

**Zebulon Board of Commissioners**  
**Minutes**  
**August 7, 2023**

Present: Mayor 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, Sam Slater-Town Attorney

Mayor York called the meeting to order at 6:00pm.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Commissioner Loucks.

**APPROVAL OF AGENDA**

Mayor York asked to remove Zebulon Chamber of Commerce membership Resolution 2024-04 from the agenda.

Commissioner Baxter asked to remove Monthly Financial Reports, Ordinance 2024-01, Ordinance 2024-02, Ordinance 2024-03 and the Fire Contract Renewal with Johnston County from consent.

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

**RECOGNITIONS**

- A. Barnanne Creech - Finalist for 2023 NCCAT Career Technical Education (CTE) Teacher of the Year for Wake County Public School System*

Mayor York read a proclamation recognizing Barnanne Creech.

- B. Zebulon Main Street Community Designation*

Teresa Piner spoke about the NC Main Street Community Designation and recognized the Zebulon Main Street Board.

**PUBLIC COMMENT**

Susan Pearce spoke about the ZDAC project crosswalk art grant.

Dallas Pearce spoke about the Zebulon Main Street Program and the Downtown Merchants Association. Mr. Pearce spoke about the lack of significant representation on the Main Street Board and asked the Board of Commissioner to consider expanding the Main Street Board to include business and property owners.

Dale Beck spoke about the good things the Town Manager has done for the Town and his great leadership.

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Lisa Markland read comments submitted from Anne Whipple who expressed concerns of the research project at Whitley Park, Gill Street Park and Community Park.

Beth Fuller spoke about her positive experience with the Homeowners Association in Weavers Pond. Ms. Fuller also spoke about how Weavers Pointe would increase home values and diversified housing.

Gloria Whitehurst from the Juneteenth Planning Committee thanked the Town for partnering with them to do the Juneteenth event. Sheila Long was recognized for her work and for making the event a success. Chief Boykin was thanked for her work as well and for keeping the event safe.

Anjana Josephs, the co-founder and director of NC Community of Coalitions. Ms. Josephs worked on the Juneteenth Committee and spoke about the plans to form a Zebulon Outreach and Engagement Coalition.

Jim Black spoke about the Wall Purdy property being considered for annexation.

**CONSENT**

*A. Minutes*

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the minutes of the May 9, 2023 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 May 17, 2023 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 May 25, 2023 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 5, 2023 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 June 15, 2023 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 20, 2023 special called meeting. 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 for April and May 2023. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2024-04 – Recognition of United Arts Council Grant Funds. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Resolution 2024-01 – Lease Purchase Award for Knuckleboom. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Resolution 2024-02 – Reimbursement Resolution – Financing of Knuckleboom. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Resolution 2024-03 – Board Compensation. There was no discussion and the motion passed unanimously.

### *C. Fire*

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the Fire Contract Amendment with Wake County. There was no discussion and the motion passed unanimously.

## **OLD BUSINESS**

### *A. Planning*

#### *i. Wall Purdy Tract Annexation – Weavers Pointe (Ordinance 2024-05)*

Adam Culpepper gave an overview of annexations.

The standards to approve an annexation included:

1. Owner approval
2. Services can be provided
3. Debt obligations
4. Public health, safety and welfare

An overview of rezonings was given by Mr. Culpepper. The rezoning standards included:

1. Health, safety and welfare
2. Appropriate for location
3. Reasonable in the public interest
4. Concept plan consistent with regulations
5. Other relevant factors

A slide detailing the annexation and rezoning process was shown.

Adam Culpepper stated the matter was continued from the May 1, 2023 meeting. The annexation request was for 43.61 acres located at 0 Weavers Pond Drive in the Town's ETJ. The applicant intended to build a single-family residential development on the site.

Staff recommended approval of the proposed annexation and adoption of Ordinance 2024-06.

Commissioner Miles asked about the Planning Board's decision on the case. Mr. Culpepper explained the Planning Board did not hear annexations. The Planning Board voted 4 to 3 recommending denial for the conditional rezoning.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2024-05. There was no further discussion and the motion passed 3 to 2 with Commissioners Clark, Loucks, and Baxter voting in favor and Commissioners Miles and Harrison voting in opposition.

ii. Wall Purdy Tract Rezoning – Weavers Pointe (Ordinance 2024-06)

Adam Culpepper stated the matter was continued from the May 1, 2023 meeting. The conditional rezoning request was for 43.61 acres located at 0 Weavers Pond Drive. The applicant intended to build a single-family residential development on the site with 87 lots. The parcel was currently zoned Wake County R-40W and the applicant was proposing Residential Neighborhood Conditional (R4-C).

The concept plan was shown reflecting two units per acre, connections to Weavers Pond Dr. and Yulee Dr. and a greenway connection to Weavers Pond.

Mr. Culpepper explained the developer was exceeding the required UDO conditions by including:

- Commitment to residential design guidelines of Sec. 5.2 of the UDO
- Minimum two-car garage; doors with windows and carriage hardware
- Side loaded garages minimum 20% of homes
- Wrap around front porched minimum 20% of homes
- Garage doors recessed behind the front plain of home
- Cement fiber siding with brick/stone accents (no vinyl siding)
- Rear patio or deck minimum 100 sf ft
- Entire yard will be sodded
- Amenities included dog park, walking trails and open space
- HOA will limit number of rentals homes to a maximum of 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 and 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;
4. Whether and 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.

At their April 10, 2023 meeting, the Planning Board recommended denial with a vote 4 to 3 stating the rezoning did not meet standard 3.

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Staff recommended approval of the Wall Purdy Tract Rezoning – Weavers Pointe (Ordinance 2024-06).

There was a question about tracking rental homes. Mr. Culpepper explained that would be the Homeowners Association's responsibility. Town Attorney Eric Vernon offered clarity explaining the restrictive covenants for the neighborhood could include a limitation on leasing and conditions on leasing in the bylaws.

Jason Barron with the Morningstar Law Group stated the applicant changed the condition and there would not be any rentals in the community.

Commissioner Loucks asked when the HOA would be turned over to the neighborhood. Mr. Culpepper stated the Town did not have any regulations and that would be at the discretion of the developer.

Jason Barron gave updated conditions to the Board and spoke about the role of Town staff and the UDO. The site was zoned for residential development and incorporated all the minimum standards and more.

Grey Berry, who represented Weaver's Pond Development, spoke about the issues that were raised at the May 1, 2023 Public Hearing and ways they were addressing them. There were details given about the Weaver's Pond Advisory Board and the informational webinar that was held for residents.

Commissioner Miles stated he heard negative feedback from residents not having the ability to speak at the webinar.

Commissioner Harrison stated she lived in Weaver's Pond and attended the webinar and had not heard any improved comments about the HOA.

Mr. Berry stated the answers to the questions raised from the residents were posted to the community forum and spoke about how the members of the advisory board were chosen. The Weaver's Pond HOA would transition to be run by the residents by the first quarter of 2024.

Commissioner Baxter asked when Weaver's Pointe HOA would be fully turned over to the residents. Mr. Berry stated he thought it would be within five years, but the expectation was once the neighborhood was fully built out to avoid high costs to the existing residents.

Commissioner Loucks stated this was the type of housing they were looking for in Town and asked if the applicant would be open to increasing the number from 20% to 40% to have wrap around porches. Mr. Berry explained how the lot sizes could restrict the wrap around porch but was open to looking into increasing the amount.

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Commissioner Loucks asked if an advisory group could be created once the neighborhood was at 25% build out. Mr. Berry agreed and suggested the HOA be in place prior to the certificate of occupancy was issued.

Mr. Berry stated there was a condition added that booster pumps would be built to the City of Raleigh specifications and spoke about the traffic review performed showing Weaver's Pointe would not hinder traffic in Weavers Pond.

Commissioner Miles asked about the price point for the homes. Mr. Berry stated approximately \$650,000 to \$700,000 for a starting price point.

Commissioner Baxter expressed concerns about the access points going outside the community and residents and emergency vehicles traveling through Weavers Pond. Mr. Berry explained there was off-street parking, bump outs and a large parking lot at the amenity area.

Commissioner Baxter asked about the details of the buffers on the eastern and southern side of the property. Adam Culpepper stated there would be a type A buffer and gave details of the requirement.

Mr. Berry stated the applicant was willing to increase from 20% to 30% for the wrap around porches.

Commissioner Miles made a motion, second by Commissioner Baxter to continue the meeting to August 17, 2023 for more discussion.

Commissioner Loucks asked what additional information the Board needed. Commissioner Miles stated he wanted to know exactly what the citizens would be getting from the applicant.

Commissioner Loucks suggested changing 20% to 30% of homes to have a side garage or front porch and adding a condition when 25 certificates of occupancy were issued there would be at least one advisory board member working with a property management firm. Mr. Berry stated the applicant also agreed to set up the HOA before the first certificate of occupancy was issued and to provide an annual rental report even though rentals were not allowed.

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

Mayor York stated there would be a 10-minute recess. The meeting was called back at 8:10am.

Joe Moore stated the council chambers lost video and sound due to the storm.

Commissioner Baxter made a motion, second by Commissioner Clark to recess the meeting to work session on August 17, 2023 at 5:00pm.

NOTE: The meeting was reconvened on August 17, 2023 at 5:00pm.

Mayor York stated the applicant for Wall Purdy was in traffic and moved the item to the end of the agenda.

## **NEW BUSINESS**

### *A. Financial*

#### *i. Monthly Financial Reports*

Commissioner Baxter stated she wanted to understand the list of the expenditures for the budget.

Bobby Fitts stated the expenditure summary page was behind the staff report and explained the total expenditures for the FY '23 budget.

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

#### *ii. FY '23 Donations and Grants Rollover (Ordinance 2024-01)*

Commissioner Baxter asked about the Blue Cross Blue Shield Wellness Grant being under Administration/IT.

Bobby Fitts explained the wellness line item was in the Administration/IT Department. The funds would roll back into the wellness program and the Shop with a Cop funds would return to that program.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2024-01. There was no further discussion and the motion passed unanimously.

#### *iii. FY '23 Project and Program Rollovers (Ordinance 2024-02)*

Commissioner Baxter asked about the W. Sycamore sidewalk project. Chris Ray stated the project was not closed out and would be completed by mid-September. The rollover would pay for the completion of the project.

Commissioner Baxter had a question about the backordered office furniture. Chris Ray explained the furniture was purchased but did not arrive until August.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Ordinance 2024-02. There was no further discussion and the motion passed unanimously.

#### *iv. FY '24 Budget Amendment Requests – Capital Reserve (Ordinance 2024-03)*

Commissioner Baxter asked for an update on the funds for wayfinding and branding. Joe Moore stated these were unspent funds that would roll over to the current fiscal year under the same line item.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2024-03. There was no further discussion and the motion passed unanimously.

*B. Fire*

i. Fire Contract Renewal with Johnston County

Commissioner Baxter asked for an explanation of the contract and the compensation. Chris Perry explained the contract provided insurance benefits and quicker response times to Johnson County residents. It was explained Corinth Holders was growing very quickly and there was a plan to build additional fire stations.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve the Fire Contract renewal with Johnston County. There was no further discussion and the motion passed unanimously.

*C. Planning*

i. Wall Purdy Tract Rezoning – Weavers Pointe (Ordinance 2024-06)

Mayor York stated the Wall Purdy applicant arrived.

Adam Culpeper reviewed the case details and standards. The applicant revised their conditions to increase the wrap-around porches to 30%, J drives and side loaded garages were allowed within the five feet setback, the HOA would not allow any rental units, the HOA shall be operational prior to issuance of the first certificate of occupancy and the HOA would appoint one resident to the advisory board at 25% occupancy, another resident at 50%, and another at 70%.

Commissioners Miles asked how the HOA would prohibit rentals. Mr. Culpepper stated that would be part of the HOA documentation and would become a zoning violation. Staff would contact the HOA to verify if there was a rental occurring and if so, it would become a code enforcement violation.

Commissioner Loucks suggested adding an annual certification from the HOA.

Commissioner Baxter had concerns about the time it would take for emergency vehicles to reach the development. Commissioner Miles had the same concerns and suggested the applicant purchase an additional parcel to connect the property to Hwy 96. Michael Clark showed the road on a map and explained how it crossed several parcels owned by other individuals.

Mr. Barron stated the applicant investigated the possibility of purchasing the parcel and the property owner was not interested in selling the property. The property that was annexed was the only part outside the watershed and that was why the property line was located where it was. There were details given about why it would be impossible to provide access to Hwy 96.

Commissioner Loucks stated Chief Perry explained Hopkins Fire Department could respond to the area quickly and future development would provide more access roads.

Mr. Barron spoke about the lead time for the project and stated it would be approximately three and half to four years until the first resident would move into the community.

Chris Perry gave an update about the future fire station.



There was discussion about the watershed boundary.

Commissioner Miles made a motion, second by Commissioner Harrison to deny Ordinance 2024-06.

Commissioner Loucks stated this was the type of housing development the Town was looking for and said it was a good neighborhood.

Commissioner Miles expressed concerns about the price point being too high for Zebulon.

Commissioner Baxter stated this was a product the Town did not currently have.

Commissioner Harrison had concerns about safety within the neighborhood.

There was a question about the north side of Weaver's Pond on the Future Transportation Plan. Michael Clark stated there were widening and modifications planned for Ferrell Road, but collector streets were required in neighborhoods under the Town's UDO. There was discussion about other connection options.

Chris Perry offered more details about improving travel times for fire calls.

Mr. Barron stated the applicant was agreeable to add a condition to not pull any certificates of occupancy for homes north of Yulee within seven years of approval of the rezoning or opening of the fire station, whichever came first.

There was no further discussion and the motion to deny Ordinance 2024-06 failed with a vote 2 to 3 with Commissioners Miles and Harrison voting in favor and Commissioners Clark, Loucks and Baxter voting in opposition.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2024-06 with the conditions provided tonight and the added condition of no certificates of occupancy for homes north of Yulee within seven years of the approval of the rezoning or opening of the fire station whichever came first.

Commissioner Miles told the Commissioners to imagine themselves or a family member in that area if EMS could not respond to their call in a timely manner.

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

#### **BOARD COMMENTS**

Commissioner Loucks thanked everyone for their work at Rock the Block and the next one was scheduled for September 8. The Board members were thanked for attending the Main Street

conference, wanted a budget discussion added to the August 24 retreat and reminded citizens about the openings on the Planning Board and Board of Adjustment. Commissioner Miles did not have any comments.

Commissioner Harrison stated there were open positions on the Parks and Recreation Advisory Board, thanked all those who worked at Rock the Block, August 20 was Educator Appreciation Week and thanked Kaleb Harmon who was the new Communications Manager for his great work,

Commissioner Clark had concerns about other Board members not responding to the tax information requested by the auditor.

Commissioner Baxter stated the auditor requested the information because in some municipalities the Board can forgive tax bills. She thought it was ridiculous the auditor was asking for that information which was public record.

Commissioner Baxter spoke about upcoming events, cooling centers located around the Town, and reminded citizens to be prepared for major weather events. Commissioner Baxter gave details about police presence at the Rock the Block event.

Mayor York spoke about the grand opening for Tru Value Hardware.

Mayor York read a Proclamation in remembrance of Gladys Todd.

## **BOARD OF COMMISSIONERS**

### **A. Manager Review – Sponsor Baxter/Co-Sponsor Miles**

Commissioner Baxter stated the current review documents were outdated and needed to be adjusted with different questions.

Commissioner Clark explained the review was already late and now was not the time to make changes. The work session would be a good time for the Board to make revisions for next year.

Commissioner Loucks asked when the manager's review was due. Mayor York confirmed it was due August 30.

Mayor York encouraged the Board to include any questions and comments on the Manager's review.

### **B. August Retreat – Sponsor Baxter/Co-Sponsor Miles**

Commissioner Baxter expressed concerns about not knowing the retreat topics in enough time and felt some retreat topics to be irrelevant. There was a suggestion to move retreats to a different time or to consolidate them.

Commissioner Harrison stated the retreats were very helpful and never had an issue taking off time from work to attend a retreat.

Commissioner Miles stated other candidates may not be able to take time off from work to attend a daytime retreat.

Commissioner Harrison reminded the Board the meeting dates were scheduled a year in advance.

**MANAGER’S REPORT**

Joe Moore gave some context about the mini retreats being condensed into day long in Town events and how topics were chosen. If the Board came to a consensus on topics to be discussed, they can talk to staff about having the topic added to the retreat.

Mr. Moore offered clarification about his self-evaluation being two weeks late. He was told to hold on the self-evaluation because the evaluation was being changed.

There were details given about the tax request from the auditor, clarification given about the two cooling station locations in Town and details about the rollovers that were adopted.

Michael Clark gave a monthly development update.

Lisa Markland provided a Human Resources update.

Sheila Long gave an update on the PARTF grant and the partnership with Recreation Resources Management.

There were discussions about the park cameras and the usage of data. The pilot program told the department how many people used the parks, what time and what day. It also would show how the parks were used.

Commissioner Baxter spoke about working with other municipalities to get money for research and grant opportunities.

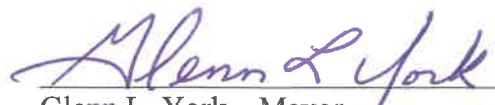
Commissioner Miles asked if the cameras were utilized like a flock camera. Sheila Moore explained the cameras were not a live feed and were not recording.


Joe Moore introduced Kaleb Harmon as the new Communications Manager.

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

Adopted this the 11<sup>th</sup> day of September 2023.



  
Glenn L. York—Mayor

  
Lisa M. Markland, CMC—Town Clerk