

**ZEBULON
BOARD OF COMMISSIONERS
WORK SESSION
AGENDA
January 19, 2023
5:00 pm**

This meeting will be recorded and posted to YouTube the next day.

1. Approval of Agenda

2. FY '23 Quarterly Reports: Police

The Board of Commissioners will receive a departmental report on workload indicators, performance measures, service need projections, and updates on select projects and/or programs. These Quarterly Reports provide the Board with both an update and foreshadowing of needs projected in the FY '24 Budget. Staff is not seeking a Board vote on this item.

3. Board of Adjustment

Zebulon's Board of Adjustment is responsible for hearing appeals to zoning enforcement decisions and granting variances to the zoning ordinance. This presentation will provide the Board with an overview of the Board of Adjustment's activity, and alternatives to delegate those responsibilities to the Planning Board. Staff is not seeking a Board vote on this item.

4. Main Street Program: Organizational Structure

The Main Street America program facilitates downtown economic development through a "Four Point Approach" strategy focused upon Economic Vitality, Design, Promotion, and Organization. The Town, as a condition to full membership and designation as a Main Street Community, must develop the organizational structure of their local programming.

This presentation builds upon Board feedback from their Work Session on November 17, 2022, by describing the options of a non-profit/governmental hybrid organization. Staff will also present information on establishing a municipal service district and the next steps towards membership as a NC Main Street community. Staff is not seeking a Board vote on this item.

5. Special Event Standards: Event Assessment

At their Work Session on November 17, 2022, the Board adopted a policy outlining the standards for private and non-profit organizations to follow when hosting events, festivals, and parades on public property and right of way. At that meeting, the Board requested the opportunity to provide additional feedback on the standards at their January Work Session. This presentation provides the Board both with an assessment of two events held since the adoption of the standards, and offers them an opportunity to request Staff to investigate and analyze revised or new policy directives associated with special events. Staff is not seeking a Board vote on this item.

6. Joint Public Hearing schedule

A Joint Public Hearing to discuss the Wall Purdy Tract was originally scheduled for December 12, 2022. At the applicant's request, the Board postponed the Joint Public Hearing to January 23, 2023. The applicant has requested another postponement. Staff will provide options and seeks a Board vote.

7. Adjourn

Topic: FY 23 Quarterly Report – Police
Speaker: Jacqui Boykin, Police Chief

From:  Joseph M. Moore II, PE - Town Manager

Executive Summary:

The Board of Commissioners will receive departmental reports on workload indicators, performance measures, service need projections, and updates on select projects or programs.

Background:

The Board of Commissioners will receive a departmental report on workload indicators, performance measures, service need projections, and updates on select projects and/or programs. Quarterly Reports provide the Board with both an update and foreshadowing of needs projected in the FY '24 Budget. Staff is not seeking a Board vote on this item.

Information:

Key takeaways include the following:

- How proactive, self-initiated service calls impact crime
- 2022 crime rate analysis and responses
- Workload indicators and projected personnel needs

Policy Analysis: N/A


Financial Analysis: N/A

Staff Recommendation: N/A

Attachment(s):

1. Annual Report (handed out at meeting)

Topic: BOARD OF ADJUSTMENT

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider options regarding operations of the Board of Adjustment.

Background:

Zebulon's Board of Adjustment is responsible for hearing appeals to zoning enforcement decisions and granting variances to the zoning ordinance. This presentation will provide the Board with an overview of the Board of Adjustment's activity, and alternatives to delegate those responsibilities to the Planning Board.

Information:

Key takeaways include the following:

- The status of the Board of Adjustment
- The ramifications of vacancies on the Board of Adjustment
- How the Planning Board can fill responsibilities of the Board of Adjustment

Policy Analysis:

North Carolina General Statutes 160D-102(9), 160D-302, 160D-405 and 160D-705 outlines the makeup, duties, and operations of the Board of Adjustment as a required decision-making body to hear appeals of Zoning Administrators decisions and variance requests.

Attachments:

1. NCGS 160D-302


§ 160D-302. Boards of adjustment.

(a) **Composition.** - A local government may by ordinance provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three-year terms. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the governing board may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The governing board may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

(b) **Duties.** - The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation adopted under this Chapter. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals. If any board other than the board of adjustment is assigned decision-making authority for any quasi-judicial matter, that board shall comply with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

STAFF REPORT
NC MAIN STREET
ORGANIZATIONAL STRUCTURES
JANUARY 19, 2023

Topic: NC MAIN STREET NON-PROFIT ORGANIZATIONAL STRUCTURES

Speaker: Teresa Piner, AICP, DAC Coordinator
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider non-profit organizational options as part of the hybrid approach for the North Carolina Main Street Program, along with next steps.

Background:

The Main Street America program facilitates downtown economic development through a “Four Point Approach” strategy focused upon Economic Vitality, Design, Promotion, and Organization. The Town, as a condition to full membership and designation as a Main Street Community, must develop the organizational structure of their local programming.

This presentation builds upon Board feedback from their Work Session on November 17, 2022, by describing the options of a non-profit/governmental hybrid organization. Staff will also present information on establishing a municipal service district and the next steps towards membership as a NC Main Street community.

Information:

Key takeaways include the following:

- Pros and cons of different tax-exempt organizations (501C3, 501C4, 501C6)
- How to establish a Municipal Service District
- Next steps to full membership as a NC Main Street community

Policy Analysis: None

Financial Analysis: None

Staff Recommendation: None

Attachments: None

Topic: Special Event Standards: Event Assessment
Speakers: Sheilia Long, Parks and Recreation Director

From:  Joseph M. Moore II, PE - Town Manager

Executive Summary:

The Board of Commissioners will receive a report on the recent Candy Cane Lane & Tree Lighting Festival and the Christmas Parade.

Background:

At their Work Session on November 17, 2022, the Board adopted a policy outlining the standards for private and non-profit organizations to follow when hosting events, festivals, and parades on public property and right of way. At that meeting, the Board requested the opportunity to provide additional feedback on the standards at their January Work Session. This presentation provides the Board both with an assessment of two events held since the adoption of the standards, and offers them an opportunity to request Staff to investigate and analyze revised or new policy directives associated with special events.

Information:

Key takeaways include the following:

- An assessment of personnel investment to support events.
- Any areas of the standards requiring refinement or further investigation?

Policy Analysis: N/A

Financial Analysis: N/A


Staff Recommendation: N/A

Attachment(s): none

Topic: POSTPONEMENT REQUEST – WALL PURDY PUBLIC HEARING

Speaker: Michael J. Clark, AICP, CZO, Planning Director

Prepared by: Michael J. Clark, AICP, CZO, Planning Director

Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider a request to postpone the public hearing for the Wall-Purdy Conditional Rezoning.

Background:

A Joint Public Hearing to discuss the Wall Purdy Tract was originally scheduled for December 12, 2022. At the applicant's request, the Board postponed the Joint Public Hearing to January 23, 2023. Jason Barron, Attorney with Morningstar Law Group for the Wall-Purdy Conditional Rezoning Request, has requested another postponement.

A second postponement is permissible but does not require re-notification of the hearing. This may confuse interested parties on the date and time of the hearing.

Alternatively, the Board has the option to cancel the hearing and request new notifications sent and published in a paper of general circulation with the revised Joint Public Hearing date and time. This application was submitted before the UDO amendment increasing notification distance and therefore not subject to the new standard.

Discussion:

The discussion before the Board is whether to postpone or cancel the Wall-Purdy Tract public hearing.

Policy Analysis:

Zebulon Unified Development Ordinance 2.3.11 allows the Board of Commissioners the option to hear a request for postponement for any case that has been noticed for Public Hearing.

Staff Recommendation:

Staff Recommends canceling the public hearing to allow the applicant time to revise application and renotification when a new joint public hearing is scheduled.

Attachments:

1. Letter from Applicant
2. UDO Section 2.3.11



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January 9, 2023

VIA ELECTRONIC MAIL ONLY

mclark@townofzebulon.org

Michael Clark
Planning Director
Town of Zebulon
1003 N. Arendell Ave.
Zebulon, NC 27597

Re: The Wall Purdy Tract
Annexation Project ID: 825756
Rezoning Project ID: 825909

Michael,

I am contacting you on behalf of the applicant in the above-captioned rezoning and annexation request. On their behalf and pursuant to the Town's UDO Section 2.3.11, we respectfully request that the applications in this matter, which currently are scheduled to be heard on January 23, 2023, be continued to the next Joint Public Hearing to be held in February, 2023. This will allow additional time for the applicant to continue to work with the Town's planning staff on items that have been raised for review and consideration.

Please feel free to contact me should you have any questions or comments.

Sincerely,

MORNINGSTAR LAW GROUP



Jason Barron
Partner

cc: Aaron Chalker, CZO
achalker@townofzebulon.org

Grey Berry
grey@futrellproperty.com

ARTICLE 2: PROCEDURES

2.3. Application Processing

2.3.11. Continuance, Postponement, and Withdrawal

take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

C. TRANSFER

1. Except when otherwise specified, development approvals may be transferred from one owner to another, provided the land, structure, or use type continues to be used for the same purpose for which the approval was granted.
2. The terms, requirements, and conditions of the approval shall continue to apply to all subsequent owners or interests.

2.3.11. CONTINUANCE, POSTPONEMENT, AND WITHDRAWAL

An applicant may request that a review authority's consideration of a development application be continued, postponed, or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING

1. In cases where an applicant seeks a continuance or postponement of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Planning Director shall consider and decide the request.
2. If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance or postponement shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required.
3. A request for continuance or postponement may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the Town's adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

1. An applicant may withdraw an application at any time.
2. If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
3. Application fees for withdrawn applications shall not be refunded.

2.3.12. LIMITATION ON SUBSEQUENT SIMILAR APPLICATIONS

A. APPLICATION DENIED

If a development application requiring a public hearing is denied, no application proposing the same or similar development on all, or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit in accordance with subsection (B) below. For the purposes of this section, "the same or similar development" shall mean:

1. The same use type(s) in the same approximate location(s) as the denied application; or
2. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

B. REDUCTION IN TIME LIMIT

The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or