

Zebulon Board of Commissioners
Minutes
August 9, 2022

Present: Glenn York, Beverly Clark, Quentin Miles, Larry Loucks, Shannon Baxter, Jessica Harrison, 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, Eric Vernon-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Clark.

APPROVAL OF AGENDA

Mayor York removed Resolution 2023-02 – Haircraft Event – Alley Closure from the agenda due to Haircraft rescinding their event application.

Commissioner Baxter requested to pull the June 6, 2022 meeting minutes and the Board Meeting Schedule Change from consent and to add Budget Adjustments to the agenda.

Commissioner Loucks asked to add business development updates under New Business.

Commissioner Miles requested to pull the May 3, 2022 minutes, Ordinance 2023-01 FY '22 Project and Program Rollovers, Ordinance 2023-02 FY '22 Donations and Grants Rollovers and Resolution 2023-07 Governor's Crime Commission Grant Application from consent.

Mayor York moved the items to New Business under D.

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

PUBLIC COMMENT PERIOD

Susan Pearce, who was on the Zebulon Downtown Arts Council ("ZDAC") Board provided an update of recent events.

CONSENT

A. Minutes

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the minutes of the May 3, 2022 closed session. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the minutes of the June 13, 2022 work session. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the minutes of the June 30, 2022 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the minutes of the July 28, 2022 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the minutes of the July 28, 2022 closed session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the Wake County tax report. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the monthly financial report. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2023-03 – IT Reserve Account Rollover. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2023-04 – Recognition of Grant Funds for Special Events. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Resolution 2023-01 – Pearce’s Landing Phase 1B Infrastructure Acceptance. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Ordinance 2023-05 – and Resolution 2023-04 – Utility Allocation

Michael Clark presented the proposed amendment to Chapter 1 of the Unified Development Ordinance (UDO) that would require developments to conform to a Utility Allocation Policy. The utility allocation policy leverages the water and sewer capacity to incentivize higher quality developments. The text amendment provided details on when this policy would be required, and the policy provided specifics on how developers could obtain the necessary points to meet the threshold. A total of 50 base points were needed, and the bonus points ranged from 10 to 40 points in the modified version of the policy. The policy and points could be amended periodically based on changing conditions in the Town.

The Planning Board unanimously recommended approval of the proposed UDO amendment as presented and the accompanying policy as modified at the April 11, 2022 meeting.

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Commissioner Baxter wanted to see three points added for a 15' x 15' community garden with a shed and water hookup. There was consensus among the Board.

Commissioner Baxter requested a 15 x 15 pollinator garden also be added. Michael Clark suggested requiring a minimum of 225 sq. ft. for the garden and to add to category three where it could be in a residential area as well as an office park. There was consensus among the Board.

Commissioner Loucks requested one point for planting 12 native trees. Michael Clark suggested adding a 10-point max limit. Another request by Commissioner Loucks was to add stormwater retention pond aeration with five points per fountain and a maximum of 10 points. There was consensus among the Board.

There was a request to give 30 points for a newly constructed restaurant with a standalone building and a minimum square footage of at least 8,000 sq ft. There was consensus among the Board.

There was discussion about increasing the base points. Staff explained raising the base points would make it more difficult for businesses than in other nearby municipalities. Developments and businesses may choose not to come to Zebulon because of the high base points requirement. There was consensus among the Board to increase the base points to 60 points.

Commissioner Miles made a motion, second by Commissioner Baxter to approve Ordinance 2023-05 – and Resolution 2023-04 as amended. There was no further discussion and the motion passed unanimously.

NEW BUSINESS

A. Parks and Recreation

1. Angel Prints Corporation: Municipal Complex Facility Use Application

Sheila Long asked the Board to consider a request made by Angel Prints Corporation to use the facilities at Zebulon Municipal Complex on October 15, 2022.

Angel Prints Corporation was a non-profit led by Zebulon residents, Brandon & Toshina Wiggins. Their goal was to bring awareness to pregnancy loss, stillbirth, and infant loss as well as share compassion and hope to those mothers, couples, and families who have experienced this type of tragedy. Staff reviewed the application from Angel Prints Corporation. The organization asked to utilize the Municipal Complex to host a remembrance walk. Any funds raised would be used towards bringing awareness and providing support to families in need. The event would take place from 10 AM to noon with set up beginning at 7:00am and clean up to end by 2:00pm.

Brandon Wiggins spoke about Angel Prints Corporation.

Commissioner Miles stated the organization was an asset to the community.

Commissioner Miles made a motion, second by Commissioner Clark to approve Angel Prints Corporation: Municipal Complex Facility Use Application and waive all the fees.

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Commissioner Baxter wanted to know about the corporation's 501(c)(3) and to confirm the corporation followed the guidelines of the Town's Facility Use Policy.

Brandon Wiggins gave details about the outreach Angel Prints Corporation provided to the community including support groups, partnerships with WakeMed and training.

Commissioner Harrison thanked Brandon Wiggins and stated the nonprofit organization was needed in the community.

Commissioner Baxter stated the Board needed to understand that the 501(c)(3) did not check all the boxes of the Town's Facility Use Policy and if approved would set a precedence.

Commissioner Loucks asked to waive the half day fee and only pay for staff.

Commissioner Loucks made a motion to amend the motion to approve Angel Prints Corporation: Municipal Complex Facility Use Application to waive only the half day fee and pay for staff. The motion died for lack of a second.

There was no further discussion and the motion to approve Angel Prints Corporation: Municipal Complex Facility Use Application and waive all the fees passed unanimously.

B. Planning

1. Resolution 2023-03 – Whitley Furniture Building Encroachment Agreements and Stormwater Easement Agreement

Michael Clark asked the Board to consider granting encroachments onto a Town-owned alley behind the properties comprising Whitley Furniture in exchange for the owners granting the Town a stormwater drainage easement.

The Town owned a 20' wide alleyway between Whitley Furniture and the railroad right of way operated by Norfolk Southern. Property surveys of Whitley Furniture revealed portions of the buildings located at 101, 113, 117, 121, and 125 W. Vance were constructed partially within the alley. The encroachments, varying from 1-foot to 8.4 feet, have existed for more than 70-years.

The alley, accessible via S. Arendell Avenue, has not been maintained by the Town and was used nearly exclusively for accessing the rear of the commercial buildings housing Whitley Furniture. The owners intended to sell properties comprising Whitley Furniture, either in whole or piecemeal, and have requested the Town memorialize the terms upon which those encroachments may remain in the alley. In exchange for the encroachments, the Town negotiated a stormwater drainage easement, from the owners, across the property for the W. Horton Street Stormwater Improvement Project.

Commissioner Loucks asked if there were other areas in Town that allowed an encroachment into public right of way. Michael Clark stated this situation was common in other municipalities and were discovered on a case-by-case scenario.

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Commissioner Clark made a motion to approve Resolution 2023-03. The motion died for lack of a second.

Commissioner Harrison made a motion, second by Commissioner Miles to table Resolution 2023-03 for further discussion at the August 18, 2022 work session.

Commissioner Loucks asked the property owners if they would consider donating the lot for additional parking since nothing could be built on it.

Jay Estes stated it was approximately 35' of street frontage and asked to move it west to the far end of the property so it would not split the property. Michael Clark stated he would need to speak to the engineering consultant to ensure both the stormwater easement and construction would fit in the location. Jay Estate stated this was a beneficial trade off for the Town since that area was needed for access and would be a good solution for everyone involved.

Mark Schweibinz, Broker for the Estes family, stated the properties were being sold individually and parking was needed for the buildings. The easement was very valuable and was a great asset for the Town. There was a pending sale on one of the properties and waiting until the work session for a decision from the Board could hold up the sale.

Commissioner Clark stated this was helping bring businesses to downtown Zebulon. There was discussion about tabling the matter to discuss further at a work session.

Commissioner Miles stated he understood the urgency of the decision, but also wanted citizens to understand the value of the building.

There was no further discussion and the motion passed with a vote 4 to 1 with Commissioners Harrison, Miles, Baxter and Loucks voting in favor and Commissioner Clark voting in opposition.

C. Finance

1. Resolution 2023-05 – Lease Purchase Award (Excavator and Trailer)

Bobby Fitts stated the purchase of an excavator and trailer was approved with adoption of the FY 2023 budget. Staff solicited proposals from lenders to finance the acquisitions through an installment-purchase agreement with a 4-year term (five annual payments with first payment in advance). Requests for proposals were sent to eleven lending institutions on July 15, 2022. Proposals were received from Truist Bank and Signature Funding Corp. Truist Bank had a rate of 3.20% with no fees and a total cost of \$164,915.05 and Signature Public Finding Corp. with a rate of 3.411% with \$500.00 fees and a total cost of \$166,068.12.

Staff recommended approval of Truist Bank for the lease purchase.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Resolution 2023-05. There was no further discussion and the motion passed unanimously.

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2. Resolution 2023-06 – Reimbursement Resolution – Financing of Excavator and 12-ton Trailer

Bobby Fitts explained given ordering lead time and stock availability, there was the possibility to purchase the two pieces of equipment before financing was in place. Resolution 2023-06 would officially declare the Town's intent to finance the purchases of these items with debt proceeds under NC General Statute 160A-20. It also declared the Town's intent to reimburse itself with said proceeds of the debt for expenditures incurred prior to the financing of the purchases.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve Resolution 2023-06. There was no further discussion and the motion passed unanimously.

D. General

1. May 3, 2022 Special Called Meeting

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the May 3, 2022 special called meeting minutes. There was no further discussion and the motion passed unanimously.

2. June 6, 2022 Regular meeting

Commissioner Baxter asked to have her Board comments from the June 6, 2022 meeting be captured verbatim.

Commissioner Baxter made a motion, second by Commissioner Miles to approve the June 6, 2022 regular meeting minutes as amended. There was no further discussion and the motion passed unanimously.

3. Board Meeting Schedule Change

Commissioner Baxter wanted to clarify that the Board of Commissioners meetings start at 7:00pm and the work session meetings started at 6:00pm.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the Board Meeting Schedule Change. There was no further discussion and the motion passed unanimously.

4. Budget Adjustments

Commissioner Baxter made a motion, second by Commissioner Miles to recommend an adjustment to the budget to use the \$175,000 that was allocated for staff bonuses to address the pay compression in the Fire and Police departments.

Commissioner Loucks wanted to know if the Board would receive a list of what the salary adjustments would be for the Fire and Police Department employees.

Joe Moore stated the pay compression was addressed in the FY 2023 budget. Staff could do an analysis of the pay if the Board wanted to consider additional addressing of pay.

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Commissioner Baxter made an amendment to the motion to direct staff to do an analysis about further addressing of the pay in the Fire and Police Departments. Commissioner Miles amended his second to reflect the same.

There was no further discussion and the motion passed with a vote 3 to 2 with Commissioners Baxter, Loucks and Miles voting in favor and Commissioners Harrison and Clark voting in opposition.

5. Ordinance 2023-01 – FY '22 Project and Program Rollovers

Commissioner Miles asked about the upgrades that were done at the Police station. Chief Boykin spoke about the upgrade needed to record interviews in the interview rooms and how it would be used.

Commissioner Clark made a motion, second by Commissioner Miles to approve Ordinance 2023-01. There was no discussion and the motion passed unanimously.

6. Ordinance 2023-02 – FY '22 Donations and Grants Rollovers

Commissioner Miles inquired about the BCBS wellness grant. Bobby Fitts explained the grant for wellness was awarded from BCBS when the Town switched insurance providers last year. This rolls the funds to stay in the wellness line item.

Commissioner Miles asked what was included in community policing. Chief Boykin stated it was anything that allowed police to engage the community in a non-enforcement way and gave multiple examples.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2023-02. There was no discussion and the motion passed unanimously.

7. Resolution 2023-07 – 2022 Governor's Highway Safety Program Grant Application

Commissioner Miles wanted a copy of the contract. Staff would provide a copy once it was executed.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve Resolution 2023-07. There was no discussion and the motion passed unanimously.

8. Business Development Update

Commissioner Loucks asked staff for a business development update. Michael Clark stated Roses was not leaving its current location, Planet Fitness was looking for a location and Popeyes and Tractor Supply were moving forward. Staff encouraged everyone to visit the Town's webpage to see what was coming to Town by looking on the interactive development map.

BOARD COMMENTS

Commissioner Loucks stated Rock the Block was August 12, wished the Zebulon Chamber of Commerce a Happy 75th Anniversary and encouraged everyone to take the branding survey.

Commissioner Harrison encouraged people to be kind to educators and students as school started back.

Commissioner Clark stated it was nice to be back after the Board's July break.

Commissioner Miles congratulated Kerrigan Brown who was competing for the title of Miss America Outstanding Teen, reminded everyone about Rock the Block on August 12, thanked citizens for coming to the meeting, recommended Armando's Pizza and thanked staff for their dedication to improving the Town.

Commissioner Baxter spoke about the Advanced Leadership class she attended at the School of Government and encouraged citizens to pick up a copy of the new Resident's Guidebook.

Mayor York thanked Commissioner Miles, Commissioner Loucks and Joe Moore for attending the Wake County Commissioners' work session. Mayor York enjoyed the Miss Zebulon Outstanding Teen sendoff reception and wished Kerrigan Brown well at the Miss America Outstanding Teen pageant. Mayor York stated he was appointed to the NCLM legislative committee and congratulated Commissioner Baxter for completing the Advanced Leadership program.

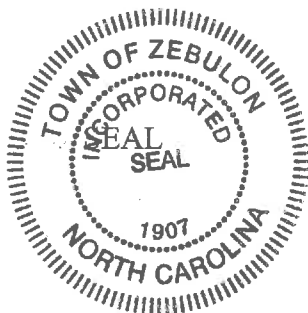
MANAGER'S REPORT

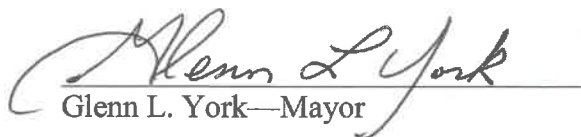
Joe Moore stated the next meeting was the August 18 work session and spoke about the topics to be discussed at the meeting. The mini retreat was scheduled for September 8 and regular meeting would be September 12.

Mayor York stated Wake County Commissioner Vicky Adamson came out and toured Five County Stadium and Wake Weekly reporter, Junious Smith's last day was today.

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

Adopted this the 12th day of September 2022.




Glenn L. York—Mayor


Lisa M. Markland, CMC—Town Clerk