

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
October 10, 2016**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, October 10, 2016, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

PRESENT: Mayor Virginia Gray; Mayor Pro Tem Jon Lutz; Commissioners: John Boyette, David Myrick, Ben Carroll, and Jason Joyner.

STAFF PRESENT: Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Parks and Recreation Director Jeff Polaski, IT Administrator Tamah Hughes, and Police Chief Bill Carter.

CALL TO ORDER:

Mayor Gray called the meeting to order at 7:01 p.m. and welcomed attendees.

PLEDGE OF ALLEGIANCE:

Police Chief Bill Carter led the Pledge of Allegiance.

INVOCATION:

Mr. Don Mallard of Covenant Presbyterian Church provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA:

Mayor Gray requested to table Items 4 and 16.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the agenda as adjusted.

Vote: Unanimous.

2. PUBLIC COMMENT PERIOD (*one hour time limit in total*):

No public comments were received by the Town Board.

3. CONSENT AGENDA:

The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following item(s):

- a. Approval of the Minutes from the September 26, 2016, regular meeting.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.

Vote: Unanimous.

**4. RECOGNITION OF WENDELL ELEMENTRAY SCHOOL TEACHER:
MEGHAN TILLERY**

SPEAKER: Mayor Gray
ACTION: Recognition

ACTION: This item was tabled.

Public Hearing Guidelines:

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

- 5. PUBLIC HEARING FOR ANNEXATION PETITION A-16-01 FOR PROPERTY LOCATED AT GROVE OF DEERFIELD, PHASES 3 AND 4, 19.88 CONTIGUOUS ACRES.**
ACTION: Board may take action.

[Staff Report]

Item Summary

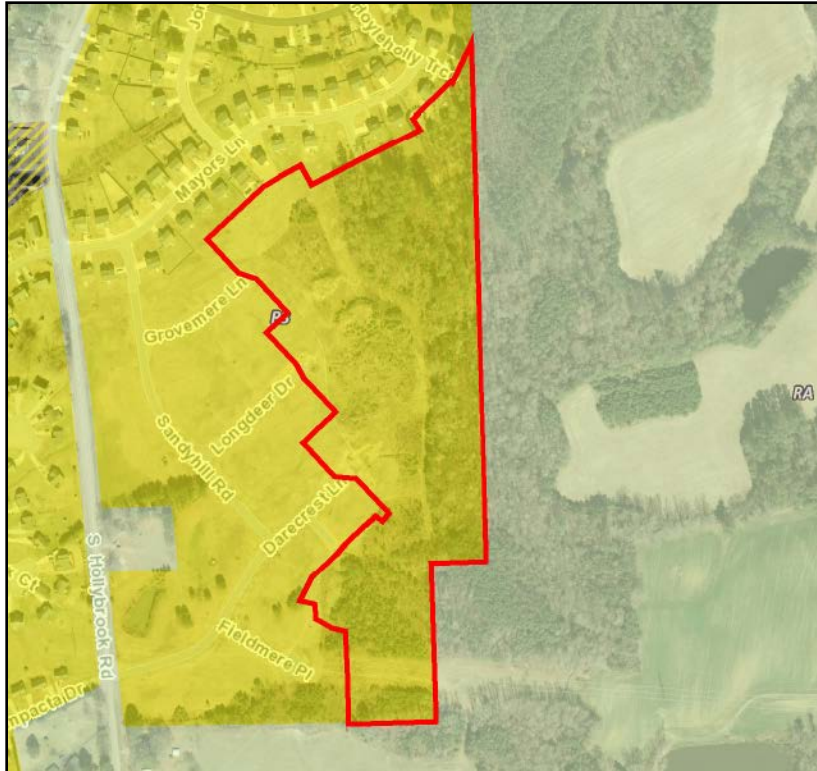
Lucius Jones has submitted an annexation request for 19.88 acres of land located in Phase 3 and Phase 4 of the Grove of Deerfield subdivision. This property is currently vacant and the applicant is seeking to prepare this property for the next phase of Grove of Deerfield, a single family subdivision. .

The Town Clerk has certified the sufficiency of the annexation petition. The applicant has also submitted a copy of the annexation plat to be signed and recorded. No additional material is required to be submitted prior to the public hearing.

Project Profile:

PROPERTY LOCATION: 0 S. Hollybrook Road
WAKE COUNTY PIN(s): 1783856054
ZONING DISTRICT: R3
PROPERTY OWNER(s): Lucius S. Jones
PO Box 128
Wendell, NC 27591-0128
APPLICANTS: Lucius S. Jones
PO Box 128
Wendell, NC 27591-0128
PROPERTY SIZE: 19.88 acres
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Single Family Residential

Location:



Zoning District:

This property is currently zoned Residential-3 (R3), which allows for approximately 3 dwelling units per acre. The applicant has expressed no plans to rezone the property. This zoning category is consistent with the existing sections of the Grove of Deerfield subdivision.

Tax Information:

Currently, the parcel is undeveloped and is valued at \$206,640. At the current tax rate of 49 cents, the annexation of this property would result in approximately \$1012 in increased tax revenue for the Town. This figure will increase as the parcel is subdivided into building lots and homes are constructed. The average tax value of developed parcels (with homes) in Grove of Deerfield Phase 2 is approximately \$180,000, which results in \$882 of taxes for the Town per lot. Once subdivided, the section being annexed will include 57 lots. Based upon the same value of developed lots in Phase 2, phases 3 & 4 would generate approximately \$50,274 in taxes for the Town.

Planning Director David Bergmark provided an overview of annexation petition A-16-01 for property located at Grove of Deerfield, Phases 3 and 4, 19.88 contiguous acres; staff report included above in italics.

Mayor Gray opened the public hearing at 7:06 p.m. As no one came forward to speak, Mayor Gray closed the public hearing at 7:07 p.m.

ACTION

Mover: Commissioner Myrick moved to approve annexation petition A-16-01 for property located at Grove of Deerfield, Phases 3 and 4.

Vote: Unanimous.

- 6. REQUEST BY THE WENDELL CHAMBER OF COMMERCE FOR FEE WAIVER TO HOST THE WENDELL CHAMBER BANQUET AT THE WENDELL COMMUNITY CENTER.**
ACTION: Board may take action.

[Staff Report]

Specific Action Requested:

The Wendell Chamber of Commerce requests a fee waiver to host the Wendell Chamber Banquet at the Wendell Community Center on Thursday, November 17, 2016, from 12:00 p.m. thru 9:00 p.m.

Item Summary:

The Parks and Recreation Commission voted unanimously in favor of waiving the rental fee but not waiving the cleaning fee per the rental policy. As the Wendell Community Center is open and staffed during this time, there would not be a charge for onsite staff fee.

Parks and Recreation Director Jeff Polaski provided an overview of the request by the Wendell Chamber of Commerce for fee waiver to host the Wendell Chamber Banquet at the Wendell Community Center; staff report included above in italics. No one from the Chamber was present.

ACTION

Mover: Commissioner Joyner moved to approve waiving the rental fee and the applicant is responsible for the cleaning fee.

Vote: Unanimous.

- 7. TRANSPORTATION PLAN; PUBLIC HEARING HELD SEPTEMBER 12, 2016.**
ACTION: Board may take action.

[Staff Report]

Item Summary

At the Town's request, Mike Surasky of AMT developed a proposal in February of 2015 for updating the Town's various transportation plans. The scope of work created by Mr. Surasky included changes and updates to the Town's Collector Street Plan, Thoroughfare Plan, and Unified Development Ordinance. The purpose of the new Arterial and Collector Street Plan (ACS) is to provide citizens, the development community and government staff with an easy-to-understand and rational document to guide arterial and collector street location and design.

The Town's existing Collector Street Plan was adopted in November of 2006, and incorporated into the Town's Comprehensive Plan in 2007. Since that time, changes in regional transportation plans and actual development patterns have made updates to the town's transportation plans necessary. Additionally, the Collector Street Plan and the UDO fail to identify what the ultimate right-of-way should be for those roads identified.

The UDO does include typical cross-sections for different road types, but does not assign those classifications to the roads within the plan. Without this information, the ultimate right of way is not identified and staff is unable to inform developers how much right-of-way dedication is required, or what resulting road improvements are necessary when adjoining property is

developed. As a result of current regulations, the Town has only required 90 feet of right-of-way to be dedicated in areas where 100 or 110 feet is needed to construct the appropriate cross-section. Additional right of way is also due in part to the increased demand for pedestrian and bicycle facilities.

One key element of the Arterial and Collector Street Plan is to assign roadway classifications to all existing and future road connections in the Town's jurisdiction. AMT has also evaluated all relevant regional transportation plans, such as CAMPO's Metropolitan Transportation Plan (MTP) and the Northeast Area Study, to ensure that any long-range regional projects are incorporated into the Town's plan. The plan, in conjunction with the UDO, includes clear standards for when infrastructure improvements are required, how they are implemented, and who the responsible parties are. Finally, the Arterial and Collector Street Plan includes a corridor study of Wendell Falls Parkway, as well as a priority list of projects for the Town to pursue through grant opportunities.

The Draft ACS document is available on the Town website at

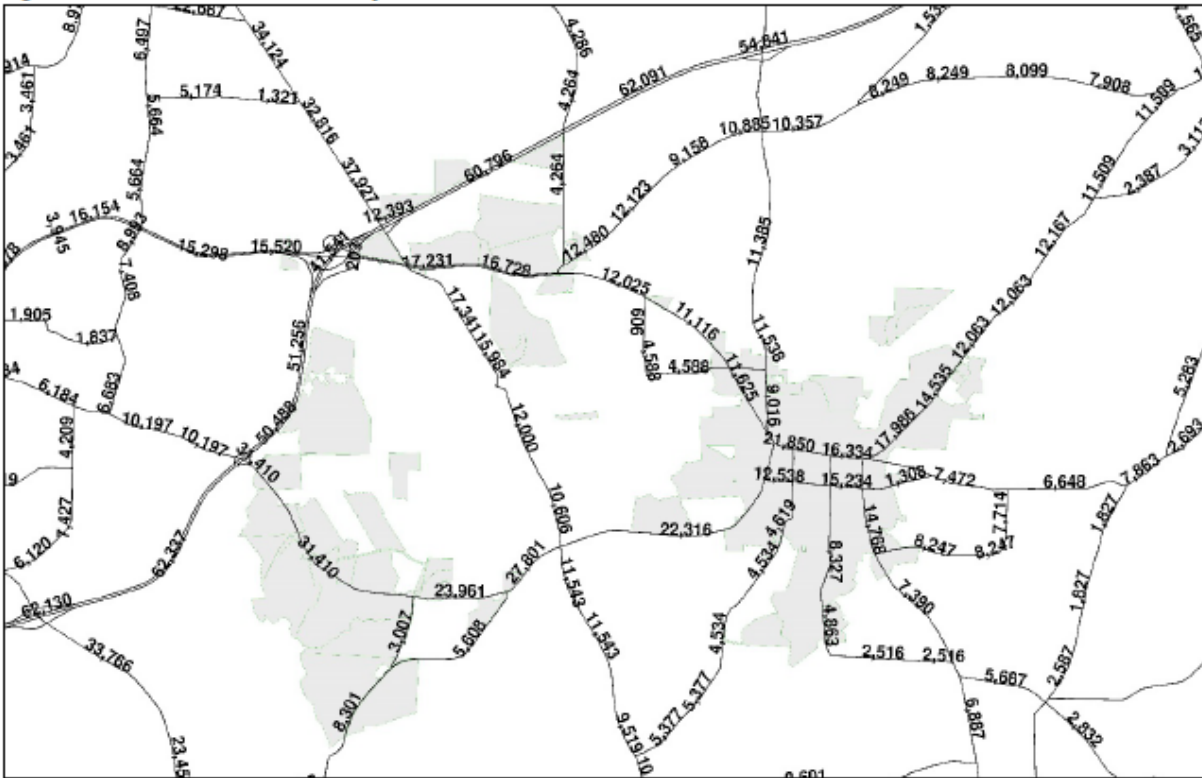
<http://www.townofwendell.com/departments/planning/transportation>

This document includes an internal and external literature review, new roadway cross-sections, a new arterial and collector street map which assigns those cross-sections to new and existing roads, as well as information on infrastructure improvement requirements and transportation impact assessments (TIA). This document should be referenced to view applicable street cross-sections referenced in Attachments D & E.

The purpose of developing a new Arterial and Collector street map (Attachment D) is to remove outdated or unnecessary connections, realign roads where necessary, and propose new connections where needed. New road connections are shown with a solid line. Modifications to existing road sections are shown with a dashed line. Many of the 'new connections' may already be shown as required improvements on the existing collector street map. Each collector or thoroughfare shown on the map is linked to a specific cross-section. The existing Collector Street Plan Map (adopted by the Town Board in 2006) is included as Attachment C.

Proposed improvements are guided by future traffic volume projections. The Capital Area Metropolitan Planning Organization (CAMPO) has a regional transportation model used for predicting future road volumes. The results of their 2040 projections are included as Figure (below). As can be seen in Figure 1, CAMPO's traffic model predicts heavy vehicle capacity being required on Wendell Falls Parkway, and subsequently onto Third Street and Wendell Boulevard. In order to accommodate future traffic volumes, the Town will need to widen existing roads, or create additional new connections to provide alternative routes to reduce congestion on these roads.

Figure 1: 2040 Total Volume Projections



New roads to be shown on the future Arterial and Collector Street Plan map would be required to be dedicated and constructed and the time of development. In some cases, a fee in lieu of transportation improvements may be warranted where the full cross-section cannot be achieved at the time of development.

In rare cases, other plans or agreements approved by the Town of Wendell may supersede the roadway classifications and corresponding cross-sections shown in this document. These could include adopted corridor plans, Planned Unit Developments (PUDs), development agreements, or conditional districts. For example, the Wendell Falls subdivision is governed by a PUD document which includes cross-sections specific to this development. Similarly, the portion of Old Battle Bridge road south of the bridge is governed by a conditional use rezoning approval (ZM08-01). So long as these approvals remain in effect, they shall determine the applicable cross-sections in these areas. This language has been added to the draft plan for reference.

A public hearing was held on this item at the September 12, 2016 Town Board meeting. The only change made to plan since the public hearing was to include the realignment of Marshburn Road at the intersection of Wendell Blvd to the priority project list. The realignment would adjust the angle at which Marshburn Road intersects Wendell Boulevard to improve safety. This improvement has long been discussed by the town, but previously was not included in the project list.

Timeline:

- February 23, 2015 – Town Board approved funding for Transportation Plan Update
- March, 2015 – AMT began research and development of the ACS Plan
- May 18, 2015 – Planning Board briefed on the ACS Plan
- June 15, 2015 – Planning Board received Draft ACS Plan material

Board Meeting Minutes

October 10, 2016

- *June 29, 2015 – A public information session was held at the Community Center for the purpose of receiving public input.*
- *July 20 2015 – The Planning Board voted to send the ACS Plan to the Town Board without a formal recommendation of approval or denial.*
- *September 14, 2015 – A public hearing was held, but no action was taken. Staff was directed to obtain additional public input.*
- *October 19, 2015 – A transportation sub-committee was formed to obtain additional public input and staff was directed to do additional advertising/outreach at a projected cost of \$1400.*
- *March, 2016 – Sub-committee met to review draft plan and organize public workshops. Letters and/or utility inserts were delivered to property owners and residents within Wendell's corporate limits, ETJ, and urban service area notifying them of the upcoming public workshops.*
- *April 5-14, 2016 – Three public workshops were held at Hephzibah Baptist church, Central Baptist Church, and East Wake Senior Center to solicit public input.*
- *May 16, 2016 – Sub-committee reviewed written comments received from the public, received updated recommendations from the Town engineer, and voted to send those recommendations to the full Planning Board with one additional request to consider Stott's Mill as an alternative southern bypass.*
- *July 7, 2016 – Planning Staff met with property owners along Marshburn road to discuss their thoughts and concerns about proposed improvements to Marshburn road.*
- *July 18, 2016 – the Planning Board voted 4-2 In favor of recommending approval of the Draft ACS Plan.*

Public Input Received:

Prior to the September 2015 public hearing, the Town received a limited amount of public comments regarding the Transportation Plan. As a result, staff was directed to initiate a new round of public input which resulted in a more robust response from the public.

Some concerns expressed did not relate to a specific property or area, but rather focused on the potential impact infrastructure improvement requirements could have on rural property owners wishing to build a home for a relative or existing homeowners looking to replace their homes.

In order to address these concerns, staff has included a proposal within the ordinance for adoption to address 'family subdivisions'. This language would replace the limited 'family subdivision' provision contained in the Town's current regulations for the Residential Agricultural (RA) zoning district. Under the proposed language, property owners could subdivide lots for direct family members without having to improve existing road frontage, but would be required to dedicate additional right-of-way to accommodate the future road improvements. A similar provision was created for the construction of one dwelling on a parcel of 10 acres or more in size which currently has no dwellings.

Additionally, staff included language which would allow the replacement of homes without being required to make road infrastructure improvements, with the exception of sidewalk and curb and gutter where there is an existing sidewalk on the same side of the street within 300 feet of the property.

Other concerns expressed were related to specific streets or areas shown on the draft ACS map. Staff mapped these comments on the draft ACS plan and consulted the Town engineer to determine which proposed changes were appropriate from an engineering standpoint. Attachment D shows the results of that evaluation. The comments shown in green represent

those changes the Town's engineer is in favor of. Those comments in red represent changes the engineer did not support. Finally, comments shown in yellow represent changes which may be reasonable from an engineering perspective, but which have other complications or obstacles to implementation. Attachment E represents the Draft ACS plan with those changes suggested by the public AND supported by the Town engineer incorporated.

Residents of Marshburn Road expressed concern over Marshburn being classified as a 4-lane divided major thoroughfare. Those who attended the July 7th public meeting requested that Marshburn Road be shown as a 3-lane undivided road instead. The Town engineer was not in support of this change due to the development potential and access Marshburn Road has to US-64 Bypass. To help illustrate this point, staff created a map which shows the amount of undeveloped or underdeveloped acreage along Marshburn Road (Attachment F).

As seen in Attachment F, there is nearly 1500 acres of undeveloped or underdeveloped property along Marshburn Road (bounded by Marks Creek on the east and existing development on the west) which would use Marshburn Road as the primary point of access. If this area were developed at 2 units per acre (which is lower than a typical subdivision), this would still equate to over 7000 residents at build-out. The transportation impact would be even greater if the area were developed at a higher density, or included non-residential uses.

Finally, staff also kept a log of all written comments received – some of which cannot be mapped. A copy of those comments is included on the town website at <http://www.townofwendell.com/departments/planning/transportation>.

UDO Updates:

Incorporation of the Arterial Collector Street (ACS) Plan material into the appendix of the UDO will require minor modifications to other sections of the UDO. References to the Collector Street plan or Thoroughfare Plan in the following sections of the UDO will need to be replaced with references to the ACS plan. These proposed changes to the UDO are included in the draft ordinance (see Attachment B)

- *Table of Contents –*
 - *Rename Appendix C 'Arterial and Collector Street Plan'*
 - *Rename 9.5 and 9.6 to reference the ACS Plan*
- *Section 2.8,B,1 – Replace 'Collector Street Plan' with 'Arterial and Collector Street Plan'*
- *Section 16.4 (Sketch Plan requirements)*
- *Section 17.8E1 (Open Channel in Dedicated Floodplain and Open Space Area)*
- *Chapter 19 (Definitions)*
- *Chapter 9 (Circulation) – Replace all references to the 'Town of Wendell Collector Street Plan' or 'Thoroughfare Plan' with 'Town of Wendell Arterial and Collector Street Plan'*

Additionally, the following more substantive changes will need to be made to the UDO:

- *Based on public comments received regarding the impacts of the transportation plan, staff recommends that an amended 'family subdivision' provision be added to Chapter 15 of the UDO, to exempt eligible properties from infrastructure improvements.*
- *That a provision be added to the UDO which exempts undeveloped properties of 10 acres or more constructing one single family dwelling from infrastructure improvement requirements normally subjected to development. Right-of-way dedication will still be required.*
- *That a provision be added to the UDO which exempts the replacement of existing single family homes from infrastructure improvement requirements, with the exception of sidewalk, curb, and gutter for properties with existing sidewalk on the same side of the street within 300 feet.*

Board Meeting Minutes

October 10, 2016

- *That a provision be added to chapter 15 to allow for administrative modifications to site-specific applications of the proposed cross-sections. These modifications would not change the number of lanes required, but would allow for minor changes in the location or width of elements such as sidewalk, bike lanes, the vegetative verge, etc. where needed, such as in transition areas between cross-sections or when fitting a new road section with an existing street section that is not likely to redevelop soon.*
- *All non-local street cross-sections in Chapter 9 will need to be deleted, as they will be replaced with the new cross-sections developed in the ACS plan. All local street cross-sections are replaced with updated graphics to account for the Town's revised street tree regulations.*
- *As recommended by AMT, staff proposes to lower the threshold for when a Transportation Impact Assessment (TIA) is required to be more consistent with adjacent municipalities (150 peak hour trips).*
- *Section 9.3D (Bikeways) will need to be updated to reference the new cross-sections in the ACS plan. Currently, all collector and thoroughfare cross-sections proposed in the ACS incorporate bike-lanes. This represents a change from our current standards, which only require bicycle facilities on those roads identified within the comprehensive plan.*
- *Section 2.17 (Gateway Overlay) will need to be updated to include deletion of the 5 cross-sections included for Wendell Boulevard and removal of 2.17D3 (Streetscape Standards). Development along Wendell Boulevard shall follow the applicable cross-sections and associated streetscape standards included in the ACS.*

Staff Recommendation:

- *Staff recommends approval of the proposed text amendments to include material from the updated transportation plan as Appendix C of the UDO, and to amend various sections of the UDO to support the changes proposed in Appendix C.*
- *The proposed changes establish the ultimate cross-section for existing roads, updates the Town's needs as it relates to future connections, and provides measures to mitigate costs in extenuating circumstances, such as for family subdivisions.*

Planning Board Recommendation:

At their July 18, 2016 meeting, the Planning Board voted 4-2 in favor of recommending approval of the Draft ACS plan and associated UDO amendments. The only change since the Planning Board's vote was to amend the road segment between Eagle Rock Road and Wendell Boulevard from a 4-lane divided road to a 3 lane undivided road (item R26 on Attachment D), based on conversations with DOT about the replacement of the Old Battle Bridge Road bridge.

Voting in Favor: Errol Briggerman, Ruth van der Grinten, Victoria Curtis, & Harold Broadwell

Voting Against: Ashley Anderson & Lloyd Lancaster

Absent: Gilda Wall, Kathe Schaecher

Statement of Plan Consistency and Reasonableness:

- *The Planning board found the proposed amendments to be consistent with the following principle of the comprehensive plan and deemed them reasonable and desirable in order to anticipate and respond to traffic needs in a manner which provides clear expectations for developers and citizens.*
 - *Principle Number 8: "Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.*
 - *Principle Number 5: "Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population."*

Planning Director David Bergmark provided an overview of the transportation plan; staff report included above in italics.

Commissioner Myrick questioned how the property owners were notified about the Transportation Plan. Planning Director Bergmark stated the following methods were used to notify property owners:

- In-town received inserts in the utility billings
- ETJ received mailings
- Urban service area, the area outside the Town's service area, were sent mailing
- Articles were in the Eastern Wake News
- Electronic message board was used

Commissioner Boyette stated he grew up off of Eagle Rock Road in the Town's ETJ. First Town Board meeting he attended was for the Transportation Plan because his dad received a letter from the Town. This prompted his desire to serve on the Town Board. Several years ago he considered building on the family farm property and came to the Town to find out what it would take. He stated this plan is as transparent as possible for developers and land owners wanting to know what needs to be done for the property and lays out an idea of what will be required for different uses. The Town Attorney added language that the Transportation Plan is conceptual. Believes every attempt has been made to reach out to land owners. Every municipality in Wake County has a Transportation Plan.

Commissioner Joyner stated several spots along Wendell Boulevard are for sale. Questioned if he were to buy land between Food Lion and the highway what is the process. Planning Director Bergmark stated improvements would be needed just along the owned property or the owner could request a fee-in-lieu. Mr. Bergmark said the degree and cost of improvements would be based on where along Wendell Boulevard the development occurred. He said the cross-section along Wendell Boulevard varied from two-lanes to four-lanes.

Commissioner Joyner stated what if his property were a piece in the middle of the current two-lane. Planning Director Bergmark stated the fee-in-lieu would be the best use and NCDOT would also review what is needed for the cross section.

Commissioner Boyette questioned if the piece in the middle pays the fee in lieu of and nothing happens for 20 years then the fee in lieu will not be sufficient due to inflation. Questioned that when it is time to widen the road, who pays for the overage. Planning Director Bergmark stated not the property owner.

Commissioner Boyette questioned if the State comes through because it is time to widen the road, would the State expect the fee-in-lieu-of funds. Planning Director Bergmark stated no. He said fee in lieu of transportation funds must be used for transportation needs within the Town, but they do not have to be used along the exact road frontage where the funds were paid for.

Commissioner Boyette questioned if the Town takes money to widen a road the State is not expecting money to widen the road.

Board Meeting Minutes
October 10, 2016

Mike Surasky, traffic engineer, stated an example of this is municipalities with impact fees for transportation. They take in that fee for a certain frontage or place, but if the State wants to come in and widen that road such as in Cary for HWY 55. The Town of Cary may have used that money to pay for extras such as bike lanes that the State would otherwise not pay for. What happens when that 200 foot piece sparks development around it and neither the State nor the Town has money is the developers make the improvements happen. He cited the Family Dollar in Wendell. The Town of Wendell is part of the Capital Area Metropolitan Planning Organization (CAMPO). CAMPO updates the Transportation Plan every five years. The expectation is the plan will be reviewed and updated on a regular basis.

Commissioner Joyner stated for the same scenario, what happens if he does not pay the fee in lieu and it calls for a four-lane. Mr. Surasky stated for most communities, the owner will improve to the curb line, but not install the median. The curb line can be set on the developed side of the road. The median will not be built because the other side of the road is unknown.

Commissioner Boyette is trying to picture the curb line. Mr. Surasky stated the expanded pavement would be unused for a period of time. He said the existing travel lane would continue to be used to ensure the road is moving safely along.

Mayor Pro Tem Lutz stated his concern is handling the flow of the people that are hopefully coming through to the downtown area. And try to make the Transportation Plan the least impact as possible with citizens and property.

Commissioner Joyner stated he has economic concerns. He missed the public hearing and was attending another meeting discussing this plan and possible funding options. He stated the new Town Board authorized the funds to notice for this project. The Board is committed to getting it done and getting it done right. Believes the Board is very close.

Commissioner Boyette questioned if the Town Board is holding up any projects by not passing this tonight. Mr. Bergmark responded no.

Mayor Gray stated this has been ongoing for some time. Knows there is a lot on the new plan that is in the current plan except for Wendell Valley Boulevard and the U5323 roads. She said the Board could consider the possibility of keeping the current plan and send it back to the Planning staff to review with those two things and recommendations on classifications and cross sections. The new plan is a suggestion to create connectivity. When developments take place, the roads may be in slightly different positions.

Commissioner Boyette stated he is ok with delay. Reason for the update is because of the growth on the Wendell Falls side of Town to adjust traffic counts. Part of the plan is learning where the traffic will be and the current plan does not take that into account well. Looking at cross sections is important as are a holistic approach for traffic counts, projections, and development patterns. This would set the Town back.

Board Meeting Minutes

October 10, 2016

Commissioner Joyner stated he attended all three public work sessions. The plan would look different if all the feedback were taken.

Commissioner Gray stated an option is to keep the current plan and to add Wendell Valley Boulevard and the U5323 and the classification of roads and cross sections. Roads will have to be put in anyhow. This would take care of those items that have been on hold for over a year.

Commissioner Boyette stated no matter when the plan is started, at the end of the process some things will change. He does not have a problem addressing those things because this is conceptual. He does not have a problem addressing as they come up. Feels it is a disservice to tell people we are updating a plan and then not do it.

Commissioner Joyner stated there are meetings coming up in the next couple of weeks that may impact the plan.

Commissioner Carroll stated the more the Board digs, the more the Board finds. He agrees that staff has put in work. The Board is representing the citizens of Wendell and those in the ETJ. He has not heard a single person that was happy with the plan. People who spoke were upset. Does not know what the right answer is. He would like to hear individually from everyone that is upset. He has heard from two or three and he would like to hear more from the citizens.

Commissioner Boyette stated he is the Town's representative for the North Carolina League of Municipalities (NCLM). He stated the evening of the next board meeting he is attending the NCLM business meeting and the installation of Zebulon Mayor Matheny as President to the Board of Directors.

ACTION

Mover: Mayor Pro Tem Lutz moved to table to the first meeting in November [November 14].

Vote: Unanimous.

8. DISCUSSION AND ACTION DIRECTING THE TOWN CLERK TO INVESTIGATE A SATELLITE ANNEXATION PETITION FOR 2.013 ACRES OF PROPERTY (EXCLUDING ROW) LOCATED AT 5329 ROLESVILLE ROAD AND IDENTIFIED AS A PORTION OF PIN # 1774297076.

ACTION: Board may take action.

[Staff Report]

Item Summary

David Royster has submitted an annexation request for 2.013 acres of land located at 5329 Rolesville road. This land represents a portion of the 50.55 acre parcel identified by PIN # 1774297076. This property is currently vacant and the applicant is seeking to prepare this property for development as an ABC store. The applicant has also submitted a rezoning request, as this property is currently under Wake County's zoning jurisdiction.

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

Project Profile:

Board Meeting Minutes
October 10, 2016

PROPERTY LOCATION: 5329 Rolesville Road
WAKE COUNTY PIN(s): 1774297076
ZONING DISTRICT: CU-HC (Wake County)
PROPERTY OWNER(s): Capitol Funds Inc
PO Box 144
Shelby, NC 28151-0144

APPLICANTS: David Royster
720 S Lafayette Street
Shelby, NC 28150

PROPERTY SIZE: 50.55 acres (request is for 2.013 acres)
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Commercial

Zoning District:

This property is currently zoned CU-HC, which is a Wake County zoning designation meaning 'Highway Commercial'. The applicant has also submitted a rezoning petition to be acted upon immediately following annexation into the Town's limits. In that separate petition, the applicant is requesting the property to be zoned Wendell's 'Highway Commercial' (CH) designation.

Planning Director David Bergmark provided an overview of annexation petition for 2.013 acres of property (excluding ROW) located at 5329 Rolesville Road and identified as a portion of PIN # 1774297076; staff report included above in italics.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the resolution as presented.
Vote: Unanimous.

- 9. DISCUSSION AND ACTION DIRECTING THE TOWN CLERK TO INVESTIGATE A SATELLITE ANNEXATION PETITION FOR 16.09 ACRES OF PROPERTY LOCATED ON WENDELL BOULEVARD AND IDENTIFIED BY PIN # 1784263321 AND PIN # 1784268911.**
ACTION: Board may take action.

[Staff Report]

Item Summary

Brian D. Gower (President of Charthouse Holdings LLC) has submitted an annexation request for 16.09 acres of land located by the Knott Square shopping center, identified by PIN # 1784263321 and PIN # 1784268911. This property is currently vacant and the applicant is seeking to prepare this property for development as commercial and light industrial sites.

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

Project Profile:

PROPERTY # 1 LOCATION: 0 Wendell Boulevard
WAKE COUNTY PIN(s): 1784268911
ZONING DISTRICT: MI-CD
PROPERTY OWNER(s): Charthouse Holdings LLC
33 Pale Stone Dr

Garner, NC 27529-8349
APPLICANTS: *Brian D. Gower (President, Charthouse Holdings)*
8771-B Cleveland Rd
Clayton, NC 27520

PROPERTY SIZE: *13.43 ac.*
CURRENT LAND USE: *Vacant*
PROPOSED LAND USE: *Manufacturing and Industrial*
PROPERTY # 2 LOCATION: *2530 Wendell Boulevard*
WAKE COUNTY PIN(s): *1784263321*
ZONING DISTRICT: *CH-CD*
PROPERTY OWNER(s): *Charthouse Holdings LLC*
33 Pale Stone Dr
Garner, NC 27529-8349

APPLICANTS: *Brian D. Gower (President, Charthouse Holdings)*
8771-B Cleveland Rd
Clayton, NC 27520

PROPERTY SIZE: *2.66 ac.*
CURRENT LAND USE: *Vacant*
PROPOSED LAND USE: *Commercial*

Zoning District:

This property was rezoned earlier in 2016 as a Conditional District, with commercial uses along Wendell Boulevard and manufacturing/industrial uses on the larger portion of this property off of Wendell Boulevard to the north.

Planning Director David Bergmark provided an overview of satellite annexation petition for 16.09 acres of property located on Wendell Boulevard and identified by PIN # 1784263321 and PIN # 1784268911; staff report included above in italics.

ACTION

Mover: Mayor Pro Tem Lutz moved to adopt the resolution as presented.
Vote: Unanimous.

10. INTRODUCTION TO PROPOSED MINOR ADJUSTMENTS TO CHAPTER 6 OF THE UDO AS IT RELATES TO STORMWATER REQUIREMENTS.

ACTION: Board may take action.

[Staff Report]
Item Summary

In 2006, representatives from Wake County and each municipality in the county formed a task force to address stormwater issues. The task force met seventeen times over twenty months and produced a report that includes nine major recommendations and a five-year implementation plan. Part of these recommendations included the creation of a collaborative stormwater ordinance for interested towns.

The stormwater task force asked that the draft stormwater ordinance include: 1) water quality requirements that at least meet the minimum requirements for the municipal NPDES Phase II requirements; 2) water quality requirements that include control of the 10-year, 24 hour storm;

Board Meeting Minutes

October 10, 2016

and 3) encouragement of Low Impact Design (LID) standards.

Members of the Stormwater Implementation Team included: Wendell Commissioner Sid Baynes, Zebulon Mayor Bob Matheny, Zebulon Planner Mark Hetrick, Rolesville Planner Bryan Hicks and Wendell Planning Director Teresa Piner.

Members of the team who served as resources were: Knightdale Engineer Keith Gifford, Wendell resident Betsy Rountree, NCDENR-DWQ representative Bill Diuguid, Wake County Environmental Services Director Tommy Esqueda, Knightdale Planner Stephen Morgan, Home Builder Association representative Suzanne Harris, AMEC Earth and Environmental Engineer Keith Readling, Wake Forest Engineer Scott Mills, Neuse River Keeper Dean Naujoks, AMEC Earth and Environmental Engineer Henrietta Locklear, Danny Bowden with the City of Raleigh, Wake County Planning Board Member Mike Golder, Wake County Environmental Service Representative Britt Stoddard, CORPUD representative Robert Massengill, and Wake County representative Hunter Freeman.

The stormwater implementation team's discussion of the draft stormwater ordinance was completed in November of 2008, and these recommendations were incorporated into Wendell's Unified Development Ordinance in 2009.

As part of the Town's stormwater regulations, no development or redevelopment shall contribute a nitrogen export load exceeding 3.6 pounds per acre per year unless they achieve classification as a Low Impact Development (LID), as described in Section 6.N.2.5 of the UDO. Under the original language created as part of the stormwater ordinance, developments had the option to buy down their nitrogen export loads that exceed the 3.6 pounds per acre by paying monies to the North Carolina Riparian Buffer Restoration Fund. However, when the first developments were submitted that were subject to these regulations, the Town learned that this fund could not legally accept monies from the Town. As a result, this buy down option had to be removed from the UDO. However, the LID requirement remained for those developments not meeting the 3.6 pounds per acre limit.

Since its original adoption, staff has had ongoing discussions with the Town's Stormwater Administrator (Wake County) and other industry professionals and has come to the conclusion that minor adjustments to Chapter 6 may be warranted due to the inability for developments to buy down nitrogen export loads. Staff has now had the opportunity implement the stormwater regulations and observe their feasibility in a variety of residential and commercial projects. As a result, it has determined that the Town and the development community would benefit from two modifications to Chapter 6.

Proposed Amendments:

The first modification proposed relates to small residential infill projects. As the Town continues to grow, the Town will likely see increasing numbers of small undeveloped properties formed between proposed or existing subdivisions. These smaller parcels represent areas that are ideal for development and the delivery of services from a municipal standpoint, but which will have greater difficulty absorbing the cost and land requirements needed to satisfy the Town's current stormwater regulations, especially as it relates to Low Impact Development (LID) standards. As a result, staff is proposing that Chapter 6 be modified to include an exception to the nitrogen export requirement for smaller residential infill development which meet specific criteria. Incorporating such language would be in line with a similar exemption included in the recently adopted water allocation policy.

Amendment 1:

Residential infill developments which meet the following criteria shall not be subject to the

requirement to limit nitrogen export load to 3.6 pounds per acre per year:

- 1. Are located within the existing primary corporate limits or adjacent to the primary corporate limits.*
- 2. Are less than 20 acres in size.*
- 3. Have no vacant or underdeveloped land of 10 acres or more in size adjacent to the project which could be feasibly added to the development project to create a larger subdivision.*

The second modification proposed relates to the criteria for qualifying as a Low Impact Development (LID). Sections 6.5N5c through 6.5N5e list the current techniques which must be used to achieve LID classification. In the course of staff's review, development projects have consistently had difficulty meeting section 6.5N5e below, which requires two additional LID techniques to be incorporated into the project. Some of the options listed in this section are not feasible for smaller residential or commercial projects. For example, most commercial properties would not be able to retain 50 percent of the project area as vegetated space. Similarly, where stream buffer expansion is required as a LID technique, many commercial projects do not have stream buffers on their property that could be expanded. Finally, while staff supports the use of vegetated roofs and reclaimed water systems, these techniques are expensive and are rarely applied due to their complexity and sustainability, even in larger municipalities. The most common technique which has been chosen by developers has been the installation of rain cisterns.

Current language of Section 6.5N5c through 6.5N5e

- c. The following techniques must be used to achieve LID classification:*
 - i. natural site design in consultation with the Town;*
 - ii. site buildings, roads, and other disturbance in the least environmentally sensitive areas, pursuing steep slopes, naturally well draining soils, and other hydrologically valuable features undisturbed.*
- d. In addition, one of the following two techniques must be used to achieve LID classifications:*
 - i. bio-retention systems;*
 - ii. on-site infiltration;*
- e. In additions, at least two of the following techniques must be used to achieve LID*
 - i. retention of 50 percent of vegetated area, including open space, landscaping, or forests;*
 - ii. use of Permeable pavement for all private driveways, private roads, sidewalks, and parking areas in accordance with the North Carolina Stormwater Best Management Practices Design Manual;*
 - iii. installation of one rain cistern per lot or three rain barrels per lot;*
 - iv. installation of vegetated roofs;*
 - v. increasing all buffers in the Riparian Buffer Zone of the Flood Protection Zone, whichever is greater, by 50 feet, in accordance with Section M.1 for Low-Density Development and Ultra Low Density projects and Section M.4 for High-Density Projects*
 - vi. use of reclaimed water for all buildings in accordance with State and local laws.*
 - vii. use of innovative LID techniques subject to the approval of the Town.*

Staff proposes that Section 6.5N5e be amended to only require 'one' additional LID technique and to reduce the number of rain barrels required per lot to two rain barrels, which must remain in place for at least 2 years. This would require builders to install rain barrels and would give homeowners the opportunity to explore the benefits of rain barrel use. Water from rain barrels should not be used for drinking, but it is ideal for watering garden or lawns, washing cars or

pets, and can even be used for flushing toilets. If the homeowner finds no use for them, the rain barrels may be removed after two years, eliminating long term enforcement requirements by the town or the stormwater administrator.

Amendment 2:

Amend Section 6.5.N.5.e. to read as follows:

- e. In additions, at least **one** of the following techniques must be used to achieve LID*
 - i. retention of 50 percent of vegetated area, including open space, landscaping, or forests;*
 - ii. use of Permeable pavement for all private driveways, private roads, sidewalks, and parking areas in accordance with the North Carolina Stormwater Best Management Practices Design Manual;*
 - iii. installation of one rain cistern per lot or two rain barrels per lot (rain barrels may only be used for residential projects and must be retained on site for a minimum of 2 years);*
 - iv. installation of vegetated roofs;*
 - v. increasing all buffers in the Riparian Buffer Zone of the Flood Protection Zone, whichever is greater, by 50 feet, in accordance with Section M.1 for Low-Density Development and Ultra Low Density projects and Section M.4 for High-Density Projects*
 - vi. use of reclaimed water for all buildings in accordance with State and local laws.*
 - vii. use of innovative LID techniques subject to the approval of the Town.*

Staff is requesting that the Town Board direct the Planning Board to review a draft proposal to make minor amendments to the Town's stormwater regulations to better accommodate small residential infill developments, as well as commercial projects.

Planning Director David Bergmark provided an overview of proposed minor adjustments to Chapter 6 of the UDO as it relates to stormwater requirements; staff report included above in italics.

Commissioner Boyette questioned whether amendment one required a development to meet all 3 criteria, or any one of the three. Planning Director Bergmark stated to be exempt one would have to meet all three criteria. He added that can be clarified.

Commissioner Carroll questioned the referral to the Planning Board. Planning Director Bergmark stated it is a part of the Town's standard operating procedures.

Commissioner Carroll question how this item came up. Planning Director Bergmark stated there is more interest and use of the ordinance since adoption which have raised implementation and enforcement concerns

ACTION

Mover: Mayor Pro Tem Lutz moved to refer this item to the Planning Board for review and recommendation.

Vote: Unanimous.

11. TO AUTHORIZE THE MANAGER TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE ACQUISITION, FUNDING AND RE-

**CONVEYANCE OF INTERESTS IN CONSERVATION PROPERTY.
[CONTINUED FROM THE 9/26 BOARD MEETING.]
ACTION: Board may take action.**

[Staff Report]

Item Summary

Due to the condition of Buffalo Creek and its label as a 303(d) stream, Wake County and the Town of Wendell have recognized the importance of protecting the waters as a part of the Upper Neuse Watershed. Because the State of NC and the EPA recognize Buffalo Creek as a 303(d) stream, it is on a pollution watch which allocates the necessary reductions to one or more pollutant sources. Under section 303(d) of the Clean Water Act, states are required to submit lists of impaired waters. These are waters that are too polluted or otherwise degraded to meet water quality standards. In North Carolina, the General Assembly established the Clean Water Management Trust Fund in 1996 to assist in improving water bodies within the State. In January of 2013, the Wendell Town Board passed a resolution in support of North Carolina continuing to fund the Clean Water Management Trust Fund.

A map which identifies the condition of Buffalo Creek may be found below.

<http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=87870e4480c54b8abf6bd7ee97ebc26b>

Because of the importance of protecting this waterbody, the Town has worked with Mr. David Proper, Urban Program Director with The Conservation Fund, in identifying property available for purchase along the Buffalo Creek corridor. As a result, a parcel which abuts the south side of Wendell Park and is located to the north of Wendell Falls Parkway, REID 0170666 has been identified. Those local to the area know the property as the Nowell, Baptist, or Parkview property. In total, the property contains approximately 53 acres. For purposes of receiving grant funding, attention was paid to 36 acres that abut the east side of Buffalo Creek.

The Town applied for funding through Wake County's Open Space Grant Program as well as Clean Water. The Town was awarded \$285,300 to be reimbursed by Clean Water for the purchase of 36 acres to be used as passive open space. The Town Board approved the CWMTF contract on Monday, September 12, 2016. Restrictive Covenants are required by Clean Water and a conservation easement by Wake County. The property cannot be used for active open space such as ball fields or structures. The \$271,700 will be used as matching funds to the grant from the CWMTF. Wake County Open Space and Parks Advisory Committee has approved to fund the project in the amount up to \$271,700. This request will go before the Wake County Board of Commissioners for final approval on November 7, 2016. Plans are to close on the property mid-November.

Town Manager Teresa Piner provided an overview of the contract with Wake County for funding through Wake County's Open Space and Parks Advisory Committee for 36 acres along the east side of Buffalo Creek; staff report included above in italics. The following actions are requested of the Board:

To authorize the manager to:

1) Enter into a contract or assignment of contract for the acquisition of 2 parcels comprising a 36 acre portion of real property located in Marks Creek Township commonly known as Parkview Tract, ("Subject Property") and appropriate the funding necessary to perform the terms and conditions of the contract or assignment for acquisition of the Subject Property;

- 2) Enter into a Funding Agreement with Wake County providing for the payment of **\$271,700.00** subject to terms and conditions of the Funding Agreement and appropriate the funding necessary to perform the terms and conditions of the Funding Agreement; and
- 3) Accept the conveyance of the Subject Property; and
- 4) Convey a perpetual Conservation Easement across the Subject Property to Wake County in a form acceptable to the County Attorney; and
- 5) Based upon approval of the Town Board and subject to the legal review of the Town Attorney.

Town Attorney Jim Cauley stated this item is on a time table to get everything finished and to Wake County by next Friday to go before the Wake County Board [November 7, 2016, meeting].

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the conditions as stated.
Vote: Unanimous.

12. DISCUSSION OF APPOINTMENT TO THE GRCVB CONFERENCE TABLE.

ACTION: Board may take action.

[Staff Report]

Item Summary

On September 21, 2016, Town of Wendell representatives attended a meeting with the GRCVB delegates hosted at the Wendell Chamber of Commerce. During the meeting, GRCVB mentioned one way to be involved with promoting Raleigh-Wake County is membership on the Conference Table. The Conference Table is an advisory committee with members serving to promote the importance of tourism as an economic development tool. GRCVB noted that the Town of Wendell does not have a representative serving on the Conference Table.

Meetings are once a quarter at noon time:

- *October 20, 2016 – Garner White Deer Park Nature Park Center*
- *January 19, 2017 – NC Museum of Natural Sciences*
- *May 18, 2017 - TBA*

At the request of Mayor Gray, this item in on the October 10, 2016, agenda for discussion and possible action by the Town Board of Commissioners.

Town Manager Teresa Piner provided an overview of an appointment to the Greater Raleigh Convention and Visitors Bureau [GRCVB] Conference Table; staff report included above in italics.

ACTION

Mover: Mayor Pro Tem Lutz moved to appoint Mayor Gray as the Town representative on the Greater Raleigh Convention Bureau Conference Table.
Vote: Unanimous.

**13. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:
 Wendell Fire Department Board of Directors [Commissioner Joyner]**

Commissioner Joyner provided the following update on the Wendell Fire Department Board of

Board Meeting Minutes

October 10, 2016

Directors meeting:

-  Wendell Fire Department received a clean audit
-  Wendell Fire Department prepared for the storm

14. COMMISSIONERS' REPORTS.

Commissioner Carroll stated no report.

Mayor Pro Tem Lutz stated the weather Saturday was horrible. Sunday was beautiful and it was nice to see people out and helping each other. Thanked police, fire, EMS, and Town staff who worked over the weekend to get things back up and running again. Thanked the lineman.

Commissioner Myrick echoed the thanks to everyone. Attended a meeting last week held by Wake County School Facilities that introduced three options on Academy Street near the school that would impact property owners. He is opposed to all three options due to traffic congestion and loss of historic property. For transparency, his father-in-law owns property on Academy Street.

Commissioner Boyette stated it was a busy weekend with the Fire Department: cut a lot of trees, checked on roads and residences, put up barricades, provided electrical generator to the rest homes to run oxygen machines, tree fell on the house and no one hurt, electrical lines down, transformers blew up and numerous calls as to when the power would be restored. Noted that Buffalo Creek on Wendell Falls Parkway reached the bridge and the new bridge is considerably higher than the old one. This storm would have washed out the old bridge. Every bit of natural space that can be added to the creek adds land that can soak the water up and help to prevent flooding downstream later. Thanked everyone for helping their neighbors. Noticed more generators and saw extension cords running to more than one house. Thanked everyone for being safe.

Commissioner Joyner stated he too attended the meeting Commissioner Myrick referenced. Attending that meeting impacted his desire to put the brakes on the transportation plan. Has a problem with the government taking personal property because it is in the best interest of the greater good. He understands the concept. All three of the plans take some or all of Academy Street behind the school and also take Thompson Field. He reached out to Chairman Tom Benton of the Wake County School Board and Chairman Benton stated this is preliminary and [Wake County School Board] is willing to discuss future options. Echoed everyone's thanks to those who worked over the weekend as well as the power crews. For those on Facebook, power comes on when power is reconnected and water comes on when water is reconnected.










Commissioner Boyette thanked Public Works as they were out this weekend too.

Mayor Gray received a compliment today about Public Works. A little boy was outside watching them work and he got a kick out of that. The mother called and thanked her for that.

15. MAYOR'S REPORT.

Board Meeting Minutes
October 10, 2016

Mayor Gray provided the following report:

-  Attended the Eastern Area Education Foundation meeting to create connections between schools and the community; review of plans that have been implemented
-  Attended "Walk to School" day at Wendell Elementary School last week. Fun day with the children.
-  Mid-Year Retreat wrapped up. Discussed the Capital Improvement Plan (C.I.P.) and the Board agrees to use it more as a guide rather than formalize with adoption.
-  Contacted today by Boy Scout Troop 515 to present the Town with a new American flag to replace the one that was damaged by Hurricane Matthew.
-  Thanked the first responders, police, EMS, fire, and Town staff. A lot more was going on behind the scenes than can possibly imagine.
-  Pleased to see neighbors helping neighbors.
-  Wendell was hit hard by Hurricane Matthew. Wendell is lucky as we did not have injuries. Electricity was off until an hour ago. Urged all to try to have perspective. Everyone is working very hard to get everything hooked back up and asked for patience.
-  The Town sustained some damage to three of its facilities – Community Center, Town Hall and the Police Department.
-  Very proud of Town staff.

16. CLOSED SESSION

ACTION: Closed Session will be called if necessary.

ACTION: This item was tabled.

17. ADJOURN.

ACTION

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:14 p.m.

Vote: Unanimous.

Duly adopted this _____ day of October 2016, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Sherry L. Scoggins, MMC
Town Clerk