Mr. Coates said, concerning the stub streets, the Town requires stub streets or turn-arounds go to the property line, so that when the next property develops, there isn't a gap in the road. He said where the buffer is disturbed, it is because there's a stub street there as part of the Town's connectivity policy. Mr. Coates said there is not a groundwater study that was completed, as the project is on city water and city sewer and no wells will be drilled. As far as school capacity, when an applicant submits a subdivision plan, they fill out a form that's created by Wake County Public School System which talks about how many units and expected completion of those units. He said that the school system evaluates that information, yearly. Infrastructure such as water and sewer needs to be in place before any home construction begins. Road improvements need to be done before any CO's are given for any homes. He said that noise and time restrictions are stated in the town's UDO as 6 a.m. to 8 p.m. for allowed construction hours. The road improvements will just be for the frontage of the development's lots. He said the developer will not be

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widening other properties' frontage. During construction, silt fences go up around the property. Traditionally, there's always a stub with some kind of marking letting people know that the street is ending. Mr. Coates said that this stub will be in place during the road construction drawing time.

Mayor Gray said that, since this is a conditional district, she asked if the applicant has agreed to the seven conditions that are listed.

Mr. Coates said that they have.

ACTION

Mover: Commissioner Lutz moved to take action on item 5a at the Monday, June 8, 2020 Town Board Meeting.

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

Nays: None.

Vote: 5-0

5b. PUBLIC HEARING: Public Hearing on a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road

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:

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:

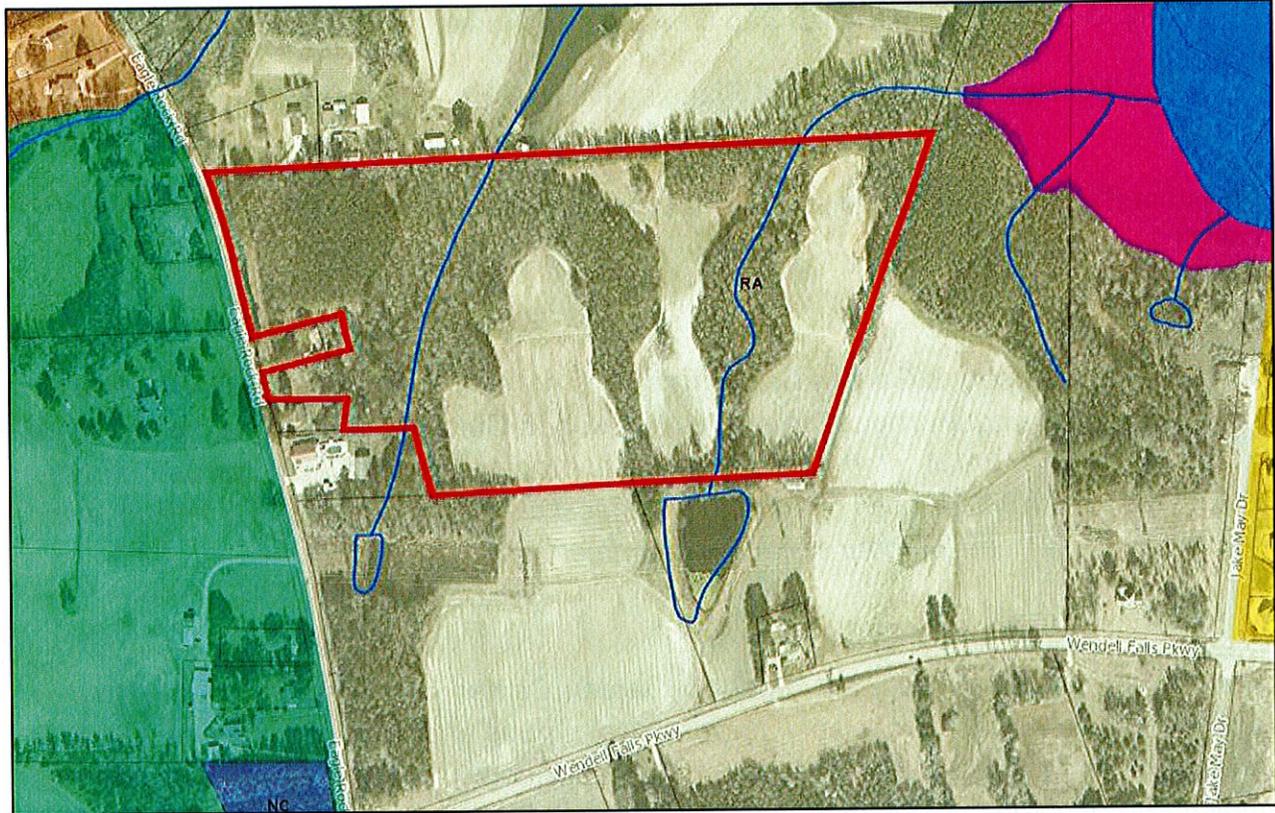
The property is currently located within the Residential Agricultural district. The applicant has also submitted an R7 Conditional District rezoning request for this property.

Police & Public Works & Utility Service:

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

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Location Map:



Staff Recommendation:

Staff recommends approval of the request.

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

Mayor Gray opened the public hearing. No questions were asked.

ACTION

Mover: Commissioner Jon Lutz moved to take action on item 5b at the Monday, June 8, 2020 Town Board Meeting.

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

Nays: None.

Vote: 5-0

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- 5c. PUBLIC HEARING: Public Hearing 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

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:

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**)*

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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
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SU P	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SU P	SUP	SU P	SUP	-	SU P	-	SU P
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*	-	-	-	-	-	-	SU P	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>P</u> <u>S</u>	-	-	-	-	-	-	-	-	-	-	<u>PS</u>	<u>PS</u>	-
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P

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Shopping Center— Neighborhood Center	-	P*	-	-	-	-	-	-	-	SU P	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	-

2. 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)

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.

3. 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

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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:

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.

Commissioner Joyner asked if the town had these rules in place already or if this was a

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new classification for preexisting businesses that sell landscaping materials.

Mr. Coates said that questions have been received from the Planning Board as to what the Town would classify Bridgers. He said that it is a farm supply store and would not be classified as a garden center. He said a nursery use would be classified as selling plants and landscaping materials to homeowners, small business owners and landscaping companies. They would comprise of indoor-outdoor space, restrooms, and educational facilities to teach people how to plant gardens.

Mayor Gray opened the public hearing. No public comments were given.

ACTION

Mover: Commissioner Jon Lutz moved to take action on item 5c at the Monday, June 8, 2020 Town Board Meeting.
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette.
Nays: None.
Vote: 5-0

5d. PUBLIC HEARING: Public Hearing 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

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 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

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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**).*

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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*

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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*

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- 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.*

**TOWN OF WENDELL
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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 &	n/a

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		<i>code compliance. Issue Staff Report.</i>	
	<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><u>Planning Board Administrator</u></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.

**TOWN OF WENDELL
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Staff Recommendation:

Staff recommends approval of the proposed text amendment

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

Commissioner DeLoach asked if the Town is not making any drastic changes—if it's consistent with what the Board decides, the Board is simply eliminating it going back through an additional time.

Mr. Coates said that is correct—if a developer has spent months developing construction drawings, and staff and TRC have said it's very similar to what they got approval for, sending it back to the Planning Board can slow the process down. He said before, the Planning Board didn't see a whole lot of them, but now that the Town is seeing more conditional districts, they're seeing a lot more. He said it's an extra step that prolongs the process and creates confusion.

Commissioner DeLoach said that he's had a few conversations about this and the perception was from the Planning Board that they were trying to circumvent the process, which is not what the Planning Board is trying to do.

Commissioner Lutz asked if the Board approves it, the Planning Board approves it, staff and the TRC approve it, how many changes are occurring in that time frame.

Mr. Coates said that as an example, preliminary plans come in and get reviewed by the TRC between 2 to 4 times before the plans go to the Planning Board. He said that the Planning Board then makes a recommendation to the Town Board, and the Town Board schedules an official Public Hearing for the preliminary plan, in which the Board either approves or denies those plans. Once an applicant receives preliminary approval, they then start the construction drawing phase for the final development plan, which traditionally takes 3-9 months of engineering work. Once the construction plans are completed, staff sends it back to the TRC to see if they have any additional comments. The TRC reviews the final development plans 2 to 4 times. Town staff then signs the construction drawings stating that it meets what was preliminary-approved. Currently, it would have to go back to the Planning Board before this step to determine if the preliminary plans and the final development plans look the same. If there are significant changes between the plans, it has to be brought back to the Town Board according to the UDO before the final development plans are approved.

Commissioner Lutz asked how many times in that process has the Planning Board decided that both plans didn't match up.

Mr. Coates said that since he's started, they've had 6 final development plans go to the Planning Board for comparison with the preliminary plans and all 6 have been approved as matching. He said that developers usually ensure that the plans match to avoid

**TOWN OF WENDELL
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bringing the item back for additional public hearings.

Mayor Gray opened the public hearing. No public comments were given.

ACTION

Mover: Commissioner Jon Lutz moved to take action on item 5d at the Monday, June 8, 2020 Town Board Meeting.

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

Nays: None.

Vote: 5-0

6. ADMINISTRATIVE ITEMS

6a. Appointments to the Town of Wendell Planning Board and Economic Development Committee

Staff Contact: Town Clerk Megan Howard
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 Planning Board and Economic Development Committee and follow up with applicants on any questions concerning their application.

The Planning Board has two vacancies; one (1) in-Town vacancy with a term lasting for three (3) years and one (1) extra-territorial jurisdiction (ETJ) vacancy with a term lasting for two (2) years. The Economic Development Committee has five (5) vacancies with terms lasting for two (2) years.

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

*June 8th, 2020: Appearance Commission and Board of Adjustment
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.

Ms. Howard passed out the ballots to the Board (Commissioner Boyette received his digitally) and tallied the following votes:

Economic Development Committee Votes:

Braxton D. Honeycutt: 4 votes
Rick Shrum: 5 votes
Crystal Keyes-Mwaura: 5 votes
Ashley Anderson: 5 votes
David Grace: 5 votes

Planning Board In-Town Votes:

Jonathan Olson: 3 votes
Jeremy Fryett: 2 votes

Planning Board ETJ Votes:

Cande K. Wood: 4 votes
Crystal Keyes-Mwaura: 1 vote

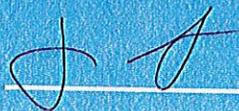
TOWN OF WENDELL
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Citizen Advisory
Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE
VACANCIES (2-YEAR TERM):

- | | |
|---|--|
| <input checked="" type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

Signature: 



Citizen Advisory
Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE
VACANCIES (2-YEAR TERM):

- | | |
|---|--|
| <input checked="" type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

Signature: 

TOWN OF WENDELL
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Citizen Advisory
Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE
VACANCIES (2-YEAR TERM):

- | | |
|---|--|
| <input checked="" type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

Signature: *[Handwritten Signature]*



Citizen Advisory
Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE
VACANCIES (2-YEAR TERM):

- | | |
|---|--|
| <input type="checkbox"/> <u>Braxton D. Honeycutt</u> | <input checked="" type="checkbox"/> <u>Ashley Anderson</u> |
| <input checked="" type="checkbox"/> <u>Rick Shrum</u> | <input checked="" type="checkbox"/> <u>David Grace</u> |
| <input checked="" type="checkbox"/> <u>Crystal Keyes-Mwaura</u> | |

① VACANCIES ✓
Signature: *[Handwritten Signature]*

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Citizen Advisory
Board Ballot

5 ECONOMIC DEVELOPMENT COMMITTEE
VACANCIES (2-YEAR TERM):



Braxton D. Honeycutt



Ashley Anderson



Rick Shrum



David Grace



Crystal Keyes-Mwaura

Signature: _____

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BOARD OF COMMISSIONER MEETING MINUTES
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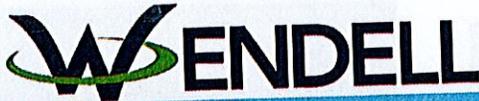


Citizen Advisory
Board Ballot

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

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

Signature: _____



Citizen Advisory
Board Ballot

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

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

Signature: _____

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Citizen Advisory
Board Ballot

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

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

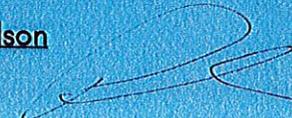
Signature: 



Citizen Advisory
Board Ballot

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

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

Signature: 

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Citizen Advisory
Board Ballot

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

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

Signature: _____

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

TOWN OF WENDELL
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Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____

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



Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____

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Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____

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Citizen Advisory
Board Ballot

1 PLANNING BOARD ETJ VACANCY
(2-YEAR TERM):

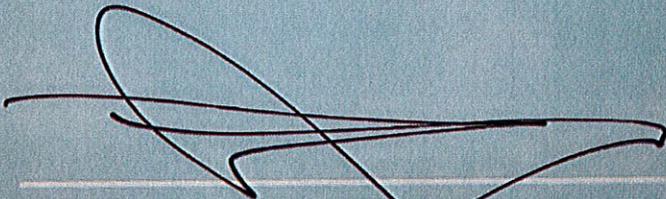
Crystal Keyes-Mwaura

Cande K. Wood

Signature: _____

A handwritten signature in black ink, appearing to be 'Crystal Keyes-Mwaura', written over a horizontal line.

TOWN OF WENDELL
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		Citizen Advisory Board Ballot	
1 PLANNING BOARD ETJ VACANCY (2-YEAR TERM):			
<input type="checkbox"/>	<u>Crystal Keyes-Mwaura</u>	<input checked="" type="checkbox"/>	<u>Cande K. Wood</u>
Signature: 			

6b. Adoption of the Fiscal Year 2020-2021 Budget and Fee Schedule

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 of Wendell Budget for Fiscal Year (FY) 2021 for the period of July 1, 2020 through June 30, 2021 is prepared and submitted in accordance with the Local Government Budget and Fiscal Control Act. Consideration of the budget includes the (1) adoption of the budget document to establish the budget policy, (2) approval of the budget ordinance as required by July 1 by Statute, and (3) approval of the fee schedule for FY 2021.

The FY 2021 Budget Document

The FY 2021 Budget document is a primary policy document that connects fiscal appropriations and the levy of revenues with the strategic goals of the governing board

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and the performance measures of the operating departments. The document is intended to provide information in a clear, concise, and organized manner that identifies the services provided by the Town of Wendell and the connection of those services to funding.

The FY 2021 Budget meets the budget priorities established and advances strategic initiatives. The document includes a 5-year capital improvement plan that maintains compliance with the 40-percent fund balance policy. Additional transparency and detail connecting revenue trends and operating expenses is included. A staffing needs analysis and population growth projection are provided to guide position and service needs for the growing community. Additionally, performance goals and measures are provided for the operating departments.

Five (5) new positions are proposed in the budget to include a two (2) police officers, a stormwater program manager, a public works specialist, and an accountant. Additional personnel highlights include a 3% salary in-range adjustment to reduce compression, implementation of the compensation and classification study, and provides for a 15% increase in health care costs. Investing in our staff includes increases in training necessary for employees to meet service and job requirements.

The capital budget for FY 2021 is \$11,270,724 and include a \$4,122,704 investment in transportation and infrastructure projects, \$431,000 in vehicles, equipment, and technology, \$6,225,520 in building, grounds, and land, and \$90,000 in economic and community development.

FY 2021 Budget Ordinance

The FY 2021 Budget ordinance is provided for approval to recognize revenues, authorize expenditures, and levy taxes for the period of July 1, 2020 through June 30, 2021. The proposed budget is balanced with total fund allocations of \$20,007,171. The Budget includes two accounting funds that are also balanced; the General Fund (\$19,507,171) and the Water and Sewer Fund (\$500,000).

The Ad Valorem tax levy is reduced from forty-nine cents (\$0.49) per one hundred-dollar (\$100) valuation of taxable property in FY 2020 to forty-seven cents (\$0.47) in FY 2021. This rate is based upon an estimated county assessed valuation of \$945,000,000 and an estimated collection rate of 98.64%. The revenue neutral rate established by Wake County was forty-one cents (\$0.41) during the 2020 Revaluation. Revenues are budgeted by major source and include ad valorem taxes, licenses and permits, intergovernmental revenues, permits and fees, sales and services, and other revenues.

The FY 2021 Budget appropriates \$744,618 of fund balance to provide for capital project expenditures. The appropriated fund balance is made consistent with adopted financial policies with a calculated fund balance remaining equivalent to 91.4% of the general fund operating non-capital budget. This exceeds the 40% fund balance policy level.

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The Budget Ordinance provides for the aggregate appropriations for each department. Additional line item detail and analysis is provided in the FY 2021 Budget document. Total expenses equal the sum of revenues and appropriated fund balance.

Statute requires the appropriation of the full amount estimated to be required for debt service during the fiscal year. The total debt service descriptions are provided for streets, general expenses, water, and sewer and total \$891,200.

The proposed Budget was presented on May 6, 2020 and a budget hearing was held on May 11, 2020. The budget has been available for public review and comment for greater than ten (10) days as required by Statute and is eligible for approval by the Board of Commissioners.

FY 2021 Fee Schedule

The fee schedule is prepared in the form of an ordinance and sets forth the charges and fees for the Town for the FY 2021 period extending from July 1, 2020 through June 30, 2021. The fee rates provide for administrative fees, parks and recreation fees, and planning and development fees.

The fee schedule remains largely unchanged from last year except a \$10 increase to the returned check fee to match the bank charge and minor consolidation of special event fees.

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

Commissioner Tarnaski asked about the fee schedule regarding the golf cart fees being lowered to \$40 or \$50.

Mr. Collins said there are two reasons that staff are not recommending lowering the fee. After reviewing the fee as requested by the Board, there is a cost to staff for reviewing the program, such as the inspection of each golf cart. He said the second reason is that the Board had discussed making sure the Town had some funding for a recreation scholarship program. While no formal action was taken, staff did honor that request by continuing the scholarship program in this year's budget.

Commissioner Joyner asked what the total line item is.

Mr. Collins said the budgeted amount for golf carts is \$5,000. He said that there is a growth projection, as last year it was \$3,500 and there has been a large growth in interest.

Commissioner Joyner said he appreciates Commissioner Tarnaski's question. He said himself, the Mayor and Chief Carter discussed the golf cart program when it was first created, and it has been a formal process that is important for the police department to perform. He said he would love to see the fee lower, but at the end of the day he

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understands why the fee is where it is from a cost perspective.

Mayor Gray said that when you consider a car fee, that's not something that Town staff handles. She said that there is a lot of staff time that goes into the golf carts.

Commissioner Lutz said the Town makes it very convenient for traveling in golf carts on side streets. He said the large area that is able to be traveled justifies the fee being where it is, as well.

Commissioner Tarnaski said that he can travel in his car for \$98 a year anywhere in the United States.

Commissioner Joyner said that it dawned on him that Chief Carter, Mayor Gray and other staff members remember previous budgets where the goal was to have a Land Use Plan where the goal was figuring out how to finance a new town hall and knowing that the Town would have to eventually grow into that need and that they were already behind the 8-ball on that project. He said seeing this level of capital investments in this budget are unprecedented since he has been on the Board. Mr. Joyner said that the tax rate is going down and he completely understands that people who are new to the area thinking that going down two cents isn't a big deal. However, he said it has been at 49 cents for as long as he could remember, with it last changing in 2008. He said that the long-term investment in Parks and Recreation in the last couple weeks has shown that having open space for public use is worth investing in. He said this budget is setting the Town up to becoming the place to be. He said it has been a great process and he's happy to vote for it.

Mayor Gray agreed and said that she's very excited about the budget this year and the future of Wendell.

ACTION

Mover: Commissioner Jon Lutz moved to adopt the FY 2021 Town of Wendell Budget, the FY2021 Budget Ordinance, and the FY 2021 Fee Schedule.

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

Nays: None.

Vote: 5-0

6c. Waiver of Building Permit Fees for Operation Coming Home Project Sponsored by the Homebuilders Association of Raleigh-Wake County.

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

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

Item Summary:

In 2007 a group of local veterans and members from the Home Builders Association of Raleigh-Wake County (HBA) decided to establish a project for severely wounded veterans. The mission of this project is to aid a local military service member who was severely wounded in combat, by fulfilling his/her family desire to live the American Dream of home ownership – thus the creation of Operation: Coming Home (OCH). The program relies on donations and sponsorships of individuals and companies as well as labor and supplies to make this program a success.

The HBA has identified its next OCH project in Wendell. This will be the 22nd home that OCH is building free and clear for the family of a deceased veteran. The home is for the family of Sergeant First Class Elis A. Barreto Ortiz, a 34-year-old soldier in the 82nd Airborne Division's Third Brigade stationed at Fort Bragg. Tragically, Sgt. Barreto was killed in combat on the eastern side of Kabul, Afghanistan.

The home will be located at 1604 Stagecoach Trail in the Wendell Falls neighborhood. On average, a little over one home a year is built through this program in Wake County. The builder, Garmin Homes, is requesting the Town of Wendell and Wake County waive the building permit fees for this project. As a reminder, Wake County performs the building inspections for the Town of Wendell through a mutual agreement. The fee rate structure for building permits is set by the Town of Wendell and the Wake County Board of Commissioners.

The Town of Wendell building permit fees for 1604 Stagecoach Trail are \$260 and the Wake County fees total \$711. The Wake County Board of Commissioners will take action on the fee waiver request on Monday June 1st, 2020.

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

ACTION

Mover: Commissioner John Boyette moved to approve the Waiver of Building Permit Fees for Operation Coming Home Project Sponsored by the Homebuilders Association of Raleigh-Wake County.

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

Nays: None.

Vote: 5-0

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- 6d. Recurring Minor Street Closing on West Campen Street for the Wendell Farmers Market on Saturdays from May 16, 2020 to October 3, 2020.

Staff Contact: Assistant to the Manager Stephanie Smith
ssmith@townofwendell.com

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

Item Summary:

The Town of Wendell is working with area farmers and craft vendors to continue the Wendell Farmers Market on Campen Street between Main Street and Tobacco Alley. Approval by the Board of Commission for the minor street closure is necessary due to the recurring nature of the event. Authorization is requested for the Farmers Market to occupy the location on Saturdays from 9:00 am until 1:00 pm starting on May 16, 2020 and extending through October 3, 2020. The Town will provide barricades and staff the event to ensure only registered vendors are setting up and using the space provided. The Town will also market the events and provide notification of when the market is closed due to weather, holiday, or other cause. Vendors will be responsible for their own tents and tables.

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

ACTION

Mover: Commissioner Lutz moved to approve the Recurring Minor Street Closing on West Campen Street for the Wendell Farmers Market on Saturdays from May 16, 2020 to October 3, 2020.
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:

- Mayor Virginia Gray – Capital Area Metropolitan Planning Organization (CAMPO) Mayor Gray said CAMPO held a public hearing on the Wake Transit Work Plan, a public hearing on the Transportation Improvement Amendment #1, they heard a presentation on the FY 2021 recommended Wake Transit Work Plan, and scheduled an adjustment due to the COVID-19 pandemic and how that will impact future projects. CAMPO heard an update on CAMPO projects and programs funding, as the NCDOT is apparently falling below statutorily-mandated cash flow required for them to enter into new contracts for transportation projects. As a result, active projects can continue to avoid penalties and maintain

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infrastructure and they will be paying invoices from private sector as long as funds are available. They will continue DMV operations and they will have emergency response and will only hire critical staff at this time. They currently cannot enter into any new contracts, purchase any new equipment, or do any right-of way acquisitions. CAMPO received an update to the Public Participation Plan regarding electronic meetings and heard an update on the beginnings of the Northeast Area Study of which Wendell is a part of. The dates for virtual symposiums for that are June 9th and 13th. For updates, visit NEASUpdate.com for more information.

- Mayor Pro Tempore John Boyette – Technical Review Committee (TRC)
Mayor Pro Tem John Boyette said he was unable to attend the TRC meeting this month, which was held virtually. The subject of the meeting was street width and emergency vehicle access in the expansion of Edgemont Landing. He said that a lot of stuff has slowed down due to the pandemic.

8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Joyner thanked staff for the hard work that went into the budget and scheduling virtual meetings. He said budgets evolve and to those that have watched the town progress, this is the first time in a budget that the Town is going to add multiple staff members. He said there's a lot of good growth and long-term plans that are coming to fruition. He said with that growth comes opportunities for people to help. He said that Citizen Board appointments will continue and encouraged citizens to help the board achieve the town's goals.

Commissioner DeLoach said that this is his first budget as a Commissioner and he was excited to participate and is glad the town is able to achieve its objectives. He thanked staff for their hard work and citizens for their involvement in the Citizen Advisory Boards. He encouraged residents to continue with that involvement. He said he's excited with Project Coming Home and is very happy for that family.

Commissioner Lutz said that he's grown to like the budget more as time has progressed as it continues to better the town. He thanked town staff for their hard work and said it's good to see the vision come to life. He thanked residents for coming out and supporting the Farmer's Market and encouraged people to attend on Saturdays.

Commissioner Tarnaski had no comments.

Commissioner Boyette thanked staff for the budget document, as it represents years of hard work by town staff and the Board. He said it's allowed them to lower the tax rate while continuing to hire good, qualified staff.

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9. MAYOR'S REPORTS / COMMENTS

Mayor Gray also thanked staff for all of their hard work, saying all of the things they do takes extra steps during this time. What has been expected of them has been added to and she appreciates them rising to the challenge. She thanked staff's efforts for changing and adapting during this time. She said the town is progressing on track with some modifications to abide by the governor's orders. She said the town needs to hang in there and see what happens. She said she is excited on how the town is lowering the tax rate and progressing. Mayor Gray said that vendors at the Farmer's Market are always rotating and encouraged residents to check it out on a Saturday morning from 9 a.m. to 1 p.m.

10. CLOSED SESSION

Closed session will be called if necessary.

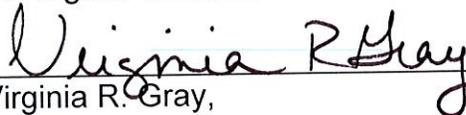
11. ADJOURN

ACTION:

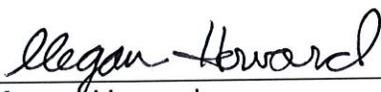
Mover: Commissioner Lutz moved to adjourn at 8:43 p.m.

Vote: 5-0

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


Virginia R. Gray,
Mayor

ATTEST:


Megan Howard,
Town Clerk

