

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
APRIL 08, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, April 8, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**ABSENT:** Commissioner John Boyette

**STAFF PRESENT:** Town Manager Marc Collins, Special Assistant to the Manager Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Athletics Program Supervisor Director Tim Kay; Parks & Recreation Director Jeff Polaski, Planning Director David Bergmark, Public Works Director Brian Bray, Public Works Superintendent Chris Smith, and Police Chief Bill Carter.

### **CALL TO ORDER**

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

Stalin Wences, student at Carver Elementary School, led the Pledge of Allegiance.

Errol Briggerman of Wendell Baptist Church provided the invocation.

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

#### **ACTION**

Mover: Commissioner Myrick moved to table Item 4a.

Vote: 4-0

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

No public comment was received.

### **3. CONSENT AGENDA**

*The Board of Commissioners uses a Consent Agenda to act on non-controversial items unanimously recommended for approval or have been discussed at previous meetings. The Consent Agenda is acted upon by one motion and vote of the Board. Any individual board member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.*

3a. Approval of the Wake County Tax Report for the Town of Wendell.

3b. Approval of the amended 2019 Board of Commissioners Meeting Schedule to include a Special Called Budget Work Session on Monday, April 29, 2019 at 7 PM at Wendell Town Hall, 15 E Fourth St.

**ACTION:**

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

Vote: 4-0.

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

- 4a. Recognition of Carver Elementary School teacher: Ms. Aryn Kontos  
Speaker: Mayor Virginia Gray

Item 4a was tabled.

- 4b. Recognition of the Youth Winter Basketball All-Star State 15-18 boys' team for winning the State Championship.  
Speaker: Athletics Program Supervisor Director Tim Kay

*[Staff Report]*

**Item Summary**

*This year's Youth Winter Basketball All-Stars was a stellar season for the 15-18 boys team! Through team work and solid performances, these young men won the State Championship!*

- *Friday, March 22<sup>nd</sup> 2019 Wendell 63 vs Knightdale 54*
- *Saturday, March 23<sup>rd</sup> 2019 Wendell W vs Spring Hope Forfeit*
- *Saturday, March 23<sup>rd</sup> 2019 Wendell lost to Henderson. However, Henderson used illegal players and was disqualified. Wendell advanced to Sunday's Championship game.*
- *Sunday, March 24<sup>th</sup> 2019 Wendell 77 vs Wake Forest 70*

*Congratulations State Championship Youth Winter Basketball All-Star State 15-18 boys team!!*

Athletics Program Supervisor Director Tim Kay provided an overview of the Youth Winter Basketball All-Star State 15-18 boys' team for winning the State Championship; staff report above in italics.



- 4c. Presentation of the upcoming Spring Into the Arts Walk and request for temporary street closures.  
Speaker: Parks & Recreation Director Jeff Polaski



[Staff Report]








**Item Summary**

**Spring Into the Arts Walk – Saturday, May 11<sup>th</sup>, 9 AM to 3 PM**




FREE day-long community event of visual, fine and performing arts!

Young artists will have their art work from school on display showcasing Wendell's youthful talent at Southern Charm Door Hangers. Kids art activities offer creative engagements for budding artists. Explore arts and crafts vendors along Main Street. Acoustic sounds of bluegrass will emanate from Downtown Wendell beginning at 10 AM with the GrassStreet Band followed at 1 PM by the Counterclockwise String Band. Car enthusiasts can "ooh" and "ahh" over vehicles at the Classic Car Show. Aromas of yummy eats from local restaurants and food trucks will waft in the air as you stroll Downtown Wendell. See artists creating masterpieces throughout Wendell's Historic District that will be available for auction at Wine and Beer 101 on Main Street. Reception begins at 6:30 PM and a live auction commences at 7 PM. Proceeds from the auction will be used for projects recommended by the Wendell Appearance Commission.

New for the 2019 Spring Into the Arts Walk:

-  Family and children activities on Third Street at Pine Street
-  Vendors on Main Street between railroad and Third Street in the parking slips
-  Bands on Main Street at the railroad facing Third Street
-  Food trucks on Main Street between railroad and Fourth Street
-  Classic Car Show on Main Street between Wendell Boulevard and Fourth Street
-  Fourth Street will remain OPEN
-  Parking available in the Park and Ride lot on Fourth Street, Woman's Club Lot at Third and Cypress Streets and the paved parking lot at Agave's Mexican Restaurant

Staff is before the Board of Commissioners with the following temporary street closure requests for this year's Spring Into the Arts Walk:

-  Main Street between Wendell Boulevard and Fourth Street
-  Main Street between Fourth Street and Third Street
-  Depot Street would be reserved for vendor parking



The poster features a colorful paint-drip border at the top. The title "Spring into the Arts Walk" is written in a playful, multi-colored font. Below the title, the date and time "Saturday, May 11 9am-3pm" are displayed. A pink banner lists "Live music on stage north end of Main Street" with "10am GrassStreet (Bluegrass)" and "1pm Counterclockwise String Band (Bluegrass)". Below this, activities are listed: "Arts and Crafts Vendors (Main Street)", "Sidewalk Chalk Artists (Third Street)", "Food Trucks (Main Street)", and "Classic Car Show (Universal Chevrolet)". Further down, "Artists Reception & Auction (6:30pm WNB101)" and "BBQ Plate Fundraiser (Grillbillies)" are mentioned. A box highlights "Kids' Art Walk (Southern Charm Door Hangers)" with sub-points: "Face painting", "Interactive art", "Scavenger hunt", "Caricatures", and "and more...". At the bottom, the website "Townofwendell.com/SpringintotheArtsWalk", a Facebook icon with "FIND US ON FACEBOOK", and the hashtag "#whereinthedell" are included.



Parks and Recreation Director Polaski provided an overview of the upcoming Spring Into the Arts Walk event and requests for temporary street closures; staff report above in italics.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the temporary street closures for Main Street between Wendell Blvd and Fourth Street, Main Street between Fourth and Third Street, and Depot Street for vendor parking.

Vote: 4-0

**5. PUBLIC HEARINGS**

*Public hearings are legislative. Persons wishing to speak will have five minutes to speak.*

**QUASI-JUDICIAL [EVIDENTIARY] PUBLIC HEARINGS** - *Quasi-judicial hearings are different than regular public hearings in that they resemble a court hearing where testimony is presented. The Town Board refrains from “ex parte communication” about these cases, as they must make a decision based solely on the written and oral evidence actually presented at the hearing itself. This means that the Town Board refrains from receiving any information about these cases outside the hearing, including emails, phone calls, letters, etc. The Town Board also refrains from conducting meetings about these issues outside the hearing.*

*These same prohibitions do not apply to staff. Staff welcomes inquiries from the public about any of these cases.*

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**Public Hearing Guidelines:**

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

- 5a. **PUBLIC HEARING** for a map amendment request to rezone 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) from Manufacturing & Industrial (M&I) to Corridor Mixed Use (CMX). The Wendell Board of Commissioners reserves the right to change the existing zoning classification of the area in question or any part or parts thereof to a more restrictive general zoning classification without the necessity of withdrawal or modification of the petition. [Item 5b is contingent



upon adoption of item 5a.]  
Speaker: Planning Director David Bergmark.

[Staff Report]

**Petition:**

*The applicant has requested a change in zoning classification for 17 acres of property located at 0 Wendell Blvd. The requested area is located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and is zoned MI (Manufacturing & Industrial). The applicant has submitted a map amendment petition to request that this property be given the zoning designation of CMX (Corridor Mixed-Use) in order to allow for a potential two-story, 84 unit apartment complex.*

**Project Profile:**

PROPERTY LOCATION:	0 Wendell Blvd.
WAKE COUNTY PIN:	1784326835
ZONING DISTRICT:	Proposed CMX/ Current MI
PROPERTY OWNER:	Wendell/Larue, LLC
APPLICANT:	James A. Harrell, III
PROPERTY SIZE:	17 acres
CURRENT LAND USE:	Vacant
DESIRED LAND USE:	Multi-Family Residential

**Zoning District:**

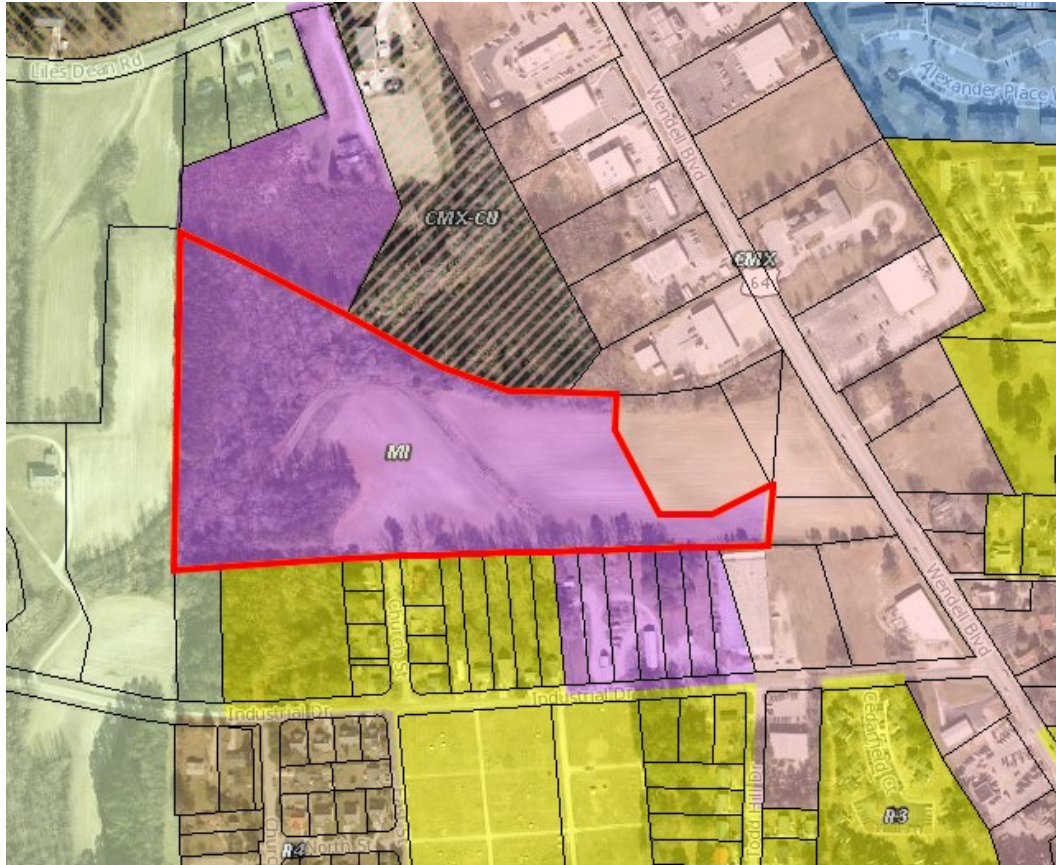
*The property included within this request is currently zoned MI (Manufacturing & Industrial). The MI district is coded to permit the development and operation of light or heavy industrial or flex-space buildings and uses that are typically too large in scale to fit within a neighborhood environment and that should be buffered from surrounding neighborhood uses. It is intended to accommodate the most intense uses in the Town's code, which could include uses like dry cleaning plants, heavy manufacturing, and welding shops.*

*The applicant has indicated a desire to rezone the property to CMX (Corridor Mixed-Use), with the intent of permitting a proposed two-story, 84 unit apartment complex. The CMX District was designed to provide pedestrian-scaled, higher-density residential and neighborhood-serving commercial activities along existing mixed-use corridors.*

*However, the Board should keep in mind that the developer would have the right to pursue any of the uses allowed in the CMX zoning district (beyond multi-family). Many of the adjacent properties along Wendell Boulevard are currently zoned CMX. This property is also adjacent to existing residential properties along Industrial Drive. A copy of those uses allowed in the CMX & M&I zoning district is included as Attachment A.*

**Current Zoning Map & Surrounding Land Uses:**





Subject Property Outlined in Red

**Public Utilities:**

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

**Comprehensive Plan:**

The Wendell Comprehensive Plan defines this section as S6 “Infill/Redevelopment Area”. The Comprehensive Plan describes the S-6 Infill/Redevelopment Sector in the following manner: “Existing urban/suburban development with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around the historic downtown core. These areas are already urbanized and well served with infrastructure (roads, utilities, etc.) and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels.

The Comprehensive Plan identifies the community types and land uses appropriate for this sector as:

- Neighborhoods
- Downtowns
- Single family and Multi-family residential
- Commercial uses (retail and office)



- *Civic uses (parks, schools, religious and government uses)*
- *Light industrial uses*



FRAMEWORK PLAN LEGEND	
PLAN BOUNDARY	S1 PRESERVED OPEN SPACE
Railroad	S2 RESERVED OPEN SPACE
<b>COLLECTOR STREET PLAN</b>	S3 RESTRICTED GROWTH AREA
EXISTING COLLECTOR	S4 CONTROLLED GROWTH AREA
PROPOSED COLLECTOR	S5 INTENDED GROWTH AREA
<b>CAMPO THOROUGHFARE PLAN</b>	S6 INFILL/REDEVELOPMENT AREA
EXISTING THOROUGHFARE	VILLAGE/TOWN CENTER
PROPOSED THOROUGHFARE	NEIGHBORHOOD CENTER
WATER BODIES	WENDELL BLVD GATEWAY CORRIDOR

### **Statement of Plan Consistency and Reasonableness**

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
  - *At their March meeting, the Planning Board found the requested zoning map amendment to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-6 Sector and to be reasonable in order to provide greater protection to existing, adjacent single family uses from those more intense uses allowed in the M&I zoning district.*

### **Staff Recommendation:**

*Staff recommends approval of the rezoning request.*

Planning Director David Bergmark provided an overview of the map amendment request to rezone 17 acres located behind Industrial Drive, accessed by Church Street (PIN # 1784326835; addressed as 0 Wendell Blvd) from Manufacturing & Industrial (M&I) to Corridor Mixed Use (CMX); staff report included above in italics.

Mayor Gray opened the public hearing at 7:30 p.m.

James A Harrell, attorney and applicant, spoke in support of the rezoning request.

Mr. Herndon of 230 Church Street expressed concern about additional traffic, Church Street being the only access point, and he provided a handout; herewith attached and included in the minutes book.

Tyler Ayscue of 839 Industrial Drive expressed concern about his grandmother's farm



on the backside of this request, the need for a buffer and protection of a natural spring.

Stephen Bowens, attorney from Raleigh, stated he represents Ms. Geraldine Herndon of 230 Church Street. Supports the down zoning of the rezoning request and requested further down zoning to an R-3 so that it is more appropriate with the adjoining neighborhood.

Ann Stewart of 505 Hollybrook Road expressed concern about traffic coming onto Wendell Boulevard.

Mayor Gray closed the public hearing at 7:48 p.m.

Commissioner Myrick requested a comparison between the CMX and M&I zoning districts. Planning Director Bergmark stated M&I that adjoins a different district has a 100 foot buffer and CMX does not have a buffer to residential unless it's a rear yard facing a rear yard. For the stream, the State requires a 50 foot buffer on each side.

Based upon question about traffic, Planning Director Bergmark stated Church Street is the only access point. There could be a stub included in the development that would be connected to when there is future development to the adjoining parcel.

Commissioner Joyner questioned what can be built now. Planning Director Bergmark stated that by right a laundry, dry cleaning plant, heavy manufacturing, light manufacturing, neighborhood manufacturing, metal product fabrication and machine or welding shop are permitted.

Commissioner Myrick questioned if property would be taken on Church Street to widen the road. Planning Director Bergmark stated the developer is only responsible to improving the frontage to the development. He added there is no requirement to improve Church Street.

Commissioner Carroll questioned if apartments are built and Church Street is overburdened with traffic, would property be taken to widen Church Street. Planning Director Bergmark stated right-of-way exists so that the Town could make improvements if needed. He added there is no sidewalk along Church Street.

Mayor Gray questioned if on-street parking could be eliminated. Planning Director Bergmark stated potentially.

Commissioner Joyner stated the down zoning achieves a lot of the goals for those who spoke this evening.

Mayor Pro Tem Lutz stated he supports an R-3 zoning.

Town Attorney Cauley stated the applicant would need to consent to the rezoning change.





**ACTION**

Mover: Mayor Pro Tem Lutz moved to deny the rezoning request from M&I to CMX.  
Vote: 1 to 3 with Commissioners Joyner, Myrick and Carroll voting opposed.

Commissioner Joyner supports the down zoning to relieve the angst of what could come.

Commissioner Carroll agrees with the buffer and traffic concerns. He has no issue with rezoning.

**ACTION**

Mover: Commissioner Joyner moved to approve the rezoning from M&I to CMX.  
Vote: 3 to 1 with Mayor Pro Tem Jon Lutz voting opposed.

Town Attorney Cauley stated the ordinance did not pass by two-thirds vote and will need to come back to the Town Board of Commissioners for a second reading [April 22, 2019] [NC GS 160A-75].

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***Evidentiary (Quasi-Judicial) Hearing Guidelines:***

- *Case is announced*
- *Town Attorney provides rules of procedure for an evidentiary hearing*
  - *Disclosure*
- *Town Clerk provides oath for persons wishing to present testimony*
- *Staff presentation*
- *Applicant presentation*
- *Opposition presentation*
- *Applicant rebuttal*
- *Opposition rebuttal*
- *Staff closing comments*
- *Board inquiry*
- *Board called into deliberation*
- *Board discussion of the findings of fact:*
  - *Approve*
  - *Approve with conditions*
  - *Deny (must include reason)*

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5b. **EVIDENTIARY HEARING** for a special use request to construct an 84-unit apartment complex on 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) [described in item 5a].

Speaker: Planning Director David Bergmark



**ACTION**

Mover: Mayor Pro Tem Lutz moved to continue Item 5b to the Monday, April 22, 2019 meeting.

Vote: 4-0

- 5c. **EVIDENTIARY HEARING** for a special use request by Marcus A Scott of The Way Church of God and True Holiness to permit a church at 2493 Wendell Blvd located at Knott Square Shopping Center, PIN # 1784-16-5487.  
Speaker: Planning Director David Bergmark.

*[Staff Report]*

**Item Summary:**

*Marcus A. Scott of The Way Church of God and True Holiness has requested a Special Use Permit to operate a church within a 3000 square foot tenant spot within the Knott Square shopping Center (addressed as 2493 Wendell Blvd. ;PIN # 1784165487). Based on the submitted design plan, 2,000 square feet of that space would be for assembly purposes, which could accommodate 286 people.*

*The previous tenant in this space was Snap Fitness, which was granted a Special Use Permit in October of 2009. As part of this action, Special Use Permit #SU09-05 (to operate a fitness center at 2493 Wendell Blvd.) should be rescinded.*

*Additionally, on November 10, 2014, Special Use Permit #SU14-04 was approved for Crown of Victory Church of Deliverance to hold church services within a different tenant space addressed as 2475 Wendell Blvd. This 2014 permit included the approval of 25 required parking spaces.*

*As part of the SUP request, the property owner is requesting that Special Use Permit #SU14-04 also be rescinded since Crown of Victory Church of Deliverance is no longer operating at that location. This will allow the 25 parking spaces to be used by members of the new church.*

**Applicant's Justification:**

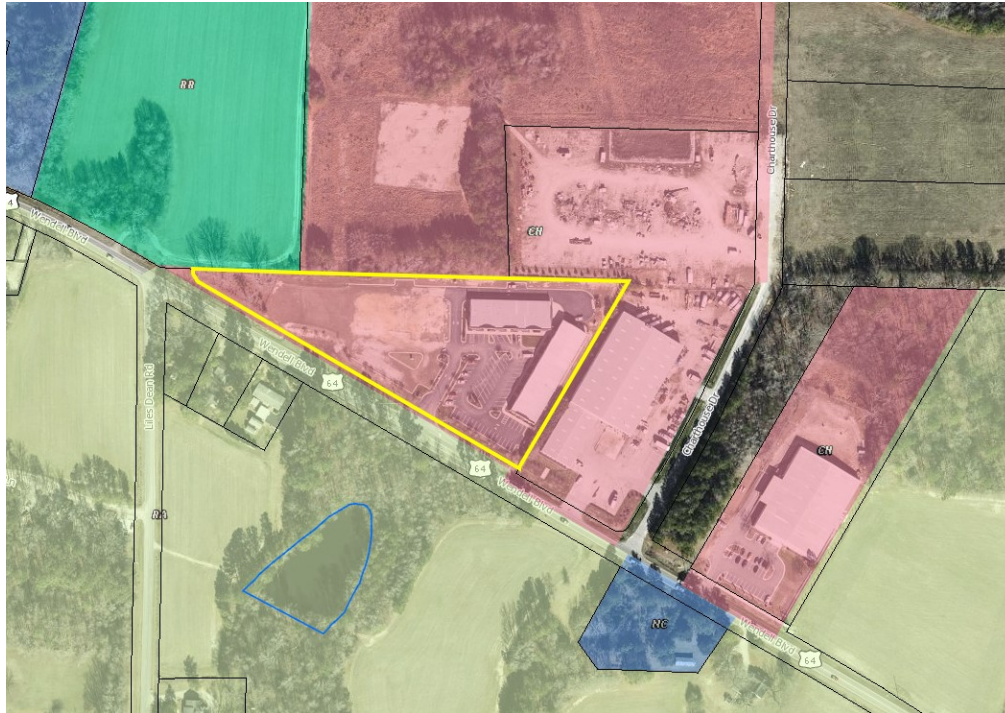
*The applicant's justification and Special Use Permit responses are included within Attachment B. There are no variances being requested. As stated within their application, the applicant currently has approximately 60 members. The typical service hours will be on Sundays from 10:00 am to 3:00 pm and on Wednesdays from 7:00 pm to 9:00 pm. The church may have an occasional revival or special service on other days, but not before 10:00 am or after 8:00 pm.*

**Project Profile:**

PROPERTY LOCATION:	2493 Wendell Blvd.
WAKE COUNTY PIN:	1784 16 5487
ZONING DISTRICT:	CH
PROPERTY OWNER:	Merrimen Development Co, LLC 2475 Wendell Blvd. Wendell, NC 27591
APPLICANT:	Marcus A. Scott The Way Church of God and True Holiness P.O. Box 1067 Knightdale, NC 27545
PROPERTY SIZE:	3,000 sf
CURRENT LAND USE:	Commercial
PROPOSED LAND USE:	Institutional

**Existing Zoning Map:**





**Zoning District:**

*This site is located in the Highway Commercial (CH) Zoning District. Religious Institution uses require a Special Use Permit in the CH zoning district.*

**Off Street Parking:**

*The Knott Square shopping center currently has a total of 77 parking spaces. The majority of the uses are office/service or retail that operate on weekdays from 8:00 am – 5:00 pm. The applicant expects to have around 60 congregants for their services, with typical service hours on Sundays from 10:00 am to 3:00 pm and on Wednesdays from 7:00 pm to 9:00 pm.*

*The UDO requires 2 parking spaces per 1,000 sf of office/service or retail and 1 parking space per 4 seats for Civic/Institutional Assembly. The square footage for the office/service/retail portion of the plaza is approximately 22,000 sf., which requires 44 of the 77 total spaces. The Way Church of God and True Holiness, at its current membership of 60 members, will only need 15 spaces. However, if they were to grow to their maximum occupancy based on their building design, their use would require 71 parking spaces.*

*While churches typically use parking during non-traditional business hours, staff recommends that a condition be added to the Special Use Permit (if approved) to limit the parking for this use, beyond what their building design would dictate. Staff recommends that the building occupancy for this space be capped at 200 people (requiring 50 parking spaces) during regular service times (Sundays from 10:00 am to 3:00 pm; and on Wednesdays from 7:00 pm to 9:00 pm) and to 125 people (requiring 32 spaces) for all other days or times permitted through the SUP.*

**Site Improvements:**

*No improvements are planned or required related to lighting, landscaping, stormwater or public utilities.*

**Staff Comments:**

- If approved, the approval action would include the rescission of a previous SUP at this location for a fitness center, as well as the rescission of a former SUP permit within Knott Square for a different church which is no longer operating. The applicant is aware of and is in support of these stipulations.*



- *Staff recommends that the applicant's hours of operation be included as a condition, and that the building occupancy be limited as a zoning condition of the approval to ensure that adequate parking is available to other tenants.*

Town Attorney Jim Cauley provided an overview of the evidentiary hearing procedures.

Town Clerk Sherry Scoggins provided the oath to those presenting testimony.

Planning Director David Bergmark presented the staff report for special use request by Marcus A Scott of The Way Church of God and True Holiness to permit a church at 2493 Wendell Blvd located at Knott Square Shopping Center, PIN # 1784-16-5487; staff report above in italics. He requested his report be entered into the record.

Pastor Marcus Scott of 1017 Amber Lane of Knightdale stated he is the applicant, He is amenable to the conditions recommended by staff – rescission of previous SUP and hours of operation for adequate parking.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the special use permit with the two staff conditions..

Vote: 4-0

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**Public Hearing Guidelines:**

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

5d. **PUBLIC HEARING** for annexation petition A-19-03 for 11.64 acre tract located off of Charthouse Drive and adjacent to Knott Square Shopping Center; PIN # 1784-17-7071.

Speaker: Planning Director David Bergmark

*[Staff Report]*

**Item Summary:**

*Berridge Properties Inc. has submitted an annexation request for 11.67 acres [11.21 for parcel and .46 for r-o-w] of property located behind Knott Square identified by PIN Number 1784-17-7071. The owner has submitted construction plans to develop a new manufacturing facility at this location, but in order to gain access to needed utilities, annexation is required. This request is for land which is adjacent to an existing satellite annexation area (Knott Square) but is still considered non-contiguous.*



*The Town Clerk has certified the sufficiency of the annexation petition.*

**Zoning District:**

*The property is located within the Highway Commercial (CH) zoning district. The Town Board rezoned this property from Manufacturing and Industrial (M&I) to Highway Commercial in March of 2018 at the request of the same applicant.*

**Public Utilities:**

*Both water and sewer are available to the property.*

**Tax Information:**

*Annual Tax Revenue - \$3527 (As undeveloped property. Developed Tax revenue TBD)*

**Location Map:**

**Police & Public Works & Utility Service:**

- *The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed. Both departments currently serve nearby property along Wendell Boulevard and Charthouse Drive.*

**Staff Recommendation:**

*Staff recommends approval of the request.*

Planning Director David Bergmark provided an overview of zoning text amendment to chapter 6.5 of the UDO as it relates to exemptions for private property owners for stormwater runoff provisions. This text amendment is in accordance with NC GS 143-214.7(b3).



Mayor Gray opened the public hearing at 8:24 p.m.

Diana Brown of Kimley-Horn and Associates spoke on behalf of the applicant and in support of the request for access to utilities for the property.

Mayor Gray closed the public hearing at 8:25 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve annexation petition A-19-03 as presented.

Vote: 4-0

- 5e. **PUBLIC HEARING** for a zoning text amendment to chapter 6.5 of the UDO as it relates to exemptions for private property owners for stormwater runoff provisions. This text amendment is in accordance with NC GS 143-214.7(b3).  
Speaker: Planning Director David Bergmark

*[Staff Report]*

**Petition:**

*Chapter 6.5 of the UDO contains the Town's general provisions for stormwater management. On December 27, 2018, Senate Bill 469 (Session Law 2018-145) was passed by veto override. This bill made impervious surface requirements in G.S. 143-214.7(b3) applicable to all local governments, effective December 27, 2018. We are required by state law to incorporate the following language into the Town's UDO.*

*"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment."*

*The proposed text amendment includes this language to adhere to new legislation.*

**Proposed Amendment:**

*The proposed text amendment provides an exemption for private property owners from installing or increasing stormwater controls as it pertains to preexisting development or redevelopment activities that do not remove or decrease existing stormwater controls. However, if during redevelopment, the amount of impervious surface area exceeds that of pre-development, then increased stormwater controls shall be required. The proposed new sub-section 6.5F2e is provided below (modified language shown in red). The complete language of Section 6.5F with the new language incorporated is included as Attachment A. This text amendment is required by state law per G.S. 143-214.7(b3).*

**6.5 - Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance**

*F. Applicability and Jurisdiction.*

*2. Exemptions:*

*e. Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall*



*only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.*

**Planning Board Recommendation:**

*At their March 18, 2019 meeting, the Planning Board voted unanimously to amend section 6.5 of the UDO to comply with the state law which provides an exemption for private property owners as it relates to stormwater runoff.*

**Voting in favor:** Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Michael Clark, Lloyd Lancaster and Jonathan Olsen

**Voting against:** None

**Absent:** Victoria Curtis

**Statement of Plan Consistency and Reasonableness**

1. *At their March 18, 2019 meeting, the Wendell Planning Board found the proposed text amendment to be reasonable in order to ensure that stormwater controls occur while still considering the rights of private property owners. Furthermore, they considered the proposed amendments to be consistent with the following principle of the Comprehensive Plan:*

- o *Principle Number 9: Protect and preserve Wendell's natural resources and amenities including its streams, lakes, wetlands, and hardwood forests while balancing private property rights.*

2. *A statement of reasonableness and consistency has been incorporated into the draft ordinance.*

**Staff Recommendation:**

*Staff recommends approval of the text amendment request.*

Planning Director David Bergmark provided an overview of annexation petition A-19-03 for 11.64 acre tract located off of Charthouse Drive and adjacent to Knott Square Shopping Center; PIN # 1784-17-7071.

Mayor Gray opened the public hearing at 8:28 p.m. No one spoke. Mayor Gray closed the public hearing at 8:29 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve as presented by staff.

Vote: 4-0

**6. ADMINISTRATIVE ITEMS**

No Administrative Items were presented to the Board.

**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. Snap Shot.

Commissioner Joyner spoke on the NCDOT Project and the 24" main running beside the bridge. He added he will speak with staff off-line and apprise the legislators of the



status of this project.

Mayor Gray questioned the use of the golf cart revenues for a scholarship fund for parks and recreation program attendees. Manager Collins stated staff will provide an update.

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

 Wendell Fire Board [Commissioner Joyner]

Commissioner Joyner provided an update. The Town of Wendell is a member of the Wake County Fire Tax District and if Wake County makes changes to the collection rate, the Wendell Board of Commissioners would review the request and action would be in the form of a resolution.










## 8. COMMISSIONERS' REPORTS / COMMENTS

Commissioner Joyner stated the weekend of ProTown BMX and the Second Annual Peoples Choice Award at GrillBillies, Wendell hosted a lot of people. Exciting to see events growing each year.

Mayor Pro Tem Lutz stated he too enjoyed the sights, sounds and smells of the ProTown BMX and GrillBillies weekend.

## 9. MAYOR'S REPORTS / COMMENTS

Mayor Gray provided the following:

-  Wendell Food Drive bag pick up is Saturday, April 13
-  Bird watching is this Saturday at Wendell Park
-  Wendell Egg Hunt is Saturday, April 20
-  Scam Jam is Tuesday, April 23 at the Wendell Community Center
-  Opening Day at the Park is Saturday, April 27
-  Tree Board wrapped up its annual Arbor Day celebrations
  - o Special thanks to the Tree Board and Phillip Smith
-  Thanked all departments for the ProTown BMX
-  Manager Collins, Special Assistant to the Manager Scoggins, Mayor Pro Tem Lutz and she attended a meeting at Town Hall with J COG representatives
-  Special thank you to the Hoe N Hope Garden Club for sprucing up Town Hall and Parks & Recreation

## 10. CLOSED SESSION

No closed session was called.





## 11. ADJOURN

**ACTION:**

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:46 p.m.

Vote: 4-0.

Duly adopted this 28th day of May 2019, while in regular session.

**ATTEST:**

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Virginia R. Gray,  
Mayor

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Megan Howard,  
Town Clerk

