

Zebulon Board of Commissioners
Minutes
August 2, 2021

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Larry Loucks, Shannon Baxter, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Morgan Rowden-Planning, Eric Vernon-Town Attorney

Absent: Glenn York

Mayor Matheny called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Baxter.

APPROVAL OF AGENDA

Mayor Matheny stated there was a minor change to Ordinance 2022-04 and a copy was passed out to the Board.

Mayor Matheny asked to amend the agenda to add a meeting schedule change under Old Business and under New Business to put the Streetscape Match Request before the Streetscape Match Grant Revision.

Commissioner Baxter made a motion, second by Commissioner Clark to approve the agenda as amended. There was no discussion and the motion passed unanimously.

Mayor Matheny stated Mayor Pro Tem York was attending the advanced leadership class at the UNC School of Government all week.

SPECIAL RECOGNITION

A. Bennie Holder's Retirement

Mayor Matheny read the Proclamation for Bennie Holder's retirement.

Commissioner Clark made a motion, second by Commissioner Loucks to adopt the Proclamation for Bennie Holder's retirement. There was no discussion and the motion passed unanimously.

B. Retirement of K-9 Pas

Mayor Matheny read the Proclamation for the Retirement of K-9 Pas.

Commissioner Baxter made a motion, second by Commissioner Clark to adopt the Proclamation for the Retirement of K-9 Pas. There was no discussion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

No comments were submitted.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the May 6, 2021 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the May 10, 2021 Joint Public Hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the June 7, 2021 regular meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the June 23, 2021 special called meeting. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Moore to approve the Wake County tax report – May 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the financial report as of July 19, 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-01. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-02. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-03. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-04. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-05. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-06. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-07. There was no discussion and the motion passed unanimously.

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Commissioner Clark made a motion, second by Commissioner Moore to approve transfer of ownership of K-9 Pas. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2022-01. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-08. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2022-02. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Ordinance 2022-09 – Comprehensive Transportation Plan

Michael Clark spoke about the Transportation Plan and some of the changes that came from the Public Hearing and Planning Board.

The old draft and the new draft of the proposed bypass were shown. It was stated the original bypass ran between Braemar and Laurel Leaf subdivisions. Due to oppositions of the location, the line was pushed upward to connect to Water Plant Road then connect to Wendell. Staff would work with developers to ensure the roads were installed in the best way possible.

The Planning Board voted unanimously to recommend approval at their June 14, 2021 meeting.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2022-09 – Comprehensive Transportation Plan. There was no discussion and the motion passed unanimously.

2. CAMPO Northeast Area Study

Michael Clark explained the study was necessary for funding purposes and would make Zebulon more competitive to receive grants.

Some of the near and mid-term projects included NC 96 Arendell Ave. access management, Beaverdam Creek Greenway, NC 97 (Gannon Rd.) and NC 96 (Arendell Avenue) and Proctor St. Center turn lane.

It was stated the CAMPO plan was completed before the Zebulon Bypass was removed from the plan, but the motion could exclude any amendments that were approved.

Staff recommended approval of the CAMPO Northeast Area Study without the Zebulon Bypass.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the draft of the CAMPO Northeast Area Study, except for project A588a (Zebulon Bypass).

Commission Baxter stated the plan was critical for Zebulon and thanked Planning staff for their hard work.

There was no further discussion and the motion passed unanimously.

3. Ordinance 2022-10 – Planned Development – Pony Road

Meade Bradshaw explained the applicant, TMTLA Associates, requested to rezone three parcels to a Planned Development (PD) district. The parcels located at 0 Harmonica Drive, 0 Mack Todd Road, and 705 Pony Road were approximately 166 acres and were currently zoned as Heavy Commercial (HC), Residential-2 (R2) and Residential-4 (R4) districts. The concept plan, aerial map, zoning map, land use map and site pictures were shown.

It was stated there would be four entrances total with two in the Pineview subdivision and two from Pony Road. Some of the proposed amenities included a greenway trail, amenity center, pool, open space, dog park and a tot lot.

Staff previously had the following issues:

- Commitment to the Residential Design Guidelines
- Traffic calming
- Timing of construction of the pool and amenity center
- Street sections meeting Emergency Medical Services roadway widths
- Language in the homeowner's covenants that no more than 10% of the dwellings would be rental units

Staff worked with the applicant and were now in agreement with the items.

The standards for a conditional rezoning were as follows:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
5. Any other factors as the Board of Commissioners may determine to be relevant.

The Planning Board voted for approval with a 5 to 1 vote at the May 17, 2021 meeting. Staff also recommended approval of the development.

It was stated all on street parking would be in marked spaces and the applicant was meeting the Town's design guidelines as set in the UDO.

There was discussion about the roundabout installation on HWY 96 and Pony Road. Commissioner Loucks asked to make the roundabout installation, once 25% building permits were completed, as a condition of approval.

There was discussion about rental restrictions. Staff explained the Homeowner's Association would take over once the plat was recorded and the 10% rental restriction would be included as a condition in the Homeowner's Agreement and enforced by the Homeowner's Association. Meade Bradshaw stated no more than 10% of the units could be rentals units would be added as condition 17.

Pam Porter with TMTLA Associates agreed to the 10% rental restriction where no more than 10% of the units could be rentals units.

Bryant Spencer was in agreement to install the roundabout once 25% of the building permits were received.

In accordance with Section 2.2.6 of the Town of Zebulon Unified Development Ordinance and NCGS 160D-703, the following conditions were agreed upon for CZ 2020-06.

1. Uses shall be limited to single family detached, single family attached, and permitted accessory uses.
2. Minimum driveway stem length shall be 20'.
3. The portion of the new road (called out as Street A1 on the PD plans) to the Southland Road shall be a modified local road with a 60' right-of-way and 35' B-B.
4. Deviation from prescribed street sections to allow for a 60' Public ROW and 37' B-B for entrance in single family attached portion of the development to allow for the construction of a landscape median.
5. Pony Road – dedicate 20' of right of way. Build ½ of 44' paved section plus Proposed improvements in TIA document. Roadway section will include ditch and 5' wide sidewalk for the full length of property.
6. To minimize stream impacts at roadway crossings, roadway section for local streets shall be 26' back-to-back of curb. At Southland Drive, where a portion of roadway will be a modified local street, the roadway section shall be 31' back-to-back of curb at the stream crossing.
7. This project shall utilize mass grading.
8. Single family detached lots shall have a minimum lot size of 5,000 sf. and a minimum depth of 100'.
9. Single family attached lots shall have a minimum lot size of 1,700 sf. and a minimum depth of 75'.
10. Single family lots will have driveways off the local streets, with building setbacks of 20' from the right of way.
11. Landscape buffer – Natural riparian buffer would be provided along the boundary of single family detached units in lieu of a planted landscape buffer.
12. Minimum centerline radius for the proposed streets shall be 100' as this is the minimum allowed per NCDOT.
13. Three or four evergreen trees (depending on plant) shall be installed at 6' in height where there is an alley dead end in the single family attached portion of the development. Trees shall be any of the following varieties and may more than one type may be utilized based on availability of plant material. Groupings of trees shall be the same species:
Plant Three:

- Emily Bruner Holly (Ilex x 'Emily Bruner')
- Green Giant Arborvitae (Thuja standishii x plicata 'Green Giant')
- Green Sport Western Red Cedar (Thuja plicata 'Green Sport')
- Oakleaf Red Holly (Ilex x 'Conaf')

Plant Four:

- Degroot's Spire Arborvitae (Thuja occidentalis 'Degroot's Spire')
 - Compact Carolina Cherry Laurel (Prunus caroliniana 'Compacta')
14. Raised slab foundation shall be permitted.
 15. Vinyl siding shall not be permitted but vinyl accents, such as windows, decorative trim, and other elements shall be permitted.
 16. Where street trees cannot be located in the prescribed planting strip due to on-street guest parking, street trees shall be located in a 10' landscape easement on the adjacent lot.
 17. No more than 10% of the units could be rental units.
 18. Install the roundabout once 25% of the building permits were received.

(Conditions amended to add 17 and 18)

*All other applicable Unified Development Ordinance requirements shall remain as written and the requirements by other agencies will be reviewed and regulated at the time of Technical Review Committee review process.

Commissioner Loucks made a motion, second by Commissioner Clark to approve Ordinance 2022-10 – Planned Development – Pony Road with the added conditions of no more than 10% of the units could be rental units and install the roundabout once 25% of the building permits were received. There was no discussion and the motion passed unanimously.

B. Administration

1. Meeting Date Change

Commissioner Baxter asked to change the date of the August 19, 2021 work session due to an Artist Meet and Greet being on that same day.

Commissioner Baxter made a motion, second by Commissioner Clark to move the Work Session from August 19, 2021 at 6:00pm to August 25, 2021 at 6:00pm. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Planning

1. Streetscape Match Request – Pots of Love

Morgan Rowden explained the Zebulon Women's Club requested a match of \$500 under the Town's Streetscape Match Policy. The funds would go towards the Pots of Love Program. The program started in 2018 with 22 flowerpots and had grown to 48 flowerpots. Morgan Rowden explained what the matching grant. Staff recommended acceptance of the request.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the Streetscape Match Request – Pots of Love. There was no discussion and the motion passed unanimously.

2. Streetscape Match Grant Revision

Michael Clark explained the background of the grant policy and the differences of the current and proposed plan. The new plan would expand the policy to include downtown businesses and would be reviewed by the economic development committee. Staff recommended approval as drafted.

The Board of Commissioner would be notified when a new Streetscape Match Grant was approved.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Streetscape Match Grant Revision.

There was discussion about adding a Board member to the Economic Development Committee. Commissioner Loucks volunteered to serve on the Committee.

Joe Moore advised against mixing governing and administrative functions by keeping both Boards separate.

Commissioner Baxter made a motion, second by Commissioner Loucks to appoint Larry Loucks to the Economic Development Committee. There was no discussion and the motion passed with a vote 3 to 1 with Commissioners Baxter, Loucks and Moore voting in favor and Commissioner Clark voting in opposition.

There was no further discussion about the Streetscape Match Grant Revision and the motion passed unanimously.

B. Administration

1. Board Appointments

Lisa Markland stated there was one in-Town vacancy and one ETJ vacancy on the Planning Board. The positions were three-year terms expiring on June 30, 2024. Applications were submitted by Gene Blount, Genia LaRese Newkirk and Domenick Schilling all in-Town and by Laura Johnson and David Hughes for the ETJ vacancy.

The Board of Adjustment had two in-Town vacancies and one ETJ regular vacancy and one ETJ alternate vacancy. All positions were a three-year term and expired on June 30, 2024. Jay Estes and Genia LaRese Newkirk. Jay Estes was not present at the meeting.

Gene Blount, Genia LaRese Newkirk, Domenick Schilling, Laura Johnson and David Hughes were present and spoke to the Board about why they wanted to serve on the Planning Board.

Commissioner Baxter made a motion, second by Commissioner Clark to move Board Appointments to the September 13, 2021 meeting. There was no discussion and the motion passed unanimously.

C. Public Works

1. Ordinance 2022-11 -- Environmental Phase II of Eastern Wake EMS Property

Chris Ray asked the Board to consider budgeting a Phase II Environmental Site Assessment of the Eastern Wake EMS Property being considered for acquisition. The property was occupied by a dry cleaner from 1967 to 1975 and used hazardous materials. Chris Ray spoke about the findings of the Phase I Environmental Site Assessment. The decision for the Board was whether to proceed with the Phase II Environmental Site Assessment of the EMS station property prior to a decision on the purchase of the property.

Staff recommended approval of Ordinance 2022-11.

Commissioner Baxter inquired about the size of drycleaner. Staff estimated the dry cleaner was between five to nine employees which would be considered a medium sized dry cleaner.

There was discussion about an Historical Recognized Environmental Condition (HREC) which referred to a past release that had been remediated to below “residential” standards and given regulatory closure with no use restrictions. Eric Vernon spoke about the State’s program for remediation.

Mayor Matheny inquired about the liquid in the storage tank being classified as non-hazardous. Chris Ray stated the assessment did not identify the liquid but conformed it was non-hazardous.

There was discussion about the depth of the samplings and the boring samples taken around the tanks.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2022-11 – Environmental Phase II of Eastern Wake EMS Property. There was no discussion and the motion passed unanimously.

D. Parks and Recreation

1. Zebulon Municipal Complex Facility Use Application – ERA Parrish Realty
Sheila Long stated ERA Parrish Realty Legacy Group submitted an application to use the facilities at the Zebulon Municipal Complex on September 25, 2021. The event would be free to the public and would include music, food, and family-friendly entertainment. There would also be an auction with proceeds going to the Zebulon Boys and Girls Club. The Events Committee reviewed the application and offered comments. Sheila Long spoke about the fees and responsibilities of ERA Parrish Realty.

A rain date had not been requested. The Town offered no guarantees with the possibility of future COVID restrictions.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the Zebulon Municipal Complex Facility Use Application – ERA Parrish Realty with an added rain date, if necessary. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Loucks asked citizens to get vaccinated and wear a mask.

Commissioner Moore reiterated Commissioner Loucks' comments about getting vaccinated.

Commissioner Baxter commended the downtown business owners who were making sure their facades were in compliance and encouraged others to do so.

MANAGER'S REPORT

Joe Moore stated he would check with the branding consultant to make sure they would be able to attend the August 25, 2021 work session. The meeting would give an overview of the branding project, the Parks and Rec Master Plan and upcoming text amendments. It was explained COVID was still present, and staff would present some options for the Tree lighting.

Michael Clark introduced the new Code Enforcement Officer, Brad Pleasant.

CLOSED SESSION

Mayor Matheny stated they needed a motion to go into closed session as permitted by N.C. General Statute § 143-318.11(a)(5): "... to instruct the [Town] staff or negotiating agents concerning the position to be taken by or on behalf of the [Town] in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; ..."

Commissioner Loucks made a motion, second by Commissioner Baxter to go into closed session. There was no discussion and the motion passed unanimously.

NOTE: In closed session, Commissioner Loucks made a motion, second by Commissioner Baxter to come out of closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 13th day of September 2021.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk