

**Zebulon Board of Commissioners**  
**Minutes**  
**May 1, 2023**

Present: Glenn York, Quentin Miles, Larry Loucks, Jessica Harrison, Shannon Baxter, Beverly Clark, 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 6:00pm.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Commissioner Baxter.

**APPROVAL OF AGENDA**

Commissioner Baxter asked to move Ordinance 2023-36 – reallocation of retention bonus funds to New Business and to add a closed session per N.C. General Statute § 143-318.11(a)(6) for personnel.

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

**SCHOOL RECOGNITION**

Mayor York recognized student Alani Simpson and teacher Keoshia Allen both from Wakelon Elementary School.

**PROCLAMATIONS**

Commissioner Harrison read the proclamation for Municipal Clerks Week.

Commissioner Clark read the proclamation for Public Service Week.

Commissioner Loucks read the proclamation for Police Week.

Commissioner Baxter read the proclamation for Public Works Week.

**PUBLIC COMMENT**

John Saffold gave an update on Chamber events.

**CONSENT**

*A. Minutes*

Commissioner Baxter made a motion, second by Commissioner Clark to approve the minutes of the March 29, 2023 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Clark to approve the minutes of the April 3, 2023 meeting. There was no discussion and the motion passed unanimously.

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Commissioner Baxter made a motion, second by Commissioner Clark to approve the minutes of the April 10, 2023 joint public hearing. There was no discussion and the motion passed unanimously.

*B. Finance*

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

Commissioner Baxter made a motion, second by Commissioner Clark to approve the Wake County tax report – February 2023. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2023-37 – Police Vehicle Replacement – Appropriation of Fleet Reserve Fund Balance. There was no discussion and the motion passed unanimously.

**OLD BUSINESS**

*A. Planning*

i. Utility Allocation Amendment

Michael Clark presented the Utility Allocation Policy and the proposed changes. Developers had concerns about point restrictions and the amendment restructured the base points, added subcategories and new bonus point options and included category maximums. The goal of the amendment would incentivize the uses that were desirable for the Town. The Planning Board unanimously recommended approval at their April 10, 2023 meeting.

Commissioner Baxter expressed concerns over the allocation of points.

There was discussion about how a mural and public art would be approved.

Commissioner Clark stated she was satisfied with the amendment.

Commissioner Loucks asked staff to investigate how they would control affordable housing after two years and suggested lowering single family homes base points, incentivizing certain types of businesses with points, and keeping fountains in the point system.

Commissioner Harrison made a motion to approve the Utility Allocation Amendment at amended. The motion died for lack of a second.

There was consensus to give five points for a fountain and three points for a drinking fountain.

Commissioner Loucks made a motion, second by Commissioner Baxter to table the Utility Allocation Amendment to the May 9, 2023 work session. There was no discussion and the motion passed unanimously.

ii. TIA Text Amendment – Ordinance 2023-38

Michael Clark spoke about the purpose of a Traffic Impact Analysis (“TIA”). A TIA looked at the scope, current traffic, future traffic-no build, future traffic-build, and recommended improvements. The amendment to UDO Section 6.13 lowered the threshold to require a TIA, expanded area for the study area and provided clarification with graphics. The current UDO required 100 peak hour trips for a TIA to be performed but the proposal would require a TIA for 50 peak hour trips. The current study area was shown on a map. Staff explained how the radius would increase based on the scope of work.

The Planning Board unanimously recommended approval of the TIA text amendment at their April 10, 2023 meeting.

Commissioners Loucks and Baxter stated they were happy the amendment was being addressed.

Commissioner Harrison made a motion, second by Commissioner Miles to approve Ordinance 2023-38. There was no discussion and the motion passed unanimously.

iii. Clifton Grove Annexation – Ordinance 2023-30

Michael Clark presented the annexation petition for five parcels located at 921, 1015 Pearces Road and 0, 9102, 9136 Pippin Road. The applicant was DRHorton and the current zoning was R2 Residential. The properties were adjacent to contiguous and satellite corporate boundaries.

Staff explained water and sewer were available. Staff recommended approval of Ordinance 2023-30.

The annexation standards under 2.2.2.G included:

- Owner approval
- Services can be provided
- Cost/return
- Meets public health, safety and welfare

Commissioner Miles had questions about the tax revenue generated from the new homes and how they were determined. Staff provided clarification about the proposed development stating the revenue was based upon using the average assessed value and tax rate within the Town. Details were given about when the tax revenue would be realized.

Jonathan Cooper stated he was there to answer any questions and the Town would receive tax funds sooner if the annexation was approved versus being delayed.

Commissioner Miles asked how far the Board could extend the annexation.

Eric Vernon stated an extension was based on the fiscal year. The Board could extend the annexation to June 30, 2024.

Michael Clark clarified that if the Board delayed the annexation, it did not delay the construction of the development, only the time the Town would be able to accept tax revenue.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2023-30. There was no discussion and the motion passed unanimously.

## **NEW BUSINESS**

### **A. Parks and Recreation**

#### **i. Angel Prints Corporation: Special Event Application – Resolution 2023-25**

Sheila Long presented the special event application from Angel Prints Corporation. The event date was October 14, 2023 and included an awareness walk, ceremony and windmill garden at Town Hall. The proposed layout was shown.

The Board was asked to consider the following for the event approval:

1. Nonprofit status or public purpose of the applicant and/or event.
2. The applicant's substantial presence in the community, including but not necessarily a permanent physical presence.
3. The applicant's history of positive contributions to the Town of Zebulon, its institutions and citizens.
4. Whether the event stimulates or encourages community participation in nonprofit/civic activities.
5. The event's consistency with the plans, goals and policies of the Town.
6. Potential for damage to property or harm to people arising from the nature and size of the proposed activity.
7. Ability of the Town to support the proposed activity.
8. Ability of the Organization to implement the event.

The request also included a fee waiver. The following criteria was used when determining consideration of reduced or waived fees for special event implementation:

1. The requesting applicant must represent a non-profit organization as defined by state or federal tax law.
2. Priority will be given to Zebulon based groups / chapters / organizations.
3. The proposed event is community focused and / or recreational in nature.
4. The proposed event is open to the general public.
5. The proposed event has been planned to facilitate a positive impact to the community.
6. The proposed event meets the Town's strategic plan.

The request from the Town was to use the Municipal Complex, provide folding chairs and for a fee waiver. It was expected to cost the Town \$206 for the event.

There was discussion about the windmill garden location. Staff confirmed the Board did authorize the event and waived the fees in 2022.

Commissioner Baxter stated the municipal complex rental fee should be waived and there was conversation about waiving the fee for staffing hours.

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There was consensus among the Board to waive all the fees.

Brandon Wiggins spoke about the future of Angel Prints Corporation and the partnerships created in the community.

Commissioner Harrison made a motion, second by Commissioner Miles to approve Resolution 2023-25 waiving all fees. There was no discussion and the motion passed unanimously.

B. Planning

i. Public Hearings

1. The Fetching Post Annexation: Ordinance 2023-41

Mayor York opened the public hearing.

Michael Clark stated the public hearing was in response to a special use permit that was approved several years ago. The parcel was 7.00 acres located at 571 W. Barbee Street in the Town's ETJ. The applicant was operating a dog kennel under a temporary certificate of occupancy pending the approval of the annexation.

The standards to approve the annexation included:

- 1. Owner approval
- 2. Services can be provided
- 3. Cost/return
- 4. Public health, safety and welfare

Mayor York asked if the Board had any questions. There were none.

Mayor York asked if anyone wished to speak in favor. There were none.

Mayor York asked if anyone wished to speak in opposition. There were none.

Mayor York asked if anyone had general comments. There were none.

Mayor York closed the public hearing.

Commissioner Miles made a motion, second by Commissioner Baxter to approve Ordinance 2023-41. There was no discussion and the motion passed unanimously.

2. 0 Parks Village Road Annexation: Ordinance 2023-42

Mayor York opened the public hearing.

Michael Clark stated the annexation request was for 21.85 acres located at 0 Parks Village Road in the Town's ETJ. The applicant DR Horton intended to build a single-family residential development on the site.

The standards to approve the annexation included:

- 1. Owner approval

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2. Services can be provided
3. Cost/return
4. Public health, safety and welfare

Mayor York asked if the Board had any questions.

Commissioner Miles inquired if the land was already sold. Michael Clark confirmed the land was under contract. There was discussion about the sufficiency review.

There was the question of how many units would be built in the development. Michael Clark stated 45 units were planned which would be an increase to the tax revenue.

There was discussion about the development's entrance and traffic it could bring. Staff stated that was not subject to an annexation request. A traffic engineer would review the details as part of the Technical Review Committee.

Mayor York asked if the Board had any more questions. There were none.

Ashley Terrazas, the attorney for the applicant, gave some details about the conservation development and asked the Board to consider annexation.

Mayor York asked if anyone wished to speak in favor. There were none.

Mayor York asked if anyone wished to speak in opposition. There were none.

Mayor York asked if anyone had general comments. There were none.

VR Brantley, Jr. stated he was not opposed to the subdivision but had concerns about the traffic it may bring to the area.

Mayor York asked if anyone else wished to speak. There were none.

Mayor York closed the public hearing.

Commissioner Clark made a motion to adopt Ordinance 2023-42. The motion died for lack of a second.

Commissioner Harrison made a motion, second by Commissioner Baxter to table Ordinance 2023-42 to the June 5, 2023 meeting.

Commissioner Harrison stated she wanted to look at the text amendment to ensure the annexation was what would be best for the Town. Michael Clark spoke about permit of choice. The applicant met the UDO requirements, and the Board could not require the applicant to do something different.

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

3. Old US 264 HWY Annexation: Ordinance 2023-43

Mayor York opened the public hearing.

Michael Clark stated the annexation request was for 10.69 acres located at 0 Old US 264 Hwy in the Town’s ETJ. The applicants were Old 264 Retail LLC and Sea Mountain Ventures II, LLC.

The standards to approve the annexation included:

- 1. Owner approval
- 2. Services can be provided
- 3. Cost/return
- 4. Public heath, safety and welfare

Mayor York asked if the Board had any questions. There were none.

Mayor York asked if anyone wished to speak in favor. There were none.

Mayor York asked if anyone wished to speak in opposition. There were none.

Mayor York asked if anyone had general comments. There were none.

Mayor York closed the public hearing.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2023-43.

Commissioner Miles asked if the matter went before the Planning Board. Michael Clark stated the Planning Board did not make recommendations on annexations, but they did recommend the original rezoning.

There was no further discussion and the motion passed unanimously.

4. Wall Purdy Annexation: Ordinance 2023-40

Mayor York opened the public hearing.

Michael Clark stated the annexation request was for 43.61 acres located at 0 Weavers Pond Drive in Wake County’s jurisdiction. The applicant was Weavers Pond and the owner was the Wall Purdy Family LLC. It was explained the conditional zoning was required if the Board chose to annex the property into the corporate boundaries.

The standards to approve the annexation included:

- 1. Owner approval
- 2. Services can be provided
- 3. Cost/return

4. Public health, safety and welfare

Mayor York asked if the Board had any questions.

Commissioner Loucks asked about the potential water pressure issues.

Jason Barron, with Morning Star Law Group, deferred the questions to Grey Berry, with Weaver's Pond Development. Mr. Berry spoke about how individual water booster pumps could be added to make the water pressure adequate.

Mayor York asked if the Board had any more questions. There were none.

Mayor York asked if anyone wished to speak in favor. There were none.

Mayor York asked if anyone wished to speak in opposition. There were none.

Mayor York asked if anyone had general comments. There were none.

Mayor York closed the public hearing.

ii. Ordinance 2023-39 – Conditional Zoning Wall Purdy Tract

Staff clarified that because the property was in the Wake County jurisdiction it would need to have a Town of Zebulon zoning designation.

Michael Clark reviewed the conditional zoning request for 43.61 acres located at 0 Weavers Pond Drive in Wake County's jurisdiction. The applicant was Weavers Pond and the owner was the Wall Purdy Family LLC. The current zoning was R-40W and the applicant proposed R4-Conditional. The applicant did not request any deviation from the ordinance. The concept plan featured single-family detached dwellings, 87 lots, 2 units per acre, connections to Weavers Pond Dr and Yulee Dr and greenway connections to Weavers Pond.

Staff spoke about some of the architectural conditions including minimum two-car garage, side loaded garages in a minimum of 20% of the homes, cement fiber siding with brick/stone accents and a rear patio or deck with a minimum of 100sq. ft. The developer also agreed to sod the entire yard and to add amenities such as a dog park, walking trails and open space. After the April Joint Public Hearing, the developer agreed to reduce the maximum of allowable rentals homes from 20% to 10%.

The Unified Development Ordinance (UDO) Section 2.2.6.K provided the following standards for the Board to base their decision on the rezoning request:

1. Whether the proposed conditional rezoning advanced the public health, safety, or welfare;
2. Whether the extent to which the proposed conditional rezoning was appropriate for its proposed location, and was consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
3. Whether an approval of the conditional rezoning was reasonable and in the public interest;



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4. Whether the extent to which the concept plan associated with the conditional rezoning was consistent with this Ordinance; and
5. Any other factors as the Board may determine to be relevant.

The Planning Board recommended denial with a vote 4 to 3 at their April 10, 2023 meeting siting standard 3 of the UDO.

Commissioner Miles asked if the development would be a strain on the Public Works Department. Chris Ray stated 87 additional homes would not adversely affect the department's operations.

There was a question about staff and the Planning Board having a different recommendation. Michael Clark stated staff looked at the standards in the UDO, comprehensive plan and 2030 Strategic Plan and did not take other factors or opinions into consideration when making a decision.

Commissioner Miles asked about the possible connection into Ferrell Meadows. Mr. Berry explained a connection could not be made because it was an environmentally sensitive area.

Mr. Berry was asked to provide background on the Weavers Pond HOA and also clarified that the proposed development and Weavers Pond would have separate HOAs.

Commissioner Baxter expressed concerns about the HOA management, pump stations, traffic volume affecting Weavers Pond and potential issues with the watershed.

Mr. Berry stated a topographic survey was done and the development was outside the watershed. Details of how traffic was alleviated were given. Work was being done with the Weavers Pond HOA to improve the issues and Mr. Berry spoke about how he would ensure Weavers Point HOA would be different. Mr. Berry explained why he thought individual pump stations would work better than one large pump station.

Commissioner Miles asked the Board to consider the traffic volume on Sage Tree Rd. and the amount of children that play in that area.

Commissioner Miles made a motion, second by Commissioner Harrison to deny Ordinance 2023-40.

Commissioner Baxter stated she liked the development but had some concerns that needed to be addressed.

Commissioner Harrison explained it could be a good development but had concerns about the diversity of the housing supply.

Commissioner Miles liked the type of housing but thought it needed another entrance.

Chris Perry was asked about how the water pressure could affect fire protection. He stated the pressure was not an issue with sufficient volume. The travel time was extended but the connector through Weavers Ridge would help when Hopkins was responding to a call.

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Jason Barron asked to work further with staff to address access, water pressure and housing supply and asked the Board to table the annexation.

Commissioner Miles rescinded his motion and Commissioner Harrison agreed to rescind her second.

Commissioner Harrison made a motion, second by Commissioner Baxter to table Ordinance 2023-40 to the August 7, 2023 meeting. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Loucks to table Ordinance 2023-39 to the August 7, 2023 meeting. There was no discussion and the motion passed unanimously.

Mayor York stated there would be a 10 minute recess.

The meeting resumed at 8:39pm.

#### C. General

##### i. Ordinance 2023-36 – Reallocation of Retention Bonus Funds

Commissioner Baxter wanted more detail about the disbursement of the funds and had not received a mockup of how the Police and Fire Departments could use the remaining \$175,000 to support their departments.

Joe Moore explained this was a budgetary accounting act and was not allocating additional funds.

Bobby Fitts stated the \$175,000 was in the Administration budget for retention pay and was being moved to each individual department where the expenses went. There was no overspending of the funds, but a cleanup from the original ordinance.

Commissioner Clark made a motion, second by Commissioner Harrison to approve Ordinance 2023-36. There was no further discussion and the motion passed unanimously.

#### **BOARD COMMENTS**

Commissioner Loucks thanked staff for their work on the concerts and asked parents to discuss gun safety with their family.

Commissioner Harrison thanked the public for attending the meeting, spoke about City Vision and was interested in the Town joining the National League of Cities. Staff was asked to increase the Board's professional development line in the FY '24 budget. The Police Department was thanked for their work on an issue in Weavers Pond.

Commissioner Clark thanked staff for their work at the Spring Fest and spoke about the Preservation Zebulon Historic Home tour.

Commissioner Miles spoke about the Preservation Zebulon Historic Home tour, encouraged citizens to look at the Town programs and camps that were being offered and thanked the Board for the opportunity to attend City Vision.

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Commissioner Baxter spoke about the Special Olympics auction and the Board's attendance at City Vision.

### **MANAGER'S REPORT**

Michael Clark gave a monthly development update.

Lisa Markland provided a Human Resources update.

Sheila Long spoke about the community mural project.

Bobby Fitts gave the following budget transfers:

#### Governing Board:

Moved \$3,000 from Group Insurance - \$800 to FICA, \$1,000 to Travel & Training and \$1,200 to CAMPO dues

#### Finance:

Moved \$3,000 from Group Insurance to Contracted Services – Wake Co. Tax Collections

#### Administration:

Moved \$8,700 from Salaries - \$7,000 to Advertising, \$1,000 to Materials & Supplies & \$700 to Safety Committee

#### Property & Project Management:

Moved \$1,500 from Contract Services – Janitorial to Fuel;

Moved \$2,950 from Salaries - \$200 to Professional Services, \$2,000 to Community Center Electricity and \$750 to Public Works Facility Water & Sewer

#### Operations:

Moved \$4,500 from Insurance & Bonds to Fuel;

#### Parks & Recreation:

Moved \$4,700 from Group Insurance - \$700 to Cell Phones and \$4,000 to Fuel

Moved \$7,000 from Salaries - \$2,000 to Part-time Salaries - Athletics and \$5,000 to Part-time Salaries – Community Center

Moved \$5,000 from Insurance & Bonds to Grounds Maintenance

Moved \$4,000 from Retirement to Part-time Salaries - Admin

Joe Moore stated the FY '24 budget would be presented at the May 9 meeting with the Manager's recommended budget.

Mayor York stated the Board needed a motion to go into closed session to instruct staff concerning the position to be taken in negotiating the acquisition of real property per NC GS 143-381.11(a)(5) and to evaluate the Manager's performance NC GS 143-381.11(a)(6).

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

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

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

Adopted this the 5<sup>th</sup> day of June 2023.



  
Glenn L. York—Mayor

  
Lisa M. Markland, CMC—Town Clerk