

**ZEBULON
BOARD OF COMMISSIONERS
AGENDA
October 2, 2023
6:00pm**

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. SCHOOL RECOGNITION

A. Zebulon Middle School

- i. Daniel Antonio Velasquez – Student
- ii. Ashley Smith– Teacher

4. PROCLAMATION

A. Fire Prevention Week

B. National Community Planning Month

C. Pregnancy and Infant Loss Awareness Month

D. 2023 Year of the Trail

5. PUBLIC COMMENT

All wishing to speak must sign up prior to 5:50pm. The comment period will be no longer than 15 minutes with speakers having three minutes each to speak. No speaker can speak on a public hearing item or any item that would need to be discussed under Closed Session. Speakers cannot give their minutes to another speaker. If you would like to submit comments to be read into the record at the meeting, please send comments, of 400 words or less, to Lisa Markland at markland@townofzebulon.org) by 3:00pm on October 2, 2023.

6. CONSENT

A. Minutes

- i. August 14, 2023 – Joint Public Hearing
- ii. September 11, 2023 – Regular Meeting
- iii. September 18, 2023 – Joint Public Hearing

B. Finance

- i. Wake County Tax Report – July 2023

C. Police

- i. K-9 Purchase (Ordinance 2024-16)

D. Public Works

- i. Pearce's Landing Infrastructure Acceptance – Phase Ic (Resolution 2024-05)

5. OLD BUSINESS

A. Planning

- i. 1620 N. Arendell Avenue (Ordinance 2024-17)

B. Administration

- i. Strategic Plan Grant Policy (Resolution 2024-06)

6. NEW BUSINESS

A. Finance

- i. American Rescue Plan Required Policies (Resolution 2024-07)
- ii. American Rescue Plan Funds – Grant Project (Ordinance 2024-14 and Ordinance 2024-15)

7. BOARD COMMENTS

8. MANAGERS REPORT

- A. Development Update
- B. Human Resources Update
- C. Monthly Financial Report Addendum

9. ADJOURN

ZEBULON

NORTH CAROLINA

PROCLAMATION FIRE PREVENTION WEEK OCTOBER 8 – 14, 2023

WHEREAS, the Town of Zebulon is committed to ensuring the safety and security of all those living in and visiting our Community; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires caused more than 2,800 civilian deaths in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to more than 338,000 home fires; and
and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking injuries occurred when victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, residents of Zebulon should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fire almost in half; and

WHEREAS, National Park Service Park Structural Fire Coordinators and Structural Firefighters are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, National Park Service employees and visitors are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention theme is “Cooking Safety.”

NOW THEREFORE, the Zebulon Board of Commissioners does hereby proclaim October 8th – October 14th, 2023 as Fire Prevention Week, and we urge everyone to check their kitchens and cooking spaces for fire hazards and use safe cooking practices and to support the Zebulon Fire Department.

Glenn L. York – Mayor

Lisa M. Markland, CMC – Town Clerk

SEAL

ZEBULON

NORTH CAROLINA

COMMUNITY PLANNING MONTH PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, the Town of Zebulon and much of the region is growing at an unprecedented pace; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of Planning Commissions and other citizen planners who have contributed their time and expertise to the improvement of the Town of Zebulon; and

WHEREAS, we recognize the many valuable contributions made by professional community and regional planners of the Town of Zebulon and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2023 is hereby designated as **Community Planning Month** in the Town of Zebulon In conjunction with the celebration of National Community Planning Month.

Adopted this 2nd day of October 2023.

Glenn L. York—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

ZEBULON

NORTH CAROLINA

PROCLAMATION IN RECOGNITION OF PREGNANCY & INFANT LOSS AWARENESS MONTH

WHEREAS Pregnancy and Infant Loss is such a common occurrence, one that is usually not recognized;

WHEREAS many North Carolina parents and families have suffered a miscarriage, a stillbirth, or the death of an infant during delivery or shortly after birth; and

WHEREAS even the shortest lives are still valuable, and the grief of those who mourn the loss of these lives should not be trivialized; and

WHEREAS the Town of Zebulon wishes to acknowledge the profound grief experienced by families who suffer the death of a baby; and

WHEREAS those parents and families require support and understanding during their time of grief; and

WHEREAS increased awareness of the causes and impacts surrounding pregnancy and infant loss may lead to greater understanding, support, and resources in communities across Wake County and the State of North Carolina; and

WHEREAS the Town of Zebulon acknowledges the need to increase the awareness of pregnancy and infant loss and honor the experiences of families; and

WHEREAS we demonstrate our support for the many families affected by such loss; and

WHEREAS recognizing the month of October as Pregnancy and Infant Loss Awareness Month and the 15th day of October 2023 as Pregnancy and Infant Loss Remembrance Day would enable the people of Zebulon, NC to consider how, as individuals and communities, they can meet the needs of bereaved mothers, fathers, and family members, and work to prevent the causes of these deaths;

NOW, BE IT THEREFORE RESOLVED, that I, Mayor Glenn York of the Town of Zebulon, do hereby proclaim October 2023 as Pregnancy and Infant Loss Awareness Month and October 15th as Pregnancy and Infant Loss Remembrance Day in the Town of Zebulon and encourage parents, caregivers, and all residents to become educated in opportunities to prevent pregnancy and infant loss and support bereaved families when prevention is not possible.

Adopted this the 2nd day of September 2023.

Glenn L. York – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk



Post Office Box 397, Zebulon, NC 27597 | angelprintsora@gmail.com | 252-406-5335 | www.angelprints.org

July 14, 2023

The Honorable Glenn York, Mayor
Town of Zebulon
1003 N. Arendell Avenue
Zebulon, NC 27597

Dear Mayor York,

The month of October is nationally recognized as Pregnancy and Infant Loss Awareness Month. This month provides an excellent opportunity for our Town to demonstrate its continual support in raising awareness of pregnancy and infant loss, research to prevent these devastating tragedies, and support for bereaved mothers, couples, and families. Additionally, it is a great opportunity to educate the public on the significance of pregnancy and infant loss as these have long been a 'taboo' topic for decades. Angel Prints Corporation would be honored if you would sponsor an official proclamation at our second annual Awareness Walk to recognize October 2023 as Pregnancy & Infant Loss Awareness Month as well as October 15, 2023 as Pregnancy & Infant Loss Remembrance Day in the town of Zebulon, NC.

Each year, it is estimated that as many as 1 in 4 of all pregnancies end in miscarriage and up to 10% of clinically recognized pregnancies. Moreover, 80% of early pregnancy loss occurs in the first trimester (before the 12th week of pregnancy). According to the CDC, more than 21,000 babies are stillborn and another 20,000 do not live to see their first birthday. In North Carolina, the infant mortality rate is 6.8 infant deaths per 1,000 live births, which is considerably higher than the national average of 5.547 deaths per 1000 live births. Additionally, the fetal and infant death rates for Black families is more than double that of other races. In Wake County, according to the 2022 Community Health Needs Assessment, 13 of every 1,000 Black infants die in their first year compared to 2.5 White infants, and 6.7 Hispanic infants.

We believe that many of these tragedies could be prevented and bereaved families deserve the very best in bereavement support and care. Your proclamation would lend official recognition to

the important work of educating the public on pregnancy & infant loss as well as emphasize your personal commitment to raising awareness about the risks for such tragedies.

We have enclosed a sample proclamation which may help your office compose the appropriate proclamation for Zebulon, NC.

Sincerely,

Brandon & Toshina Wiggins

Brandon & Toshina Wiggins
Founders, Angel Prints Corporation

ZEBULON
NORTH CAROLINA

PROCLAMATION
2023 Year of the Trail

WHEREAS, North Carolina's natural beauty is critical to its residents' quality of life, health, and economic wellbeing; and

WHEREAS, the trails that span across our state are an integral part of the recreational possibilities in North Carolina and promote an enjoyment of scenic beauty by our residents and our visitors; and

WHEREAS, the parks, greenways, trails and natural areas across our state are welcoming to all and provide a common ground for North Carolinians of all ages to access the state's rich and diverse natural, cultural, and historic resources.

WHEREAS, North Carolina's natural assets and resources are integral to climate education and protection and integral to recovery and resiliency efforts for future generations.

WHEREAS, the state's nature trails vary from less than a mile in length to the Mountains-to-Sea Trail that stretches more than 1,000 miles from the mountains to the coast; range from rugged footpaths on mountain ridges to bikeways along abandoned railway corridors, from canoe trails down our state's rivers to bridle trails in the rolling Piedmont, from trails through state parks to footpaths and greenways through local neighborhoods; and

WHEREAS, trails offer quality-of-life benefits to all North Carolinians as expressions of local community character and pride, as outdoor workshops for science education, as tools for economic revitalization, as accessible alternative transportation, and as sites for social and cultural events; and

WHEREAS, the North Carolina Trails Program is dedicated to helping residents, organizations and agencies plan, develop and manage all types of trails ranging from greenways and trails for hiking, biking and horseback riding to paddle trails and off-road vehicle trails; and

WHEREAS, North Carolina also boasts many arts, history and cultural trails that celebrate the state's unique arts, history and culture; and

WHEREAS, the North Carolina General Assembly designated 2023 as the Year of the Trail in North Carolina to promote and celebrate the state's extensive network of trails that showcase our state's beauty, vibrancy and culture; and

WHEREAS, North Carolina is known as the "Great Trails State;"

NOW, THEREFORE, I, Glenn L. York, Mayor of the Town of Zebulon, do hereby proclaim 2023 as "THE YEAR OF THE TRAIL" in North Carolina, and commend its observance to all citizens.

Adopted this the 2nd day of October 2023.

Glenn L. York – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk

**Zebulon
Joint Public Hearing
Minutes
August 14, 2023**

Present: Glenn York, Quentin Miles, Beverly Clark, Shannon Baxter, Jessica Harrison, Joe Moore-Town Manager, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Adam Culpepper-Planning, Cate Farrell-Planning, Bobby Fitts-Finance, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Kaleb Harmon-Communications, Sam Slater-Attorney

Absent: Larry Loucks

Planning Board Present: David Lowry, Michael Germano, Laura Johnson, Domenick Schilling, Stephanie Jenkins, Peggy Alexander, Genia Newkirk

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

APPROVAL OF THE AGENDA

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

Mayor York stated Commissioner Loucks was unable to attend the meeting but was watching online.

PUBLIC HEARING

A. CZ 2023-03 1106 N. Arendell Avenue

Mayor York opened the Public Hearing.

Adam Culpepper stated this was a conditional rezoning request for a 3.51-acre parcel from Heavy Commercial (HC) to Heavy Commercial-Conditional (HC-C) District for the development of a convenience store with gasoline sales.

The standards under section 2.2.6.K for a conditional rezoning were:

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

The public hearing notification process was detailed. The aerial map, zoning map, future land use plan, timeline, concept plan and proposed elevations were shown. The applicant proposed the following conditions:

- Gasoline pumps between the building and street
- Façade requirements
- Construction of road and traffic improvements

Mr. Culpepper reviewed the façade requirements. The proposed showed the south wall with 29% transparency/glazing, west wall with 33% transparency/glazing and the east wall with no transparency provided.

The proposed road improvements included:

- Eastbound right turn lane on Dogwood Dr.
- Westbound left turn lane on Dogwood Dr.
- Left turn lane on the US 64 Hwy off-ramp
- Retiming and signal upgrade at N. Arendell Ave. and Dogwood Dr. recessed behind the front of home

Staff spoke about the Utility Allocation Policy points for the project. The applicant received a total of 60 points by doing full construction of the Jones Street right of way, wetland style stormwater control measure, and 10 native shade trees which was in addition to the landscaping requirements.

There was a question about the spandrel glazing percentage on the west wall. Adam Culpepper explained 33% of the wall glazing was glass and spandrel was used for all the glazing area except the door. It was further stated that the Police and Fire Departments were involved in the Technical Review Committee that approved the glazing proposals and had no issues with safety.

Commissioner Baxter asked about the visibility of the site from the library. Adam Culpepper explained the street trees would not cover the view from the library, but the trees would mature and create a future buffer.

Commissioner Harrison expressed concerns about the lack of pedestrian crossings.

Peggy Alexander asked for more details about the right turn. Mr. Culpepper showed the deceleration lane which allowed for the free flow of traffic.

Michael Germano asked about the pinch point at the exit off of Jones Street. Adam stated the turn was able to handle large trucks.

Laura Johnson expressed concerns about safety for pedestrian traffic going to the Eastern Regional Center. Staff would check the TIA improvements to see if a stop bar was added for pedestrians to cross the street.

Domenick Schilling also expressed concerns over the pinch point at the intersection of Jones and Dogwood, traffic flow within the site, and safety.

There was a question about the plans to add a stop sign on the back side and staff stated the TIA had a stop sign as part of the required transportation improvement requirements. The improvements would be made during the construction of the site and would not receive a certificate of occupancy until the improvements were finished.

Commissioner Baxter asked Commissioner Harrison for clarification of her comment about crosswalks. Commissioner Harrison stated her comment was in addition to the ones on Dogwood. Mayor York asked if there were any more questions. There were none.

Mayor York asked if anyone wished to speak in favor.

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Tom Johnson, an attorney at Williams Mullen, spoke on behalf of the applicant. It was explained that a convenience store was a permitted use under heavy commercial, but the property had to be rezoned because they could not get the canopies behind the building with a separate truck filling area. The applicant went above and beyond with added conditions.

NCDOT asked that the left turn lane coming off Hwy 64 be added and was included as a condition.

Mr. Johnson offered details of the spandrel glass, plantings at the parcel, underground storage tanks, and the turning radiuses for trucks. There would be crosswalks at Dogwood and Arendell and Dogwood and Jones with appropriate traffic control devices.

Chris Taft gave more details of the spandrel glass being at 29% due to the width between the columns and height of the glass.

Commissioner Baxter asked about the emergency shut off valves on site. Mr. Johnson stated they would have separate cut-offs and would follow the regulations to add what was required.

It was further explained by Mr. Johnson that the canopy would be high enough to accommodate the large trucks and would be above the building for that reason.

There was a question of whether the gas station would be open 24 hours and Mr. Johnson confirmed it would.

Dallas Pearce explained he marketed the property for years and had offers and letters of intent, but none worked out. He felt the project was the highest and best use of the site and would be good for the area.

Carl Tart, the property owner, spoke about his support and gave background of the project.

Mayor York asked if anyone else 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 wished to speak neither for or against. There were none.

Mayor York closed the public hearing and referred the matter to the Planning Board.

B. TA 2024-01 RV Park

Mayor York opened the Public Hearing.

Michael Clark stated this was a text amendment to Section 4.2.3 to allow for consideration of Recreational Vehicle Parks as part of a Planned Development request.

The standards under section 2.2.20.G for a text amendment were:

1. Public's Health, Safety and Welfare
2. Town's Adopted Policy Guidance
3. Not in Conflict
4. Changed Conditions
5. Demonstrated Community Need

Joint Public Hearing
Minutes
August 14, 2023

6. Matter Not Present – UDO Adoption
7. Consistent with the Purpose and Intent
8. Logical and Orderly Development Pattern
9. Other Factors
10. No Adverse Impacts

Mayor York asked if the Board had any questions.

Commissioner Baxter asked about parking limits for a recreation vehicle park. Michael Clark stated there were time restrictions in the UDO, but the timeframe could be renegotiated in the planned development process.

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

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

Jennifer Ashton, an attorney at Longleaf Partners, spoke on behalf of the development team. There were details given about the outdoor recreation resort. The applicant would come back before the Board for a rezoning with a master plan if the text amendment was approved.

Ryan Remely spoke about his reasons for wanting to create this plan and why the parcel was the best location.

Dallas Pearce spoke about his attempts to market the property. There was a large amount of rock located at the site, two large ponds and the sewer line easement in the middle of the property making it difficult for developers. Mr. Pearce stated the RV resort would be the best use of the property.

Mayor York asked if anyone wished to speak in favor.

Kyla Vernon stated a campground would be nice for Zebulon and would provide a nice family atmosphere.

Mayor York asked if anyone else 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 wished to speak neither for or against. There were none.

Mayor York closed the public hearing and referred the matter to the Planning Board.

C. TA 2024-02 Drop-in Child Care

Mayor York opened the Public Hearing.

Cate Farrell stated this was a text amendment to Section 4.2.3 and Section 94 of the UDO to allow for consideration of a new use “Child Care, Drop-In.” The Town had received interest from business owners in providing this this type of use. There was a comparison of child daycare centers and drop-in daycares. The drop-in daycares were to be used on an irregular basis, watch children for shorter periods, for parents running local errands and no outdoor space requirement.

The standards under section 2.2.20.G for a text amendment were:

1. Public's Health, Safety and Welfare
2. Town's Adopted Policy Guidance
3. Not in Conflict
4. Changed Conditions
5. Demonstrated Community Need
6. Matter Not Present – UDO Adoption
7. Consistent with the Purpose and Intent
8. Logical and Orderly Development Pattern
9. Other Factors
10. No Adverse Impacts

Commissioner Baxter asked if the verbiage was structured from another community. Cate Farrel stated the modifications were made from state standards and gave some details on short term standards for the daycare. The use type was intended for short-term use and the facilities would have their own rules and guidelines enforcing that.

Laura Johnson inquired about the age restrictions at the daycare. Staff explained the state standard age was 13 and under.

Commissioner Baxter asked that the time limit of four hours be incorporated into the text amendment.

David Lowry asked about the 15-minute radius for parents. Staff stated the range was to promote short-term childcare.

Mayor York asked if there were 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 wished to speak neither for or against. There were none.

Mayor York closed the public hearing and referred the matter to the Planning Board.

D. TA 2024-03 Contractor Signs

Mayor York opened the Public Hearing.

Cate Farrell stated this was a text amendment to Section 5.11 and Section 9.4 of the UDO to allow for consideration of a new sign type "Contractor Signs." The dimensional standards had a maximum height of 8', maximum sign face area = 32 sq. ft. per side, and minimum setback from lot line = 10'. Durational standards were also added where they would be reviewed for all residential districts every two years and non-residential and mixed use district every year. The signs had to be removed once the development was determined to be complete. Cate reviewed the additional standards added to the text amendment.

Joint Public Hearing
Minutes
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The standards under section 2.2.20.G for a text amendment were:

1. Public's Health, Safety and Welfare
2. Town's Adopted Policy Guidance
3. Not in Conflict
4. Changed Conditions
5. Demonstrated Community Need
6. Matter Not Present – UDO Adoption
7. Consistent with the Purpose and Intent
8. Logical and Orderly Development Pattern
9. Other Factors
10. No Adverse Impacts

Commissioner Baxter asked if signs could be grandfathered. Ms. Farrell explained current signs would be grandfathered because they came in before the adoption of the UDO. There was discussion about what happened if a project were to stall.

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

Mayor York asked if the Planning Board had any questions.

Michael Germano asked about considerations for signs for screening. Staff stated those were separate from this regulation and could investigate adding durational and maintenance standards for signs in windows or fence wrapping.

David Lowry also wanted to see a standard for signs on fences and asked who would perform the review. Cate Farrell explained that the Planning Department would do that and gave details about the review process. Mr. Lowry suggested requiring a sign for new development so citizens knew what was coming.

Michael Germano suggested requiring fencing with screening for developments along major thoroughfares.

Domenick Schilling also agreed about adding wraps to fences and stated there were different numbers for the setback from lot lines in the dimension standards. Staff would clarify that and make it consistent in the text amendment.

Mayor York asked if there were 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 wished to speak neither for or against. There were none.

Mayor York closed the public hearing and referred the matter to the Planning Board.

E. TA 2024-04 Process Change

Mayor York opened the Public Hearing.

Adam Culpepper stated this was a text amendment to Article 2 of the UDO to revise and clarify site plan and construction drawing development review. The current plan and proposed plan process were reviewed. The proposed plan would match what other area municipalities use and would make it an easier process for staff, TRC and developers.

Commissioner Baxter asked for more details about the proposed process. Adam Culpepper stated this was splitting and clarifying residential and non-residential and gave examples. This would not change what the Board saw, the change was just to add details and clarification.

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

Mayor York asked if the Planning Board had any questions.

Michael Germano thanked staff for their effort on the proposed changes and it was needed.

Mayor York asked if there were 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 wished to speak neither for or against. There were none.

Mayor York closed the public hearing and referred the matter to the Planning Board.

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

Adopted this the 2nd day of October 2023.

Glenn L. York—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Minutes
September 11, 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, Kaleb Harmon-Communications, Michael Clark-Planning, Adam Culpepper-Planning, Cate Farrell-Planning, Eric Vernon-Town Attorney, Sam Slater-Town Attorney

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

There was a moment of silence for 9/11.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Miles.

APPROVAL OF AGENDA

Commissioner Baxter asked to remove the Zebulon Chamber of Commerce Membership (Ordinance 2024-13) from consent.

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

PUBLIC COMMENT

Ron Skow thanked the Board for the 9/11 recognition.

CONSENT

A. Minutes

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the minutes of the August 7, 2023 meeting. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the minutes of the August 17, 2023 work session. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the minutes of the August 30, 2023 special called meeting. There was no discussion and the motion passed unanimously.

B. Finance

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

OLD BUSINESS

A. Planning

i. Conditional Zoning 1106 N. Arendell Avenue (Ordinance 2024-07)

Adam Culpepper stated this was a conditional rezoning request for a 3.51-acre parcel from Heavy Commercial (HC) to Heavy Commercial-Conditional (HC-C) District for the development of a convenience store with gasoline sales.

The standards under section 2.2.6.K for a conditional rezoning were:

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

The public hearing notification process was detailed. The aerial map, zoning map, future land use plan, timeline, concept plan and proposed elevations were shown. The applicant proposed the following conditions:

- Gasoline pumps between the building and street
- Façade requirements
- Construction of road and traffic improvements

Mr. Culpepper reviewed the façade requirements. The proposed showed the south wall with 29% transparency/glazing, west wall with 33% transparency/glazing and the east wall with no transparency provided.

The proposed road improvements included:

- Eastbound right turn lane on Dogwood Dr.
- Westbound left turn lane on Dogwood Dr.
- Left turn lane on the US 64 Hwy off-ramp
- Retiming and signal upgrade at N. Arendell Ave. and Dogwood Dr. recessed behind the front of home

Staff spoke about the Utility Allocation Policy points for the project. The applicant received a total of 60 points by doing full construction of the Jones Street right of way, wetland style stormwater control measure, and 10 native shade trees which was in addition to the landscaping requirements.

The Planning Board voted 6 to 1 to recommend approval at their August 14, 2023 meeting.

Commissioner Baxter asked for more details about the stormwater wetland area. Matt Lauder, the engineer for the project explained the stormwater management area and what it would look like.

There was a question about the emergency shut offs at both fueling areas. Tom Johnson, the attorney for the applicant explained there was an automated shut off in case of an emergency as well as a manual shut off inside the store.

Board of Commissioners
Minutes
September 11, 2023

Commissioner Loucks made a motion, second by Commissioner Harrison to approve Ordinance 2024-07. There was no discussion and the motion passed unanimously. The approved conditions are as follows:

1. Development of the property for a convenience store with gasoline sales use shall be substantially as shown on the concept plan approved as part of this rezoning request and as shown on a site/ development plan approved subsequent and pursuant to this rezoning. Development of the use on the property as described above shall not be subject to the use-specific standard in UDO 4.3.5.Q.1.a, more specifically this condition permits gasoline pump island to be located between the building and street as shown on the concept plan.
2. This rezoning and the associated site/building design proposed as part of the request considers certain UDO requirements in relation to: the nature of the proposed commercial use which is permitted by-right under the existing HC zoning; the property being adjacent to street rights-of-way on three sides, subjecting proposed development at this location to additional standards not applicable to the same development type throughout all HC zoning; and, aspects of the proposed site/building design that exceed minimum UDO requirements as shown and described in the documents submitted as part of the rezoning request. Based on consideration of these factors, variation in the fenestration requirements for the south, west and east building facades is allowed as shown on plans approved as part of this rezoning, more specifically:
 - South wall – 29% transparency/glazing provided (minimum 30% required); wall does not face an adjacent street.
 - West wall – 33% transparency/glazing provided (minimum 30% required), use of spandrel glazing due to interior layout requirements for specific building use; canopies are provided above glazing on this façade.
 - East wall – no transparency provided (view of wall from the adjacent street will be screened by multiple different design aspects required by the UDO and other features including: required dumpster enclosure and landscape screening; street trees; canopy and understory trees and shrubs within the required street buffer; and the proposed fueling area and associated structures).
3. The developer shall construct/provide the following traffic improvements as shown on the diagram titled: "Proposed Land Configurations and Traffic Control, Zebulon 7-Eleven, Zebulon, NC, Figure 14", prepared by Impact Designs, Inc. agreed upon by development team, Town of Zebulon, and NCDOT on 7/27/2023. Plans/details of these improvements shall be shown on the site/construction plans submitted to the Town for review subsequent to rezoning.
 - 125-foot eastbound right turn lane on Dogwood Drive at Site Access A.
 - 150-foot westbound left turn lane on Dogwood Drive at N Arendell Ave.
 - 300-foot left turn lane on the US 64 Highway WB off-ramp.
 - Retime traffic signals in the AM and PM peak hours.
 - Upgrade signal at N Arendell Ave/Dogwood Drive/US 64 WB ramps to accommodate new left turn lanes.

ii. Child Care Drop-in Text Amendment (Ordinance 2024-08)

Cate Farrell stated this was a text amendment to Section 4.2.3 and Section 94 of the UDO to allow for consideration of a new use "Child Care, Drop-In." The Town had received interest from business owners in providing this this type of use. There was a comparison of child daycare centers and drop-in daycares. The drop-in daycares were to be used on an irregular basis, watch children for shorter periods, for parents running local errands and no outdoor space requirement.

The standards under section 2.2.20.G for a text amendment were:

1. Public's Health, Safety and Welfare
2. Town's Adopted Policy Guidance
3. Not in Conflict
4. Changed Conditions
5. Demonstrated Community Need
6. Matter Not Present – UDO Adoption
7. Consistent with the Purpose and Intent
8. Logical and Orderly Development Pattern
9. Other Factors
10. No Adverse Impacts

At their August 14, 2023 meeting, the Planning Board unanimously recommended approval with the amendment to reference the state standards.

There was discussion about the reference to state standards in the text amendment.

There were questions about the number of inquiries the Town received. Michael Clark stated staff received two inquiries about this specific use and thought it would be a use type that would be needed to accommodate the residents. Mike continued by stating that research was done to determine what other municipalities did with this type of use.

Commissioner Miles asked about monitoring of the facility. Cate Farrell spoke about the state regulations that oversee childcare facilities.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2024-08. There was no discussion and the motion passed unanimously.

iii. Recreational Vehicle Park Text Amendment (Ordinance 2024-09)

Michael Clark stated this was a text amendment to Section 4.2.3 to allow for consideration of Recreational Vehicle Parks as part of a Planned Development request.

The standards under section 2.2.20.G for a text amendment were:

1. Public's Health, Safety and Welfare
2. Town's Adopted Policy Guidance
3. Not in Conflict
4. Changed Conditions
5. Demonstrated Community Need
6. Matter Not Present – UDO Adoption
7. Consistent with the Purpose and Intent
8. Logical and Orderly Development Pattern
9. Other Factors
10. No Adverse Impacts

At their August 14, 2023 meeting, the Planning Board unanimously recommended approval.

Commissioner Baxter asked if four wheelers and motocross bikes were allowed on the property. Michael Clark explained that was not part of the request but could be if the applicant came back before the Board with a Planned Development request. That type of activity would be addressed on a case-by-case basis.

Commissioner Harrison made a motion, second by Commissioner Miles to approve Ordinance 2024-09. There was no discussion and the motion passed unanimously.

iv. Development Review Procedures Text Amendment (Ordinance 2024-10)

Adam Culpepper stated this was a text amendment to Article 2 of the UDO to revise and clarify site plan and construction drawing development review. The current plan and proposed plan process were reviewed. The proposed plan would match what other area municipalities used and would make it an easier process for staff, TRC and developers.

At their August 14, 2023 meeting, the Planning Board unanimously recommended approval.

There was discussion about the exemptions to the preliminary plan review process.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2024-10. There was no discussion and the motion passed unanimously.

v. Contractor Signs Text Amendment (Ordinance 2024-11)

Cate Farrell stated this was a text amendment to Section 5.11 and Section 9.4 of the UDO to allow for consideration of a new sign type "Contractor Signs." The dimensional standards had a maximum height of 8', maximum sign face area = 32 sq. ft. per side, and minimum setback from lot line = 10'. Durational standards were also added where they would be reviewed for all residential districts every two years and non-residential and mixed use district every year. The signs had to be removed once the development was determined to be complete. Cate reviewed the additional standards added to the text amendment.

The standards under section 2.2.20.G for a text amendment were:

1. Public's Health, Safety and Welfare
2. Town's Adopted Policy Guidance
3. Not in Conflict
4. Changed Conditions
5. Demonstrated Community Need
6. Matter Not Present – UDO Adoption
7. Consistent with the Purpose and Intent
8. Logical and Orderly Development Pattern
9. Other Factors
10. No Adverse Impacts

At their August 14, 2023 meeting, the Planning Board unanimously recommended approval.

Commissioner Baxter made a motion, second by Commissioner Miles to approve Ordinance 2024-11. There was no discussion and the motion passed unanimously.

B. Administration

- i. Governing Board Rules of Procedure for Remote Meetings
 - a. Ordinance 2024-12

Joe Moore gave a presentation on remote meetings.

Commissioner Miles suggested tabling the topic to the work session to discuss his questions.

Commissioner Loucks stated he wanted to see more details about the \$15,000 chamber upgrades and Commissioner Baxter agreed.

Commissioner Harrison wanted to see other options that were not as costly. Joe Moore stated the quote was to set up the council chambers specifically to operate as a zoom meeting to see and be seen in real time.

Commissioner Miles made a motion, second by Commissioner Baxter to table Ordinance 2024-12 to the September 21, 2023 work session.

NEW BUSINESS

A. Zebulon Chamber of Commerce Membership (Ordinance 2024-13)

Commissioner Baxter asked about the \$1,000 membership fee and wanted more details.

Joe Moore gave some background about the \$1,000 that was budgeted for the membership. The most the Town gave to non-profits was \$1,000 and gave details of the Chamber's tiered structure.

John Saffold explained the Chamber was in the middle of restructuring the membership tiers.

Commissioner Miles asked if the funds would go toward the Christmas parade. Mr. Saffold explained the Chamber Board had decided not to have a Christmas parade due to the stringent safety guidelines, which were tied to pending legislation.

There was a question about the monthly meetings with the Mayor. The Town and Chamber were working together to get the meetings scheduled.

Commissioner Baxter stated she appreciated the Chamber of Commerce and the way they supported the Town.

Commissioner Baxter made a motion, second by Commissioner Miles to approve Ordinance 2024-13. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Loucks thanked Town staff for their work at Rock the Block and reminded everyone to register at ReadyWake.com.

**Board of Commissioners
Minutes
September 11, 2023**

Commissioner Harrison thanked everyone for their work at the Rock the Block event.

Commissioner Clark also enjoyed Rock the Block and thanked everyone for their work.

Commissioner Baxter spoke about the Mighty Con event scheduled for November 11, 2023. Comic World requested a reduction in fees from the Town and wanted to know what the Board's thoughts were.

Commissioner Clark asked if it was a money-making event.

Eric Heaberlin from Comic World stated 10% or more of the door fee would go to The Wounded Warrior Project.

Commissioner Harrison suggested tabling the topic to the next work session.

Commissioner Loucks also wanted more information about the event and was in favor of events supporting themselves.

Commissioner Baxter asked for more details of the event which Mr. Heaberlin provided.

Commissioner Harrison recommended also donating proceeds to a local non-profit.

Commissioner Loucks made a motion, second by Commissioner Baxter to table Might Con to the September 21, 2003 work session. There was no discussion and the motion passed unanimously.

Commissioner Miles stated Popeyes was open, recognized September 15 as the start of Hispanic Heritage Month, enjoyed the 8k at the Boys and Girls Club, the Government 101 series was coming up and a coat distribution at Gill Street Park was scheduled on September 28.

Commissioner Baxter gave details of the coat collection going on, wanted to have discussion about those attending the National League of Cities Summit, encouraged staff to begin the hiring process for the IT Director. Commissioner Baxter spoke about a person that needed help and commended the Police Department for their assistance.

Mayor York congratulated the Mudcats for making the playoffs, encouraged everyone to participate in the ZDAC and Parks and Recreation surveys.

MANAGER'S REPORT

Michael Clark gave a monthly development update.

Lisa Markland provided a Human Resources update.

Joe Moore spoke about the monthly financial report addendum.

**Board of Commissioners
Minutes
September 11, 2023**

Commissioner Baxter asked to have the National League of Cities on the September 21, 2023 work session.

Commissioner Miles asked about receiving an economic development update. Joe Moore explained the Board would receive an economic development quarterly report and would be incorporated into the development update.

Commissioner Miles asked to have new employees be presented to the community at meetings.

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

Adopted this the 3rd day of October 2023.

Glenn L. York—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

**Zebulon
Joint Public Hearing
Minutes
September 18, 2023**

Present: Glenn York, Quentin Miles, Beverly Clark Larry Loucks, Jessica Harrison, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Adam Culpepper-Planning, Cate Farrell-Planning, Bobby Fitts-Finance, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Kaleb Harmon-Communications, Sam Slater-Attorney

Absent: Shannon Baxter

Planning Board Present: David Lowry, Michael Germano, Laura Johnson, Domenick Schilling, Stephanie Jenkins, Peggy Alexander

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

APPROVAL OF THE AGENDA

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

Mayor York stated Commissioner Baxter was unable to attend the meeting but was watching online.

PUBLIC HEARING

A. CZ 2023-04 1620 N. Arendell Avenue

Mayor York opened the Public Hearing.

Cate Farrell stated this was a conditional rezoning request for a 1.117 acre parcel from Residential Suburban (R2) to Heavy Commercial – Conditional (HC-C) District for the development of a Veterinary Clinic.

The standards under section 2.2.6.K for a conditional rezoning were:

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

The public hearing notification process was detailed. The aerial map, zoning map, future land use plan, timeline, concept plan and proposed elevations were shown. The applicant proposed the following conditions:

- Reduction in the distance the pet exercise zone can be from a residentially zoned parcel.
- Modification on a type D buffer

Joint Public Hearing
Minutes
September 18, 2023

Cate Farrell spoke about the separation requirements and explained the applicant asked for a reduction from 200ft to 75ft for the separation of the outdoor pet exercise area and a six feet opaque fence to help with screening. The location of the outdoor area was shown being located on the side of Green Pace Rd and was screened from the main corridor of Arendell Avenue. It was explained the buffer was a modified type D buffer and the applicant was asking for a modification from a 40ft buffer to a 10ft or 20ft buffer. A fence was proposed along the frontage for additional screening.

The proposed road improvements included adding a second lane along the Arendell Avenue frontage and an addition of a sidewalk and planting strip. No Traffic Impact Analysis (“TIA”) was needed since the proposed use would not meet the threshold of 50 peak trips or 150 daily trips.

The applicant received 60 points under the Town’s Utility Allocation Policy. There were details given about the amenities added to receive points.

Commissioner Harrison asked if the building would only house the veterinary business. Cate Farrell stated the business was moving and was the only business operating at that location.

Graham Smith from Site Collaborative confirmed the business was moving and leaving their other location.

David Lowry asked why the applicant wanted the buffer to be cut back. Cate Farrell explained the applicant wanted to reduce the buffer to provide more land on site to build on.

It was asked if the construction on Arendell would be delayed due to the build out of the veterinary office. Chris Ray explained he did not anticipate any delays with the Town project.

There was a discussion about the timeline of the project.

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

Mayor York asked if anyone wished to speak in opposition.

Anthony Creech, from East Wake Animal Hospital, expressed concerns about the traffic at Green Pace Road.

Adam Culpepper explained Green Pace and Arendell were both DOT maintained roads and the applicant would be required to get driveway permits. NCDOT congestion management would handle any concerns they may have about traffic during the construction plan review.

Mr. Creech also expressed concerns about the residential lots behind the animal hospital.

Staff stated the future land use plan lists the site as a commercial site.

Graham Smith explained any concerns from area residents were addressed at the community meeting.

Joint Public Hearing
Minutes
September 18, 2023

Commissioner Miles asked how many pets would be in the dog walking area. Mr. Smith stated one or two animals at a time.

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

Mayor York asked if anyone wished to speak neither for or against.

Dallas Pearce spoke about the houses at the rear of the project and was not aware of any opposition from nearby residents. It was also stated traffic was part of the growth process and the project was good for Zebulon.

Mayor York asked if anyone else wished to speak neither for or against. There were none.

Commissioner Miles asked if the applicant had not met the 50-trip threshold. Staff clarified the threshold explaining the 50 trips at peak hours were trips to and from the animal hospital.

Sam Slater stated comments were welcome at the public hearing, but specific questions or informal conversations could be addressed with Town staff.

Anthony Creech asked if there would be boarding at the facility. Mr. Smith stated there would not.

Mayor York asked if there were any more questions. There were none.

Mayor York closed the public hearing and referred the matter to the Planning Board.

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

Adopted this the 2nd day of October 2023.

Glenn L. York—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SHINICA THOMAS, CHAIR
SUSAN EVANS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
DON MIAL
CHERYL STALLINGS
JAMES WEST

September 6, 2023

Ms. Lisa Markland
Town Clerk
Town of Zebulon
1003 North Arendell Avenue
Zebulon, North Carolina 27597

Dear Ms. Markland:

The Wake County Board of Commissioners, in regular session on September 5, 2023, approved and accepted the enclosed tax report for the Town of Zebulon.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in black ink that reads "Yvonne Gilyard".

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

07/01/2023 - 07/31/2023

ZEBULON

DATE: 08/05/2023
 TIME: 10:40:35 AM
 PAGE: 1

REBATE NUMBER	PROPERTY TAG	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
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INDIVIDUAL REAL ESTATE ACCOUNTS

851514		0.00	0.00	0.00	145.52	07/01/2023	0000094302	2023	2023 000000	MOORE, JAMES
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SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS: 145.52 0.00 0.00 0.00 145.52 1 Properties Rebated

TOTAL REBATED FOR ZEBULON: 145.52 0.00 0.00 0.00 145.52 1 Properties Rebated for City



Wake County Tax Administration


Rebate Details
 07/01/2023 - 07/31/2023
 ZEBULON

DATE 08/05/2023
 TIME 10:40:35 AM
 PAGE 1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER TYPE
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Grand Total: 28,511.60 525.00 200.28 0.00 29,236.88 121 Properties Rebated for All Cities

STAFF REPORT
ORDINANCE 2024-16
K-9 PURCHASE
OCTOBER 2, 2023

Topic: ORDINANCE 2024-16 – K-9 Purchase
Speaker: Jacqui Boykin, Chief of Police
From: Jacqui Boykin, Chief of Police
Prepared by: Jacqui Boykin, Chief of Police
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider approval of a request to purchase and outfit a Police K-9 in replacement of the now retired Rino.

Background:

Police Canine Rino was diagnosed with Hip Dysplasia in the summer of 2023, requiring him to be removed from the line of duty. This early retirement necessitates a capital purchase for a replacement K9 three years earlier than expected. New police canine and canine handler training cost \$12,000. Kennel and equipment costs are estimated at \$3,000. Total replacement cost is \$15,000. Knowing that this diagnosis would result in a mid-year capital purchase that was not originally budgeted, the police department sought and won a grant from the United States Police Canine Association, Inc in the amount of \$7,500. The police department is requesting a budget adjustment of \$15,000 with the remaining \$7,500 coming from Unassigned Fund Balance to make up the difference between the project cost and grant allotment.

Discussion:

The discussion before the Board is whether or not to approve the attached ordinance appropriating grant funds and fund balance for the purchase of a replacement K-9.

Policy Analysis:

The replacement of retired K-9 Rino advances upon the Growing Smart goal within the Zebulon 2030 Strategic Plan, specifically by maintaining Special Operations.

Financial Analysis:

The audit of FY '23 revenue and expenditures is incomplete, but the attached budget adjustment is considered an immaterial difference.

Staff Recommendation:

Staff recommends adopting Ordinance 2024-16

Attachments:

1. Ordinance 2024-16

ORDINANCE 2024-16

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
K-9 Grant	\$7,500.00	
Fund Balance Appropriated	7,500.00	
EXPENDITURES		
Police—K-9 Unit	12,000.00	
Police—Canine Unit	3,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: October 2, 2023


Effective: October 2, 2023

Glenn L. York - Mayor

ATTEST:

Lisa M. Markland - Town Clerk

STAFF REPORT
RESOLUTION 2024-05
PEARCE'S LANDING PHASE 1-C
ROADWAY, AND STORM DRAINAGE ACCEPTANCE
OCTOBER 2, 2023

Topic: Resolution 2024-05 – Pearce's Landing Infrastructure Acceptance
Speaker: Chris D. Ray, Public Works Director (if pulled from Consent)
From: Chris D. Ray, Public Works Director
Prepared by: Chris D. Ray, Public Works Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

Consider accepting roadway and storm-drainage infrastructure of Pearce's Landing Phase 1-C for ownership and maintenance.

Background:

The Town of Zebulon follows a practice where the Board considers acceptance (i.e., ownership and maintenance) of roadway, and storm drain infrastructure installed in new subdivisions. In advance of this consideration, Staff determines whether the infrastructure complies and meets the conditions of permits and Town standards.

Pearce's Landing, LLC has completed the construction of roadway and stormwater infrastructure in Pearce's Landing Phase 1-C. Pearce's Landing Phase 1-C will include 40 single family lots and 84 townhomes lots (with a total of 377 for all phases). The plat was recorded with the Wake County Registrar of Deeds on September 13th, 2023. Staff and third-party inspectors/engineers have certified all completed work meets or exceeds Town standards and requirements, and City of Raleigh Utility Standards.

Discussion:

The Board must accept the dedication of streets, curb and gutter, street signage, and storm drainage for ownership and maintenance if the dedicated work is consistent with the UDO and complies with the latest version of Town standards.

Policy Analysis:

The infrastructure was installed per Special Use Permit 2019-08 (November 4th, 2019). The infrastructure complies with the latest version of the "Town of Zebulon Street & Storm Drainage Standards and Specifications" and is consistent with the Town of Zebulon Uniform Development Ordinance section 6.10.4 for dedication of roadways.

Fiscal Analysis:

Infrastructure Amount and Value

Barrington will dedicate nine (9) streets totaling 7,874' LF linear feet (~1.49 miles), and 5,751 linear foot (~ 1.09.miles) of storm drainage valued at \$1,407,566.00.

The infrastructure will be added to the Town's Capital assets (re. Comprehensive Annual Financial Report). Upon acceptance of the Town will own and maintain 38.51 miles of street and 29.39 miles of stormwater pipe.

STAFF REPORT
RESOLUTION 2024-05
PEARCE'S LANDING PHASE 1-C
ROADWAY, AND STORM DRAINAGE ACCEPTANCE
OCTOBER 2, 2023

Maintenance Cost

In addition to Staff's annual inspection and cleaning efforts, the Town of Zebulon annually contracts the cleaning of approximately 10% (2.9-miles) of the Town's stormwater system (FY '24 Budget \$40,000). This work is done to meet one component of the "Pollution Prevention and Good Housekeeping" objectives of the Town's permit (National Pollutant Discharge Elimination System # NCS000557) with the NC Department of Environmental Quality (the permit regulating how the Town operates its stormwater system). The acceptance of Pearce's Phase 1-C increases the storm drain network by approximately 4%.

Streets are designed to have a useful life of 20 years; therefore, the Town needs to repave approximately 1.93 miles of street annually estimated at \$400,000. The acceptance of Pearce's 1-C increases the street network by approximately 4%.

Revenue Streams

Maintenance costs for street paving are supported by the following dedicated revenues:

- a) "Powell Bill" (gas tax) ~ \$ 210,000 (Zebulon's share of this revenue collected by the State has grown proportionally with increasing population and street mileage).
- b) Vehicle Tag Fee ~ \$185,000 (this revenue will grow as new residents register their vehicles within the Town's limits).

There are no dedicated revenue sources to support stormwater maintenance (0.7¢ on the property tax rate is dedicated toward stormwater capital improvements). Staff is reviewing options for the Board to consider a stormwater fee.

Warranty and Insurance

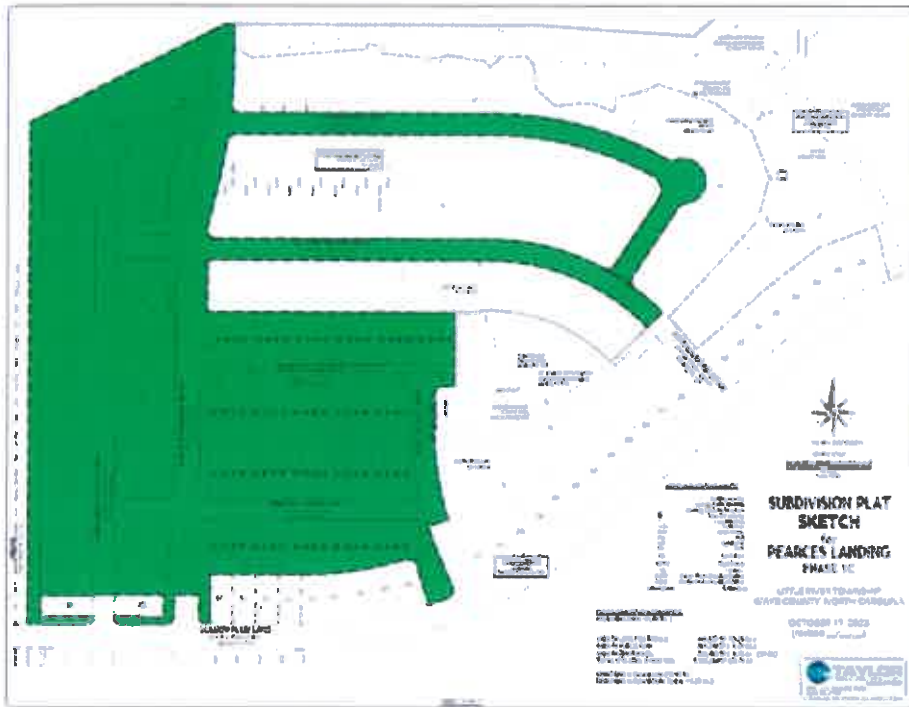
The Town received a one-year warranty on all the dedicated assets. Staff will conduct an 11-month warranty inspection prior to the final overlay to ensure any issues or failures are repaired prior to the final asphalt overlay by the developer.

The Town received a Site Improvement Performance Bond in the amount of \$1,415,612.73 to ensure the final completion of outstanding items (e.g., final asphalt overlay, striping, signage, sidewalks, private greenway, landscaping, pond conversions, roadway and concrete repairs, etc.). The final completion of these items are intentionally delayed to minimize the damage that may occur as individual lots are constructed. The Site Improvement Performance Bond is automatically renewed or revised annually to reflect items completed. The Site Improvement Performance Bond remains active until all items have been completed. All inspection and development fees of \$520,751.23 were collected from the developer.

Staff Recommendation:

Staff recommends approval of Resolution 2024-05 to accept Pearce's Landing Phase 1-C roadway and storm drainage infrastructure, warranty, and site improvements bond.

**STAFF REPORT
RESOLUTION 2024-05
PEARCE'S LANDING PHASE 1-C
ROADWAY, AND STORM DRAINAGE ACCEPTANCE
OCTOBER 2, 2023**



Attachments:

1. Closeout Documents

- Engineer certification of roadway lengths and dedicated infrastructure values
- Engineer Certification for Roadways and Stormwater (see as-builts statement)
- Engineering Estimate for Letter of Credit/Bond
- Site Improvements Performance Bond – Berkley Surety Group.
- Landscaping Ownership letter
- Developer warranty/guaranty– Stormwater/Roadway
- Developer warranty/guaranty – water and sewer
- Third party engineering reports for sub-grade, stone, and asphalt
- Engineering certification - Storm Drainage (see as-builts statement)
- Engineering certification – Water and sewer (see as-builts statement)
- Contractor – Release of Lien
- Notice of conditional acceptance – City of Raleigh
- Proof of payment for streetlights
- Proof of payment for Town Inspections and fees

2. As-Built Drawings

3. Resolution 2024-05



Raleigh Office
 T 919.380.8750
 F 919.380.8752

223 S. West Street
 Suite 1100
 Raleigh, NC 27603

04 August 2023

Brian Massengill
 Natelli Communities
 919 868 3102

LAH
Approved
8/10/23

RE: Pearces Landing Phase 1C
 Cost to Construct

Dear Brian,

Below is a cost estimate for those items associated with Pearces Landing Phase 1C:

PHASE 1C - EARTHWORK					
PHASE 1C - CLEAR	10.0	ACRE		\$55,650.00	\$55,650
EROSION CONTROLS	1.0	LS		\$9,772.00	\$59,772
GRADING	1.0	LS			\$242,592
				242,592.00	\$242,592
					\$358,014
PHASE 1C - STORM DRAIN					
36" RCP	144.0	LF		100.00	\$14,400
30" RCP	958.0	LF		69.00	\$66,102
24" RCP	592.0	LF		50.00	\$29,100
18" RCP	869.0	LF		36.00	\$31,284
15" RCP	2855.0	LF		30.00	\$85,650
12" RCP	135.0	LF		43.00	\$5,805
CATCH BASIN	64.0	EA		3,000.00	\$192,000
END SECTION	4.0	EA		2,100.00	\$8,400
					\$432,741
PHASE 1C - ROAD CONSTRUCTION					
30" VALLEY CURB	14155.0	LF		12.60	\$178,353
STONE UNDER CURB	5965.0	SY		8.30	\$49,510
8" ABC HD & LD	20995.0	SY		10.40	\$218,348
2.5" R119.0C HD FIRST LIFT	5370.0	SY		9.15	\$49,136
2" RS9.3C LD FIRST LIFT	14290.0	SY		8.30	\$121,465
					\$616,811

TOTAL PHASE 1C TOTAL COST OF DEDICATED STREETS \$1,407,566

These quantities are based on the construction plan set approved on September 4, 2020 with revisions dated February 1, 2021 and contractor unit prices received on July 7, 2023.



Raleigh Office
 T 919.380.8750
 F 919.380.8752

223 S. West Street
 Suite 1100
 Raleigh, NC 27603

Street Name On Plans	Street Names given and on Plat	Type	Phase	R/W Width	Street Length
Street A	Burgundy Bluff Lane	Local	Phase 1C	50'	1184
Street B	Hunter Green Drive	Collector	Phase 1C	60'	1409
Street C	Emerald Shire Way	Local	Phase 1C	50'	765
Street D	Apricot Sun Way	Local	Phase 1C	50'	565
Street E	Artic Sky Lane	Local	Phase 1C	50'	576
Street F	Autumn Moon Drive	Local	Phase 1C	50'	1629
Street G	Ivy Meadow Lane	Local	Phase 1C	50'	1139
Street H	Ivy Meadow Lane	Local	Phase 1C	50'	300
Street I	Sassafras Leaf Court	Cul-de-sac	Phase 1C	50'	307

7874

Please let me know if you have any questions and/or require any additional information, please feel free to contact me via email at bharris@stewartinc.com.

Sincerely,



Bryan Harris
 Director
 Civil Engineering



Raleigh Office
 T 919.380.8750
 F 919.380.8752

223 S. West Street
 Suite 1100
 Raleigh, NC 27603

01 August 2023

Brian Massengill
 Natelli Communities
 919 868 3102

RE: Pearces Landing Phase 1C
 Cost to Complete

Dear Brian,

Below is a cost estimate for those items associated with Pearces Landing Phase 1C:

*Approved
 Assumed
 9/8/23
 [Signature]*

PHASE 1C - EROSION CONTROL				
ROW EROSION CONTROL	1.0	LS	15,000.00	\$15,000.00
			TOTAL PHASE 1C - EROSION CONTROL	\$15,000.00
PHASE 1C - STORMWATER PONDS				
POND CONVERSION AND POND PLANTINGS	1.0	EA	37,500.00	\$37,500.00
FENCING AROUND SCM	1.0	LS	15,000.00	\$15,000.00
			TOTAL PHASE 1C - STORMWATER POND CONVERSION	\$52,500.00
PHASE 1C - ROAD CONSTRUCTION				
WATER VALVE ADJUSTMENTS	52.0	EA	350.00	\$18,200.00
SEWER MANHOLE ADJUSTMENTS	41.0	EA	450.00	\$18,450.00
1.5" R69.5C HD FINAL LIFT	5370.0	SY	5.65	\$35,710.50
1" R59.5B LD OVERLAY	14290.0	SY	6.85	\$97,886.50
CONCRETE SIDEWALKS - SITE	66190.0	SF	3.40	\$225,046.00
HANDICAP RAMPS - SITE	30.0	EA	1,650.00	\$49,500.00
6" TRAIL DRIVEWAY APRON & SIDEWALK	535.0	SF	7.35	\$3,932.25
GREENWAY TRAIL - PRIVATE/HOA	1.0	LS	113,485.75	\$113,485.75
AMENITY CENTER - PAVING	1.0	LS	53,670.00	\$53,670.00
STRIPING AND STREET SIGNAGE	1.0	LS	12,500.00	\$12,500.00
CONCRETE REPAIR - ALLOWANCE	1.0	LS	25,000.00	\$25,000.00
ASPHALT REPAIR - ALLOWANCE	1.0	LS	50,000.00	\$50,000.00
			TOTAL PHASE 1C - ROAD CONSTRUCTION	\$703,381.00
PHASE 1C - LANDSCAPE/KIOSK/AMENITIES				
STREET TREES	260.0	EA	200.00	\$52,000.00
BUFFER LANDSCAPING	1.0	LS	15,000.00	\$15,000.00
OPEN SPACE/PARK LANDSCAPING	1.0	LS	10,000.00	\$10,000.00
PARK SPACE AMENITIES/EQUIPMENT	1.0	LS	15,000.00	\$15,000.00
			TOTAL PHASE 1C - STREET TREES/LANDSCAPE/AMENITIES	\$92,000.00



Raleigh Office
 T 919.380.8750
 F 919.380.8752

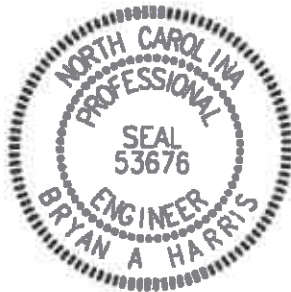
223 S. West Street
 Suite 1100
 Raleigh, NC 27603

Project Cost	\$862,881.00
Construction Contingency @ 10%	\$86,288.10
Construction CPI @ 15%	\$129,432.15
Geotechnical Services @ 1.5%	\$12,943.22
Construction Inspection Allowance @ \$760 per day for 20 days	\$22,800.00
Construction Design/Bidding/CA @ 20%	\$172,576.20
Total Project Cost	\$1,286,920.67
Bond Amount (110% of Total Project Cost)	\$1,415,612.73

These quantities are based on the construction plan set approved on September 4, 2020 with revisions dated February 1, 2021 and contractor unit prices received on July 7, 2023.

Please let me know if you have any questions and/or require any additional information, please feel free to contact me via email at bharris@stewartinc.com.

Sincerely,



Bryan Harris
 Director
 Civil Engineering

**SITE IMPROVEMENT
PERFORMANCE
BOND**

BERKLEY SURETY GROUP
Morristown, New Jersey 07960

*Let
Approved
As
Submitted*

Bond No.:0254683

KNOW ALL PERSONS BY THESE PRESENTS, that we, Pearces Landing, LLC, called the Principal, and BERKLEY INSURANCE COMPANY, of 412 Mt Kemble Rd Morristown, NJ 07960, called the Surety, are held and firmly bound unto Town of Zebulon, NC, called the Obligee, in the sum of One Million Four Hundred Fifteen Thousand Six Hundred Twelve Dollars and 73/100 (\$1,415,612.73) for the payment thereof said Principal and Surety bind themselves, jointly and severally, as provided herein.

*ORIGINAL
CW
File
Hanning*

WHEREAS, in order to file a plat or subdivision map, or to obtain a permit, the Principal has entered into a contract with the Obligee which requires the Principal make certain improvements to the land as more particularly set forth in: Pearces Landing Phase 1C, (hereinafter referred to as the "Contract").

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall construct the improvements described in the Contract on or before 2 years (or within such further extensions of time that shall be granted by Obligee in writing and consented to in writing by Surety), then this obligation shall be void, otherwise to remain in full force and effect. This obligation is subject to the following conditions:

1. This bond runs to the benefit of the named Obligee only, and no other person shall have any rights under this bond. No claim shall be allowed against this bond after the expiration of one year from the date set forth in the preceding paragraph, or one year from the end of the latest extension of time consented to in writing by Surety, whichever occurs last. If the limitation set forth in this bond is void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.
2. This bond is not a forfeiture obligation, and in no event shall the Surety's liability exceed the reasonable cost of completing the improvements described in the Contract not completed by the Principal, or the sum of this bond, whichever is less.
3. If the Surety shall so elect, this bond may be canceled by the Surety as to subsequent liability by giving (30) days notice in writing to said Obligee. It is a condition of the bond that if it shall expire on the expiration date listed above, it will be deemed automatically extended without amendment for (1) year from the present or any future date of this bond, unless at least (60) days prior to the then current expiration date we notify the Beneficiary by registered letter or other receipted means of postal delivery that we elect not to consider this Bond renewed for such additional period. If such notice is given, then during such notice period (i.e. the sixty (60) day period commencing on the date of such notice and ending with then applicable expiration date of the Bond), this Bond shall remain in full force and effect and Beneficiary may draw up to the full amount of the sum when accompanied by the statement above.

Signed this 12th day of July , 2023.

(Principal)
Pearces Landing, LLC

By: 
Name & Title: Michael J. Natelli, General Manager

BERNIEY INSURANCE COMPANY

By: 
Jessica Wright, Attorney-in-Fact (Seal)



August 22, 2023

**Chris D. Ray
Zebulon Public Works Director
450 East Horton Street
Zebulon, NC 27597**

crav@townofzebulon.org

RE: Pearces Landing Community Association, Inc. Landscaping Plat Comment

Mr. Ray:

This letter is to confirm that all landscaping and other hardscape structures within the right-of-way at roundabouts, cul-de-sacs, islands etc. are the responsibility of the homeowners' association, Pearces Landing Community Association, Inc. Said responsibility of the Association shall be to maintain and replace landscape plantings and other landscape structures, signage, lighting, irrigation, fountains, arbors, etc.

Sincerely,

A handwritten signature in black ink that reads "Brian Massengill". The signature is written in a cursive style with a large, looping "B" and "M".

**Brian Massengill
Natelli Communities
Pearces Landing Community Association, Inc.**

Pearces Landing, LLC

506 Main Street, 3rd Floor
Gaithersburg, MD 20878

✓
9/8/23

*Approved
AS
Submitted*

August 22, 2023

Mr. Chris D. Ray
Town of Zebulon
450 East Horton Street
Zebulon, NC 27597

RE: Pearces Landing Phase 1C - Streets and Stormwater - Warranty, Lien Release, and Cost of Construction

Dear Mr. Ray:

This letter serves as requested for the Town of Zebulon's acceptance of the Roadway and Storm Drainage facilities installed at Pearces Landing Subdivision Phase 1C.

Pearces Landing, LLC as the developer, warrants the work for one year from date of acceptance and guarantees against failure due to faulty workmanship or materials. Pearces Landing LLC hereby agrees to indemnify, defend and hold harmless the Town of Zebulon from and against all cost, loss, and damage including attorney fees arising from the failure of the work to conform to Town Standards.

Pearces Landing, LLC hereby certifies that the labor and materials for the infrastructure have been paid in full and releases any lien rights against said improvements.

Pearces Landing, LLC hereby certifies the estimated cost of construction is as follows:
Roadway and Storm Drainage - \$ 1,407,566.00

PEARCES LANDING, LLC

By: *Brian T. Massengill*
Brian T. Massengill, Authorized Person

Date: 8-22-2023

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, ERIC MANTURUK, a Notary Public of the County and State aforesaid, certify that the following person personally appeared before me and acknowledged to me that they are the person indicated in the signature block above and that they signed this document in the capacity so indicated: Brian T. Massengill, Authorized Person.

WITNESS my hand and notarial seal this the 22nd day of August, 2023.

Eric Manturuk
Notary Public



Print Name: ERIC MANTURUK
[Affix Seal]

My Commission Expires: 08-15-2026

Pearces Landing, LLC

506 Main Street, 3rd Floor
Gaithersburg, MD 20878

✓
APPROVED
AS
Submitted
9/8/23

August 3, 2023

Mr. Tim Beasley
City of Raleigh
Raleigh, NC 27602

RE: Pearces Landing Phase 1C - Warranty, Lien Release, and
Cost of Construction (W-3706, S-4616)

Dear Mr. Beasley:

This letter serves as requested for the City of Raleigh's acceptance of the public water and sewer facilities installed at Pearces Landing Subdivision Phase 1C.

Pearces Landing, LLC as the developer, warrants the work for one year from date of acceptance and guarantees against failure due to faulty workmanship or materials. Pearces Landing LLC hereby agrees to indemnify, defend and hold harmless the City of Raleigh from and against all cost, loss, and damage including attorney fees arising from the failure of the work to conform to City Standards.

Pearces Landing, LLC hereby certifies that the labor and materials for the water and sewer infrastructure have been paid in full and releases any lien rights against said improvements.

Pearces Landing, LLC hereby certifies the estimated cost of construction is as follows:
Water System (W-3706)- \$722,714 Sewer System (S-4616) - \$635,692.00

PEARCES LANDING, LLC

By: Brian T. Massengill
Brian T. Massengill, Authorized Person

Date: 8-3-2023

STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, Sarah Jane Stewart, a Notary Public of the County and State aforesaid, certify that the following person personally appeared before me and acknowledged to me that they are the person indicated in the signature block above and that they signed this document in the capacity indicated: Brian T. Massengill, Authorized Person.

WITNESS my hand and notarial seal this the 3 day of August, 2023.

Sarah Jane Stewart
Notary Public

Print Name: Sarah Jane Stewart
[Affix Seal]

My Commission Expires: August 29, 2027





320 Executive Court, Hillsborough, NC 27278
Phone // 919.732.3883 Web // www.summitde.net

December 20, 2022

Mr. Alex Pollard
Fred Smith Company
701 Corporate Center Drive Suite 101
Raleigh, NC 27607

Locat - 24 - 928
Collected 3" - 928

Locat
Asphalt Approved
9/21/22

Subject: Pearces Landing Subdivision
Asphalt Core Density Testing
Zebulon, North Carolina
Summit Project Number: 21-0086.050

Dear Mr. Pollard:

The purpose of this letter is to provide you with the required CMT documentation regarding our asphalt core density testing. Asphalt cores were obtained, transported and tested following Town of Zebulon standards for verification of pavement density and thickness.

The R19.0C (JMF 18-0504-122) was placed on December 8, 2022 with the following density and thickness results:

Core Number	% Compaction	Thickness (In)
IC1	91.6	2.75
IC2	93.0	2.5
IC3	92.6	3.0

✓

The RS9.5C (JMF 18-0505-122) was placed on December 8, 2022 and December 9, 2022 with the following density and thickness results:

Core Number	% Compaction	Thickness (In)
SC1	89.9	2.0
SC2	90.4	2.0
SC3	91.8	2.0

✓

Job Mix Formulas were provided by Fred Smith Company and the moving average was used for density comparison. The summary of asphalt core results and a copy of the Daily Field Report are attached.

Fred Smith Company
Pearces Landing Subdivision
Asphalt Core Density Testing

Project Number: 21-0086.050
December 20, 2022

CLOSURE

Summit appreciates the opportunity to serve you on this project. Should you have any questions concerning this report, or if we may be of further assistance, please contact us at your convenience.

Sincerely,
SUMMIT DESIGN AND ENGINEERING SERVICE, LLC



Stephen Fenton, PE, MSI
Senior Project Manager

Attachments: QA/QC-5 Form
Daily Field Report

DMQC-5 (Revised)

12-19-82

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WORKSHEET FOR ROADWAY CORE SAMPLE DENSITY DETERMINATION & COMPARISON

PROJECT NUMBER: 21-0086.050

TYPE MIX: RT 19.0C

MIN. % COMPACTION REQ.: 92%

CONTRACTOR: Fred Smith

PLANT LOCATION: _____

DATE PLACED	JOB NO.	SAMPLE No.	SAMPLE DEPTH	WET WT.	WET WT.	IN WATER WT.	QA SP. GR.	QC SP. GR.	TARGET SP. GR.	QA %	QC %	AMOUNT OF FILLING (CY OR)	* QA / QC TECHNICIAN SIGNATURE
12/11/82	18-0504-122	IC1	2.75"	2742.0	2748.0	1538.8		2.268	2.475		91.6		John Page John Page John Page
↓	↓	IC2	2.5"	2315.4	2319.8	1313.4		2.301	" "		93.0		
		IC3	3"	2846.5	2852.6	1611.2		2.293	" "		92.6		
		IC1		2742.9									
				2742.2									
				2742.0									
		IC2			2315.7								
					2315.4								
		IC3			2846.8								
					2846.7								
					2846.5								

NOTE: QC TO R1X CURRENT FORM TO QA DAILY DURING PRODUCTION.

* BY PROVIDING THIS DATA UNDER MY SIGNATURE AND JOB BECAME CERTIFICATION NUMBER, I ATTEST TO THE ACCURACY AND VALIDITY OF THE DATA CONTAINED ON THIS FORM AND CERTIFY THAT NO DELIBERATE MISREPRESENTATION OF TEST RESULTS, IN ANY MANNER, HAS OCCURRED.



320 Executive Court, Hillsborough, NC 27278
 Phone // 919.732.3883 Web // www.summitde.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Overcast/50s

DATE	START TIME	END TIME	TOTAL HOURS
12/08/22	7:00	17:45	10.75

FIELD TESTS PERFORMED

Asphalt FDT/ Coring

REMARKS:

Technician arrived on site to observe placement of binder mix RI19.0C JMF 18-0504-122 and surface mix RS9.5C JMF 18-0505-122 at the following locations: Street A, B, and C, see sketch below. Asphalt placement was observed in regards to specified pavement section and mix design. Tests were performed on this date using the nuclear density gauge method. Compaction results indicated that the material in the areas and elevations tested appeared to achieve the minimum compaction requirement of 92% for the area tested.

Test locations are based on information provided by others.

3 cores were obtained and will be delivered to Summit's laboratory for thickness and specific gravity testing.

TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

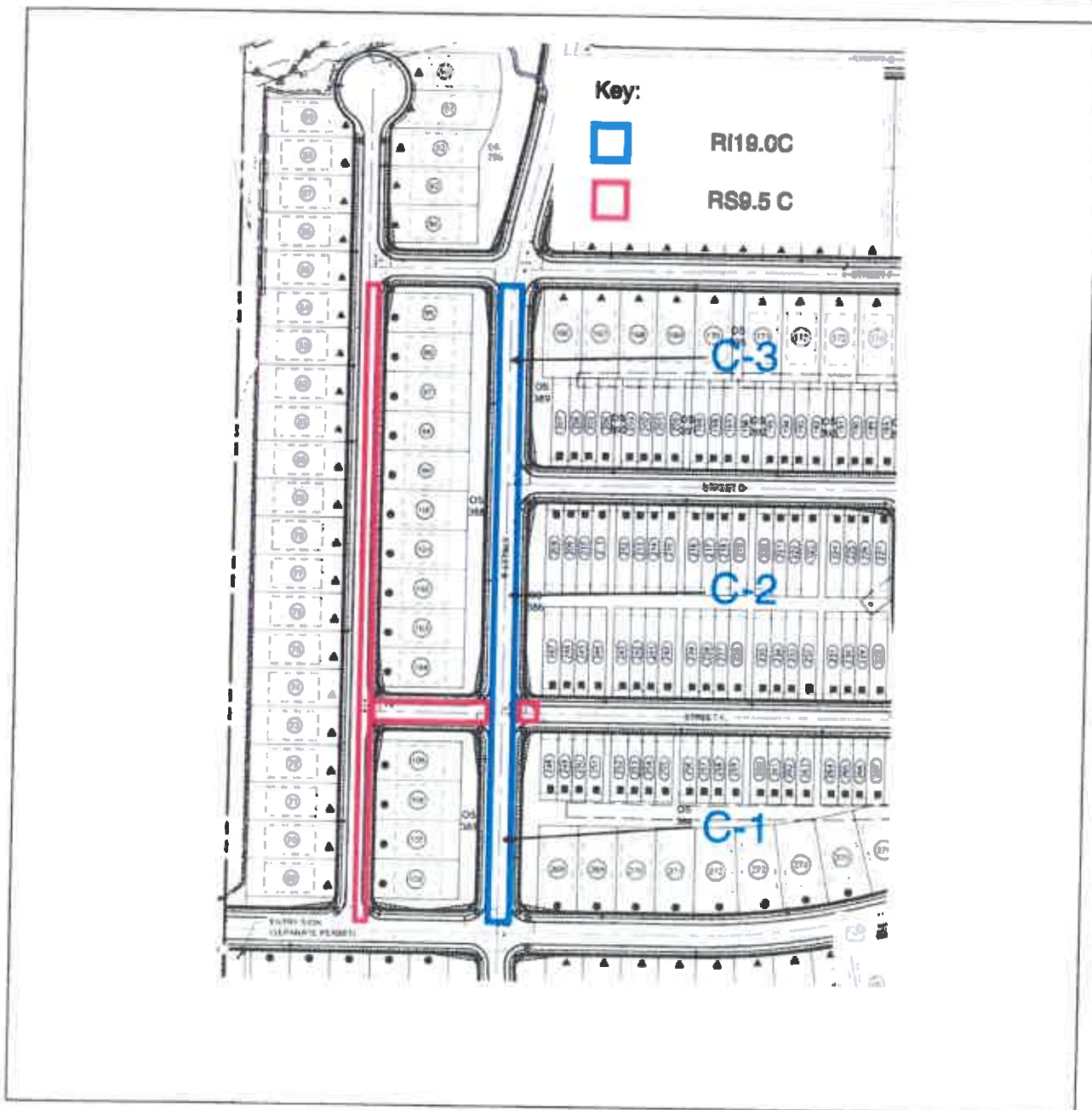
INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



320 Executive Court, Hillsborough, NC 27278
Phone // 919.732.3883 Web // www.summitde.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Overcast/50s



TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



320 Executive Court, Hillsborough, NC 27278
 Phone // 919.732.2893 Web // www.summitdo.net

PROJECT: Parsons Landing (21104)
 PROJECT NO.: 21-0000000
 PROJECT ADDRESS: Edenton, NC
 CLIENT: Fred Smith Company

CONTRACTOR: Fred Smith Company
 EQUIPMENT: Power, Breakdown and Finish Roller

DATE: 12-11-08
 TECHNICIAN: Ryan Carr

NUCLEAR GAUGE EQUIPMENT
 MAKE / MODEL: Trolox / 9113450
 SERIAL #: 911
 STANDARD COUNT: 2933/706/1126

REVIEWED BY: M. LIU

REPORT OF FIELD DENSITY OF ASPHALT IN-PLACE BY NUCLEAR BACKSCATTER METHOD (ASTM D2950)

TEST NO.	TEST DATE	LIFT THICKNESS (IN.)	TEST LOCATION	MFG. TYPE	IN-PLACE DENSITY (lb/cu ft)	JOB SPEC FORMULA DATA			TEST RESULTS		
						MOISTURE (%)	MOISTURE (%)	MOISTURE (%)	LABORATORY DENSITY (lb/cu ft)	REQUIRED COMPACTION (%)	RELATIVE COMPACTION (%)
1	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	142.6	18-0504-122	2.475	154.4	92	92.3	PASS
2	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	142.2	18-0504-122	2.475	154.4	92	92.1	PASS
3	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	142.8	18-0504-122	2.475	154.4	92	92.5	PASS
4	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	142.2	18-0504-122	2.475	154.4	92	92.1	PASS
5	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	142.6	18-0504-122	2.475	154.4	92	92.3	PASS
6	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	143.5	18-0504-122	2.475	154.4	92	92.9	PASS
7	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	143.7	18-0504-122	2.475	154.4	92	93.0	PASS
8	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	142.9	18-0504-122	2.475	154.4	92	92.5	PASS
9	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	143.0	18-0504-122	2.475	154.4	92	92.6	PASS
10	2022-12-08	2.5	Parsons Landing, Street B	R119.0C	144.5	18-0504-122	2.475	154.4	92	93.6	PASS
11	2022-12-08	2	Parsons Landing, Street C	R59.5C	140.5	18-0504-122	2.436	152.1	92	92.4	PASS
12	2022-12-08	2	Parsons Landing, Street C	R59.5C	140.3	18-0504-122	2.436	152.1	92	92.2	PASS
13	2022-12-08	2	Parsons Landing, Street C	R59.5C	141.2	18-0504-122	2.436	152.1	92	92.8	PASS
14	2022-12-08	2	Parsons Landing, Street C	R59.5C	139.9	18-0504-122	2.436	152.1	92	92.0	PASS
15	2022-12-08	2	Parsons Landing, Street A	R59.5C	140.2	18-0504-122	2.436	152.1	92	92.2	PASS
16	2022-12-08	2	Parsons Landing, Street A	R59.5C	140.1	18-0504-122	2.436	152.1	92	92.1	PASS
17	2022-12-08	2	Parsons Landing, Street A	R59.5C	141.6	18-0504-122	2.436	152.1	92	92.7	PASS
18	2022-12-08	2	Parsons Landing, Street A	R59.5C	140.1	18-0504-122	2.436	152.1	92	92.1	PASS



320 Executive Court, Hillsborough, NC 27278
 Phone // 919.732.3883 Web // www.summitde.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Overcast/50s

DATE	START TIME	END TIME	TOTAL HOURS
12/09/22	7:00	15:00	8.0

FIELD TESTS PERFORMED

Asphalt FDT/ Coring

REMARKS:

Technician arrived on site to observe placement of surface mix RS9.5C JMF 18-0505-122 at the following locations: Street A, B, and C, see sketch below. Asphalt placement was observed in regards to specified pavement section and mix design. Tests were performed on this date using the nuclear density gauge method. Compaction results indicated that the material in the areas and elevations tested appeared to achieve the minimum compaction requirement of 92% for the area tested.

Test locations are based on information provided by others.

3 cores were obtained and will be delivered to Summit's laboratory for thickness and specific gravity testing.

TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



320 Executive Court, Hillsborough, NC 27278
 Phone // 919.732.3883 Web // www.summitdo.net

PROJECT: Pearson Landing 1811 and I
 PROJECT NO.: 21-000-008
 PROJECT ADDRESS: 21700 N.
 CLIENT: Prof Smith Company

CONTRACTOR: Prof Smith Company
 EQUIPMENT: Power, Breakdown and Finish Roller

DATE: 2022-12-09
 TECHNICIAN: Ryan Coo

NUCLEAR GAUGE EQUIPMENT
 MAKE / MODEL: Troster | 3430
 SERIAL #: 911
 STANDARD COUNT: 5931/70/1112

REVIEWED BY: M. LM

REPORT OF FIELD DENSITY OF ASPHALT IN-PLACE BY NUCLEAR BACKSCATTER METHOD (ASTM D2950)

TEST NO.	TEST DATE	LIFT THICKNESS (IN.)	TEST LOCATION	MIX TYPE	IN-PLACE			JOB MIX FORMULA DATA		TEST RESULTS		
					DENSITY (lb/cu ft)	JMF	MOISE (G _{max})	TARGET DENSITY (lb/cu ft)	REQUIRED COMPACTION (%)	RELATIVE COMPACTION (%)	PASS/FAIL	
1	2022-12-09	2	Pearson Landing, Street D	R89.5C	139.9	18-0505-122	2.437	152.1	92	92.0	PASS	
2	2022-12-09	2	Pearson Landing, Street D	R89.5C	140.3	18-0505-122	2.437	152.1	92	92.6	PASS	
3	2022-12-09	2	Pearson Landing, Street D	R89.5C	141.2	18-0505-122	2.437	152.1	92	92.9	PASS	
4	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.3	18-0505-122	2.437	152.1	92	92.3	PASS	
5	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.6	18-0505-122	2.437	152.1	92	92.5	PASS	
6	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.8	18-0505-122	2.437	152.1	92	92.6	PASS	
7	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.8	18-0505-122	2.437	152.1	92	92.1	PASS	
8	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.2	18-0505-122	2.437	152.1	92	92.2	PASS	
9	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.2	18-0505-122	2.437	152.1	92	92.2	PASS	
10	2022-12-09	2	Pearson Landing, Street A	R89.5C	140.7	18-0505-122	2.437	152.1	92	92.5	PASS	



320 Executive Court, Hillsborough, NC 27278
Phone // 919.732.3893 Web // www.summitde.net

6

January 20, 2023

Mr. Alex Pollard
Fred Smith Company
701 Corporate Center Drive Suite 101
Raleigh, NC 27607

*✓ Conf
Asphalt Approved
9/18/23*

**Subject: Pearces Landing Subdivision
Asphalt Core Density Testing
Zebulon, North Carolina
Summit Project Number: 21-0086.050**

Dear Mr. Pollard:

The purpose of this letter is to provide you with the required CMT documentation regarding our asphalt core density testing. Asphalt cores were obtained, transported, and tested following Town of Zebulon standards for verification of pavement density and thickness.

The RS9.5C (JMF 18-0505-122) was placed on January 12, 2023, with the following density and thickness results:

Core Number	% Compaction	Thickness (In.)
C1	91.1	1.50
C2	91.8	1.75
C3	91.0	2.00
C4	92.6	1.50
C5	92.8	1.50

*✓ Conf
Addition depth
Confirms by
inspector*

The RS9.5C (JMF 18-0505-122) was placed on January 16, 2023, with the following density and thickness results:

Core Number	% Compaction	Thickness (In.)
C1	90.6	1.75
C2	92.7	1.75
C3	91.7	1.75

*✓ Conf
Addition depth
Confirms by
inspector*

Job Mix Formulas were provided by Fred Smith Company and the moving average was used for density comparison. The summary of asphalt core results and a copy of the Daily Field Report are attached.

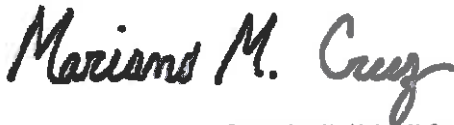
Fred Smith Company
Pearces Landing Subdivision
Asphalt Core Density Testing

Project Number: 21-0086.050
January 20, 2023

CLOSURE

Summit appreciates the opportunity to serve you on this project. Should you have any questions concerning this report, or if we may be of further assistance, please contact us at your convenience.

Sincerely,
SUMMIT DESIGN AND ENGINEERING SERVICES, PLLC



Digitally signed by Mariano M. Cruz
Date: 2023.01.20 10:27:44-05'00'

Mariano M. Cruz, PE
Geotechnical Engineer



Attachments: QA/QC-5 Form
Daily Field Report



320 Executive Court, Hillsborough, NC 27278
 Phone // 919.732.3883 Web // www.summitdo.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Overcast/50s

DATE	START TIME	END TIME	TOTAL HOURS
01/12/23	06:30	18:30	12.0

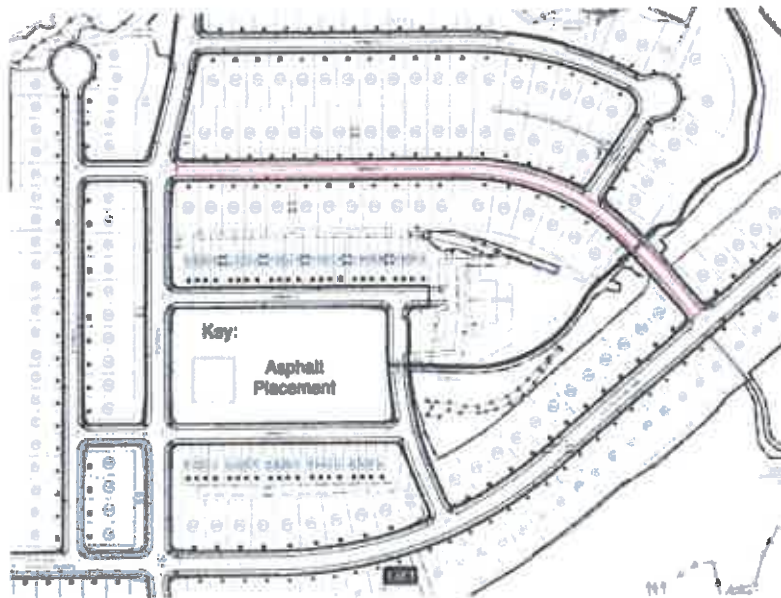
FIELD TESTS PERFORMED

Asphalt FDT

REMARKS:

Technician arrived on site to observe placement of surface mix RS9.5C JMF 18-0505-122 at the following locations: Street F, see sketch below. Asphalt placement was observed in regards to specified pavement section and mix design. Tests were performed on this date using the nuclear density gauge method. Compaction results indicated that the material in the areas and elevations tested appeared to achieve the minimum compaction requirement of 92% for some, but not all areas test. Working closely with Fred Smith Company we were unable to get a passing density of 92% throughout.

Test locations are based on information provided by others.



TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



320 Executive Court, Hillsborough, NC 27278
 Phone // 810.732.3883 Web // www.summitde.net

PROJECT: Parsons Landing (B1144)
 PROJECT NO.: 21-0004-001
 PROJECT ADDRESS: Fayetteville, NC
 CLIENT: Trud Smith Company

CONTRACTOR: Trud Smith Company
 EQUIPMENT: Power, Breakdown and Finish Roller

DATE: 2023-01-12
 TECHNICIAN: Ryan Carr

NUCLEAR GAUGE EQUIPMENT
 MAKE / MODEL: Tycoir 3450
 SERIAL #: 692
 STANDARD COUNT: 45791680/1126

REVIEWED BY: M. LI

REPORT OF FIELD DENSITY OF ASPHALT IN-PLACE BY NUCLEAR BACKSCATTER METHOD (ASTM D2950)

TEST NO.	TEST DATE	TEST INFORMATION		MIX TYPE	IN-PLACE			JOB MIX FORMULA DATA		TEST RESULTS		PASS/FAIL
		TEST THICKNESS (IN.)	TEST LOCATION		DENSITY (lb/cu ft)	JMF	MOE (G _{max})	TARGET DENSITY (lb/cu ft)	REQUIRED COMPACTION (%)	RELATIVE COMPACTION (%)		
1	2023-01-12	2	Parsons Landing, Street F	RBSJC	153.4	18-0905-122	2.438	152.1	92	87.7	FAIL	
2	2023-01-12	2	Parsons Landing, Street F	RBSJC	148.1	18-0905-122	2.438	152.1	92	92.1	PASS	
3	2023-01-12	2	Parsons Landing, Street F	RBSJC	157.4	18-0905-122	2.438	152.1	92	90.3	FAIL	
4	2023-01-12	2	Parsons Landing, Street F	RBSJC	141.0	18-0905-122	2.438	152.1	92	92.7	PASS	
5	2023-01-12	2	Parsons Landing, Street F	RBSJC	138.1	18-0905-122	2.438	152.1	92	90.8	FAIL	
6	2023-01-12	2	Parsons Landing, Street F	RBSJC	177.9	18-0905-122	2.438	152.1	92	95.6	FAIL	
7	2023-01-12	2	Parsons Landing, Street F	RBSJC	138.2	18-0905-122	2.438	152.1	92	90.8	FAIL	
8	2023-01-12	2	Parsons Landing, Street F	RBSJC	138.1	18-0905-122	2.438	152.1	92	91.4	FAIL	
9	2023-01-12	2	Parsons Landing, Street F	RBSJC	138.5	18-0905-122	2.438	152.1	92	91.0	FAIL	
10	2023-01-12	2	Parsons Landing, Street F	RBSJC	140.7	18-0905-122	2.438	152.1	92	92.5	PASS	



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DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Partly Cloudy/50-60s

DATE	START TIME	END TIME	TOTAL HOURS
01/16/23	07:30	18:30	11.0

FIELD TESTS PERFORMED

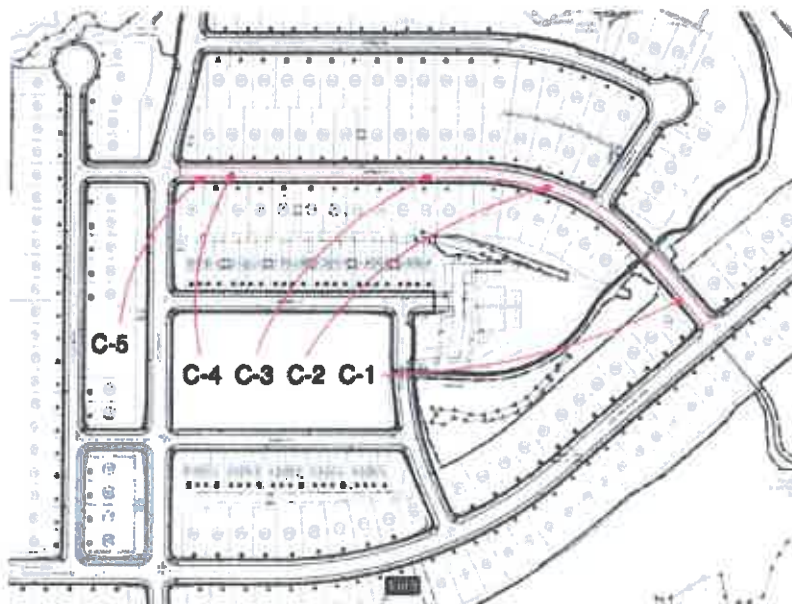
Asphalt FDT, Asphalt Coring

REMARKS:

Technician arrived on site to observe placement of surface mix RS9.5C JMF 18-0505-122 at the following locations: Street D and F, see sketch below. Asphalt placement was observed in regards to specified pavement section and mix design. Tests were performed on this date using the nuclear density gauge method. Compaction results indicated that the material in the areas and elevations tested appeared to achieve the minimum compaction requirement of 92% for the area test.

Test locations are based on information provided by others.

5 cores were obtained from 01-12-2023 and will be delivered to Summit's laboratory for thickness and specific gravity testing.



TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

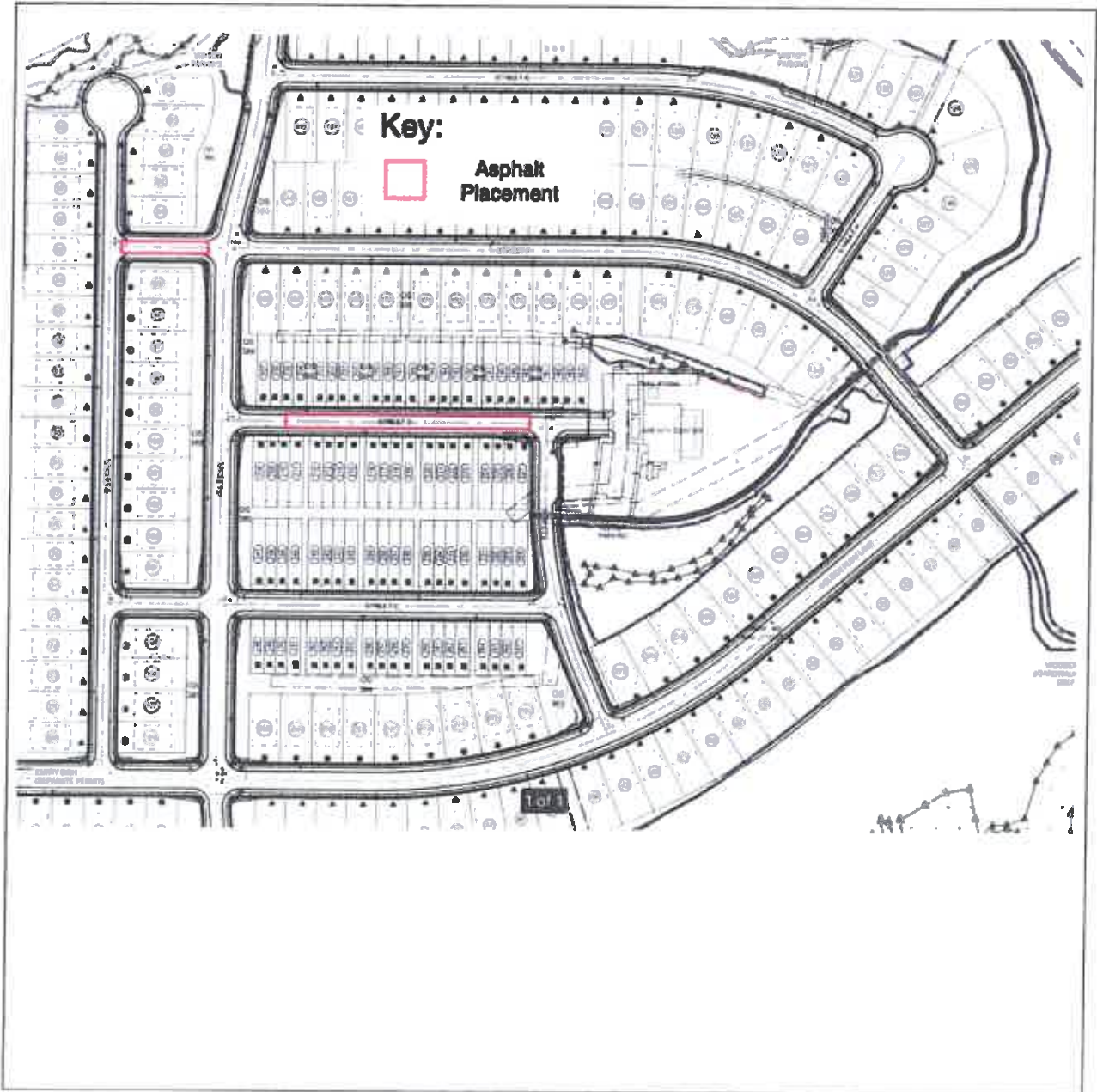
INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



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DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Partly Cloudy/50-60s



TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



320 Executive Court, Hillsborough, NC 27278
 Phone // 810.732.3863 Web // www.summitde.net

PROJECT: Peewee Landing 1811841
 PROJECT NO.: 21-0000-0001
 PROJECT ADDRESS: Charlotte, NC
 CLIENT: Fred Smith Company

CONTRACTOR: Fred Smith Company
 EQUIPMENT: Paver, Breakdown and Finish Roller

DATE: 2023-01-16
 TECHNICIAN: Ryan Case

NUCLEAR GAUGE EQUIPMENT
 MAKE / MODEL: Troxler / 3450
 SERIAL #: 892
 STANDARD COUNT: 4872/163/1123

REVIEWED BY: M. Liu

REPORT OF FIELD DENSITY OF ASPHALT IN-PLACE BY NUCLEAR BACKSCATTER METHOD (ASTM D2950)

TEST NO.	TEST DATE	TEST INFORMATION			IN-PLACE DENSITY (lb/cu ft)	JOB MIX FORMULA DATA		TARGET DENSITY (lb/cu ft)	TEST RESULTS		
		LIFT THICKNESS (IN.)	TEST LOCATION	MIX TYPE		GRAV	ROCK (G _{max})		REQUIRED COMPACTION (%)	RELATIVE COMPACTION (%)	PASS/FAIL
1	2023-01-16	2	Peewee Landing, Street F	RS9.5C	140.0	18-0505-122	2.438	152.1	92	92.0	PASS
2	2023-01-16	2	Peewee Landing, Street F	RS9.5C	140.2	18-0505-122	2.438	152.1	92	92.2	PASS
3	2023-01-16	2	Peewee Landing, Street F	RS9.5C	139.9	18-0505-122	2.438	152.1	92	92.0	PASS
4	2023-01-16	2	Peewee Landing, Street F	RS9.5C	139.9	18-0505-122	2.438	152.1	92	92.0	PASS
5	2023-01-16	2	Peewee Landing, Street F	RS9.5C	140.4	18-0505-122	2.438	152.1	92	92.3	PASS
6	2023-01-16	2	Peewee Landing, Street F	RS9.5C	141.2	18-0505-122	2.438	152.1	92	92.8	PASS
7	2023-01-16	2	Peewee Landing, Street D	RS9.5C	139.5	18-0505-122	2.438	152.1	92	91.7	PASS
8	2023-01-16	2	Peewee Landing, Street D	RS9.5C	140.3	18-0505-122	2.438	152.1	92	92.2	PASS
9	2023-01-16	2	Peewee Landing, Street D	RS9.5C	141.0	18-0505-122	2.438	152.1	92	92.7	PASS
10	2023-01-16	2	Peewee Landing, Street D	RS9.5C	142.0	18-0505-122	2.438	152.1	92	93.3	PASS



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DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Light Rain/40s

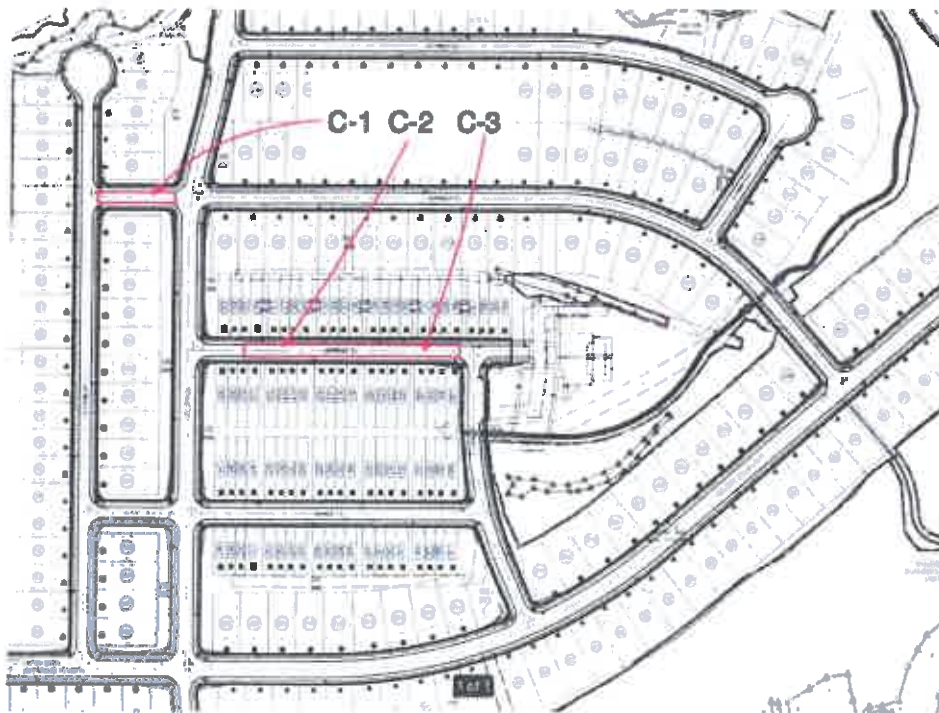
DATE	START TIME	END TIME	TOTAL HOURS
01/17/23	08:00	12:00	4.0

FIELD TESTS PERFORMED

Asphalt Coring

REMARKS:

Technician arrived on site as requested to obtain asphalt cores for the surface mix RS9.5C placed for the roadway placed on 01/16/2023. A total of 3 surface cores were obtained. The cores were delivered to Summit's laboratory for thickness and specific gravity testing.



TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.

QA/QC-5 (Revised)

12-19-82

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WORKSHEET FOR ROADWAY CORE SAMPLE DENSITY DETERMINATION & COMPARISON

PROJECT NUMBER: 21-0086 DSO

TYPE MIX: RS9.5C

MIN. % COMPACTION REQ. 92%

CONTRACTOR: _____

PLANT LOCATION: _____

DATE PLACED	JMP No	SAMPLE No.	SAMPLE THICKNESS	DRY WT.	SSD WT.	IN WATER WT.	QA SP. GR.	QC SP. GR.	TARGET SP. GR.	QA %	QC %	LIMITS OF PRECISION (7/80)	* QA / QC ENGINEER'S SIGNATURE
1/25	18-0505-122	C1	1.5	1600.2	1802.9	882.6	2.212	2.238	2.438	9.1			↓
		C2	1.75	1735.3	1738.3	962.8	2.238			91.8			
		C3	2.0	2015.7	2019.4	1111.0	2.219			91.0			
		C4	1.5	1423.5	1426.1	795.6	2.258			92.6			
		C5	1.5	1674.8	1677.0	937.0	2.263			92.8			
				c1. 1600.3	c2. 1735.3	c3. 2015.9	c4. 1423.5			c5. 1675.1			
				1600.2	1735.3	2015.8	1423.5			1675.0			
				1600.7	1735.3	2015.7	1423.5			1674.8			

NOTE: QC TO FAX CURRENT FORM TO QA DAILY DURING PRODUCTION.

* BY PROVIDING THIS DATA UNDER MY SIGNATURE AND /OR HICAMS CERTIFICATION NUMBER, I ATTEST TO THE ACCURACY AND VALIDITY OF THE DATA CONTAINED ON THIS FORM AND CERTIFY THAT NO DELIBERATE MISREPRESENTATION OF TEST RESULTS, IN ANY MANNER, HAS OCCURRED.



320 Executive Court, Hillsborough, NC 27278
Phone // 919.732.3883 Web // www.summitde.net

7

April 4, 2023

Mr. Alex Pollard
Fred Smith Company
701 Corporate Center Drive Suite 101
Raleigh, NC 27607

*Let's
Asphalt
Approved
9/8/23*

**Subject: Pearces Landing Subdivision
Asphalt Core Density Testing
Zebulon, North Carolina
Summit Project Number: 21-0086.050**

Dear Mr. Pollard:

The purpose of this letter is to provide you with the required CMT documentation regarding our asphalt core density testing. Asphalt cores were obtained, transported and tested following Town of Zebulon standards for verification of pavement density and thickness.

The R19.0C (JMF 18-0504-122) was placed on March 24, 2023 and cored on March 27, 2023 with the following density and thickness results:

Core Number	% Compaction	Thickness (in)
C1	93.1	2.25

✓

The RS9.5B (JMF 18-0506-122) was placed on March 24, 2023 and cored on March 27, 2023 with the following density and thickness results:

Core Number	% Compaction	Thickness (in)
C2	92.8	1.5
C3	93.8	1.75
C4	93.9	2.0
C5	91.1	1.25

✓
*→ Curb Checked
Asphalt Approved
Alburne*

Job Mix Formulas were provided by Fred Smith Company and the moving average was used for density comparison. The summary of asphalt core results and a copy of the Daily Field Report are attached.

Fred Smith Company
Pearces Landing Subdivision
Asphalt Core Density Testing



Project Number: 21-0086.050
April 4, 2023

CLOSURE

Summit appreciates the opportunity to serve you on this project. Should you have any questions concerning this report, or if we may be of further assistance, please contact us at your convenience.

Sincerely,

SUMMIT DESIGN AND ENGINEERING SERVICES, PLLC


Digitally signed by
Steve Fenton
Date: 2023.04.08
12:57:01 -04'00'27938


Stephen Fenton, PE, MS
Senior Project Manager

Attachments: QA/QC-5 Form
Daily Field Report

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WORKSHEET FOR ROADWAY CORE SAMPLE DENSITY DETERMINATION & COMPARISON

PROJECT NUMBER: 21-0086.050

TYPE MIX: RS 95B

MIN. % COMPACTION REQ.:

90%

CONTRACTOR: Fred Smith

PLANT LOCATION:

DATE PLACED	MAP No.	SAMPLE No.	SAMPLE DEPTH INCHES	MOY WT.	SSD WT.	IN WATER WT.	QA SP. GR.	QC SP. GR.	TARGET SP. GR.	QA %	QC %	NUMBER OF TRIALS (T/M)	QA/QC TECHNICIAN SIGNATURE
3/27/03	18-0506-122	C2	1.5"	1613.7	1614.9	842.8	2.235	2.235	2.405	92.8	92.8		<i>John Pope</i>
		C3	1.75"	1765.3	1766.0	984.5	2.259	2.261		93.8	93.8		
		C4	2"	1877.4	1877.5	1047.0		2.194		93.9	93.9		
		C5	1.25"	1315.9	1318	777.9				91.1	91.1		
		C2, 1614.5											
		1614.1											
		1613.7											
		C3, 1765.5											
		1765.4											
		1765.3											
		C4, 1877.5											
		1877.4											
		1877.4											
		C5, 1316.4											
		1315.9											
		1315.9											

NOTE: QC TO FAX CURRENT FORM TO QA DAILY DURING PRODUCTION.

* BY PROVIDING THIS DATA UNDER MY SIGNATURE AND/OR RECALLS CERTIFICATION NUMBER, I ATTEST TO THE ACCURACY AND VALIDITY OF THE DATA CONTAINED ON THIS FORM AND CERTIFY THAT NO DELIBERATE MISREPRESENTATION OF TEST RESULTS, IN ANY MANNER, HAS OCCURRED.



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 Phone // 919.732.3883 Web // www.summitde.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearce Landing 1811841	WEATHER: Overcast/60s

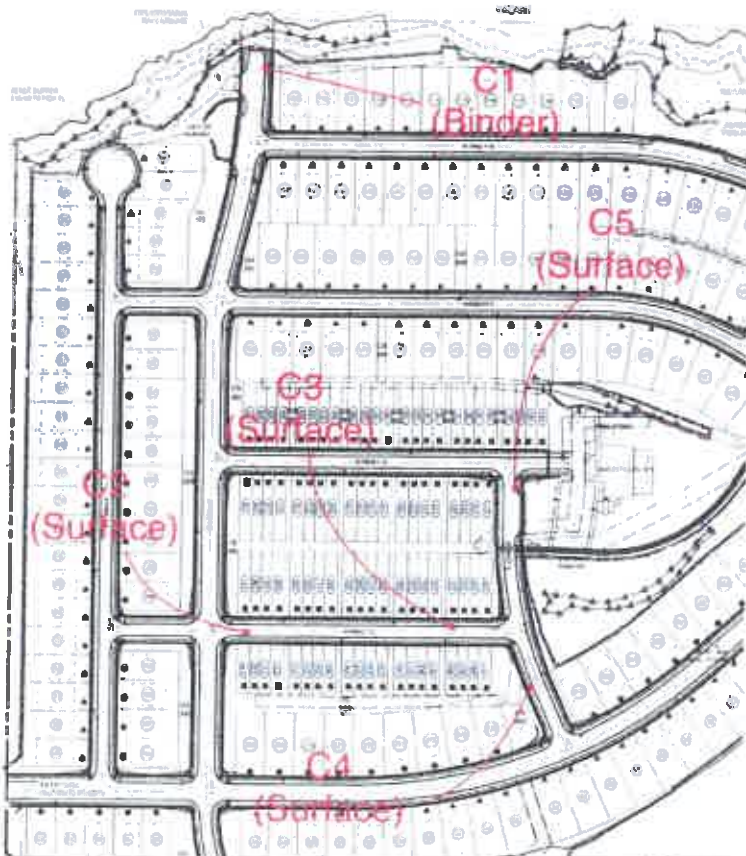
DATE	START TIME	END TIME	TOTAL HOURS
03/27/23	07:00	11:30	4.5

FIELD TESTS PERFORMED

Asphalt Coring

REMARKS:

Technician arrived on site as requested to obtain asphalt cores for the intermidate mix I19.0C JMF () and surface mix RS9.5B JMF 18-0506-122 placed for the roadway placed on 03/24/2023. At total of 5 cores were obtained. The cores were delivered to Summit's laboratory for thickness and specific gravity testing.



TECHNICIAN'S NAME: Ryan Case

TECHNICIAN'S SIGNATURE: Ryan Case

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



320 Executive Court, Hillsborough, NC 27278
Phone // 919.732.3883 Web // www.summitde.net

January 05, 2023

Mr. Alex Pollard
Fred Smith Company
701 Corporate Center Drive Suite 101
Raleigh, NC 27607

Subject: Pearces Landing Subdivision
Asphalt Core Density Testing
Zebulon, North Carolina
Summit Project Number: 21-0086.050

*Left
Approved
9-8-23*

Dear Mr. Pollard:

The purpose of this letter is to provide you with the required CMT documentation regarding our asphalt core density testing. Asphalt cores were obtained, transported and tested following Town of Zebulon standards for verification of pavement density and thickness.

The R19.0C (JMF 18-0504-122) was placed on December 20, 2022 with the following density and thickness results:

Core Number	% Compaction	Thickness (In)
1	92.5	2.5
2	91.1	2.75

Left

Additional cores were requested for the RS9.5C (JMF 18-0505-122) that was placed on December 9, 2022 with the following density and thickness results:

Core Number	% Compaction	Thickness (In)
SC1	89.6	2.0
SC2	94.2	2.0
SC3	91.0	2.0

Left

Job Mix Formulas were provided by Fred Smith Company and the moving average was used for density comparison. The summary of asphalt core results and a copy of the Daily Field Report are attached.

Fred Smith Company
Pearces Landing Subdivision
Asphalt Core Density Testing

Project Number: 21-0086.050
January 05, 2023

CLOSURE

Summit appreciates the opportunity to serve you on this project. Should you have any questions concerning this report, or if we may be of further assistance, please contact us at your convenience.

Sincerely,
SUMMIT DESIGN AND ENGINEERING SERVICES, PLLC



Jeff Elliott, PE, MSI
Geotechnical and CMT/SI Department Manager



Attachments: QA/QC-5 Form
Daily Field Report



320 Executive Court, Hillsborough, NC 27278
 Phone // 919.732.3883 Web // www.summitde.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearces Landing 1811841	WEATHER/TEMP: Cloudy 41

DATE	START TIME	END TIME	TOTAL HOURS
12-20-22	10:00	14:45	4.75

FIELD TEST PERFORMED

Asphalt Density Testing and Coring

REMARKS:

Technician arrived on site to observe placement of surface mix RI 19.0C (18-0504-122) at the following locations: See Sketch Below. Asphalt placement was observed in regards to specified pavement section, mix design and temperature. Tests were performed on this date using the nuclear density gauge method. The asphalt temperature ranged from 280 degrees F to 300 degrees F throughout the placement period. Compaction results indicated that the material in the areas and elevations tested appeared to achieve the minimum compaction requirement of 92% for the area tested.

Test locations are based on information provided by others.

2 cores were obtained from the day's paving operation and 3 additional cores were obtained from a previous day's paving, 12-9-22, labeled SC1, SC2, and SC3 following the Town of Zebulon guidelines, and were delivered to Summit's laboratory for thickness and specific gravity testing.

TECHNICIAN'S NAME: Tolkien Wedding

TECHNICIAN'S SIGNATURE: Tolkien Wedding

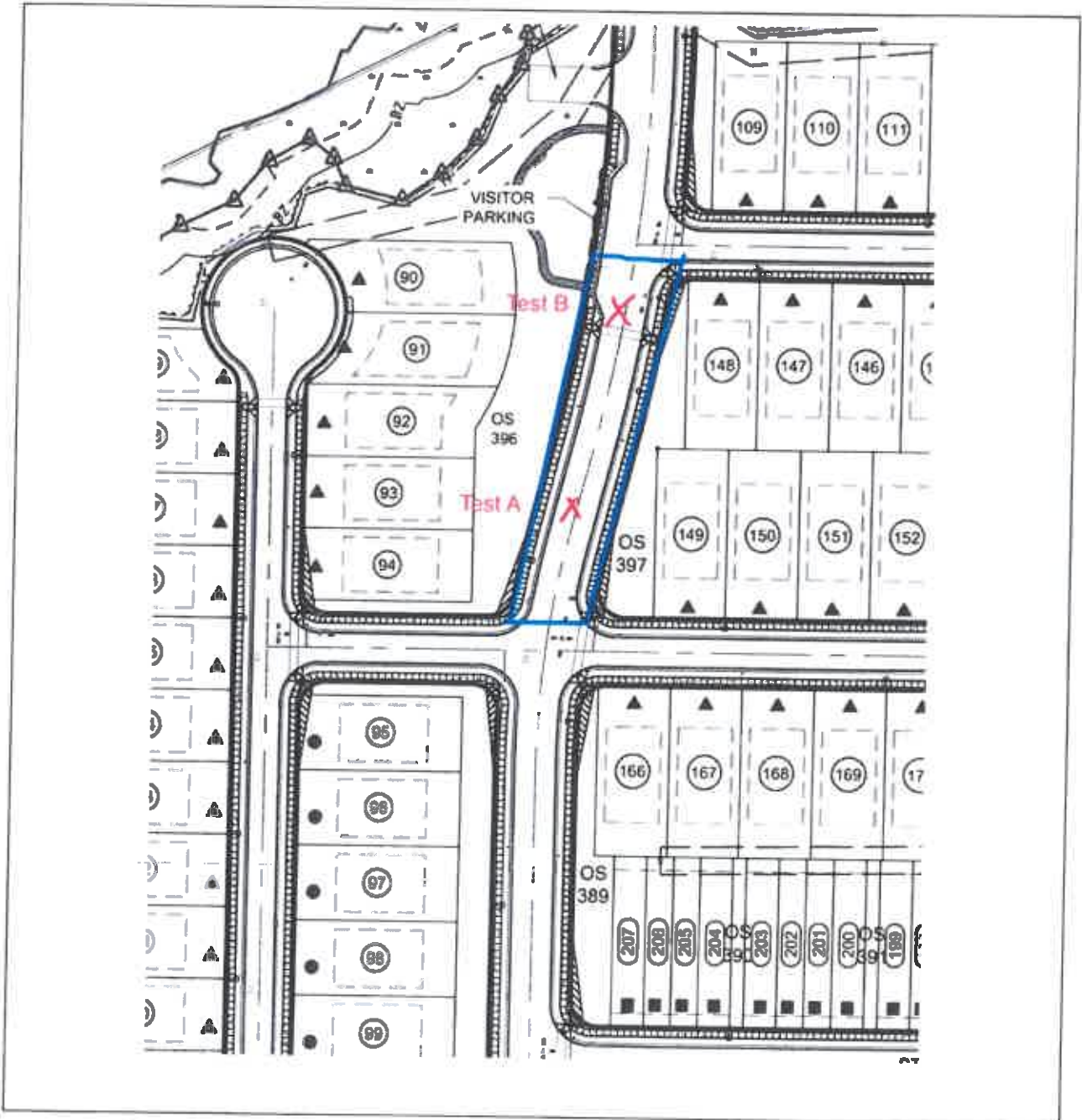
INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



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Phone // 919.732.3883 Web // www.summitde.net

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearces Landing 1811841	WEATHER/TEMP: Cloudy 41



TECHNICIAN'S NAME: Tolkien Wedding

TECHNICIAN'S SIGNATURE: Tolkien Wedding

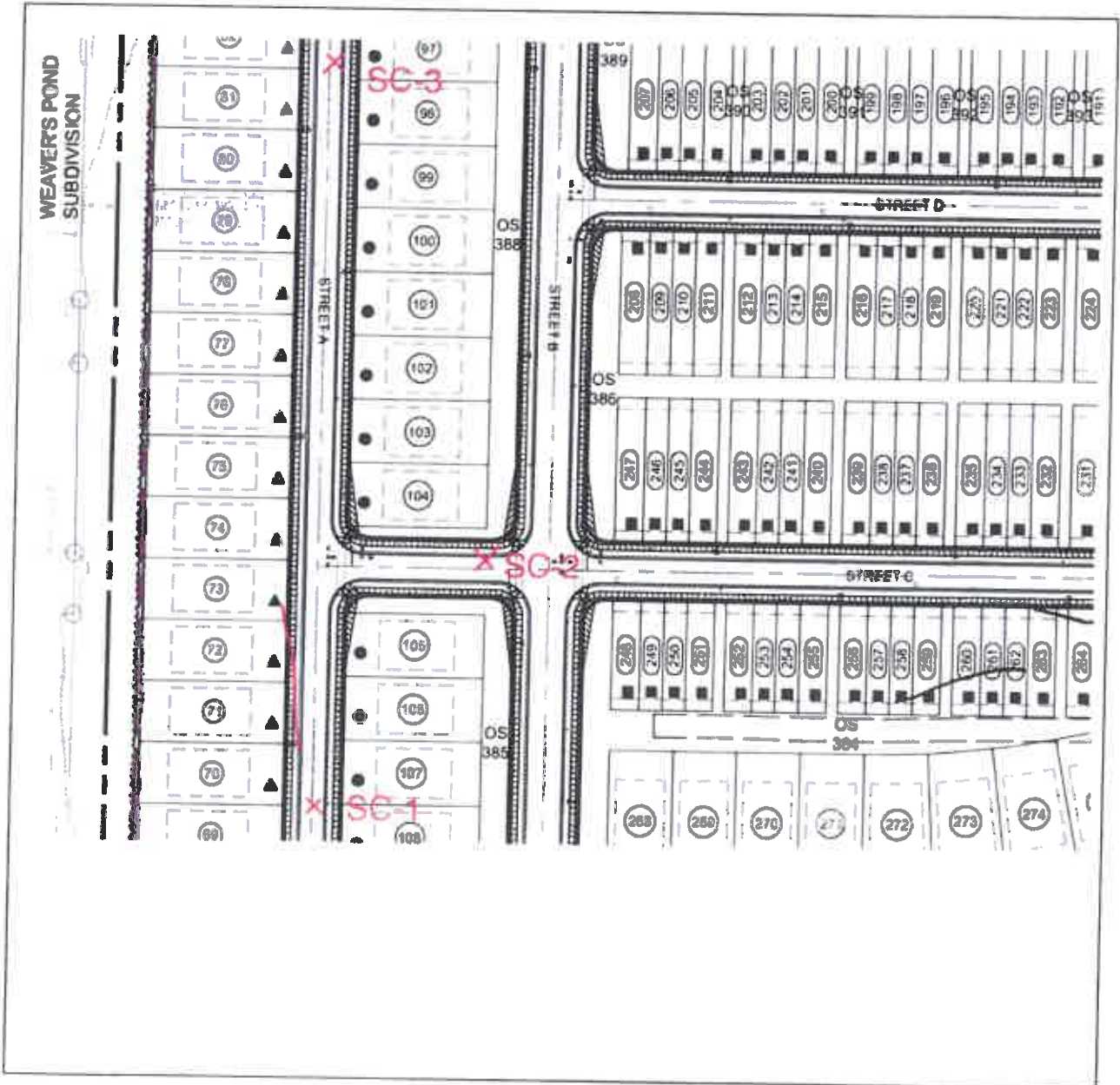
INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.



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Phone // 919.732.3883 Web // www.summitde.com

DAILY FIELD REPORT

PROJECT NO: 21-0086.050	CLIENT: Fred Smith Company
PROJECT: Pearces Landing 1811841	WEATHER/TEMP: Cloudy 41



TECHNICIAN'S NAME: Tolkien Wedding

TECHNICIAN'S SIGNATURE: Tolkien Wedding

INFORMATION STATED ON THIS REPORT IS SUBJECT TO ENGINEERING REVIEW AND COMMENT.

QA/QC-5 (Revised)

12-19-02

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WORKSHEET FOR ROADWAY CORE SAMPLE DENSITY DETERMINATION & COMPARISON

PROJECT NUMBER: 21 - 0086, 050

TYPE MIX: RS 9.5C

MIN. % COMPACTION REQ. 92%

CONTRACTOR: Fred Smith

PLANT LOCATION: Knightdale

DATE PLACED	JMF No.	SAMPLE No.	SAMPLE THICKNESS	DRY WT.	WET WT.	IN WATER WT.	QA SP. GR.	QC SP. GR.	TARGET SP. GR.	QA %	QC %	AMOUNT OF PREVIOUS (Y/N)	QA/QC TECHNICIAN SIGNATURE
12/9/02	18-0505-112	SC1	2"	1851.8	1855.2	1007.5		2.184	2.438		89.6		Chris Pope
"	"	SC2	2"	1925.2	1926.8	1088.2		2.296	"		94.2		
"	"	SC3	2"	1863.6	1866.3	1026.5		2.219	"		91.0		
		SC1		1851.9									
				1851.9									
				1851.8									
		SC2			1925.5								
					1925.2								
					1925.2								
		SC3							1863.7				
									1863.6				
									1863.6				

NOTE: QC TO FAX CURRENT FORM TO QA DAILY DURING PRODUCTION.

BY PROVIDING THIS DATA UNDER MY SIGNATURE AND FOR IFCAMS CERTIFICATION NUMBER, I ATTEST TO THE ACCURACY AND VALIDITY OF THE DATA CONTAINED ON THIS FORM AND CERTIFY THAT NO DELIBERATE MISREPRESENTATION OF TEST RESULTS, IN ANY MANNER, HAS OCCURRED.



8/24/23

✓ DM
9-8-23
Approved
to
Submit

VIA EMAIL ONLY

Gaines and Company
526 Three Sisters Road, Knightdale, NC

Re: Pearce's Landing, Zebulon ("Project") – Warranty Letter

To Whom it May Concern:

On behalf of FSC II, LLC dba Fred Smith Company ("FSC"), and with regard to the above referenced Project, FSC confirms its Warranty under its Project Subcontract and warrants to Contractor, Gaines and Company, and Owner, Natelli Communities, that its work as described in the Subcontract for the Project is of good quality and new unless otherwise required or permitted by the Subcontract, and that its Work is free from defects (including defects in materials and/or workmanship) not inherent in the quality required or permitted and that the Work conforms to the requirements of the Subcontract documents for a period of one (1) year from the date of Substantial Completion of FSC's scope of work. FSC agrees upon notice from [Owner and/or Contractor] to repair, restore, correct and cure, at FSC's expense, all defects and omissions in workmanship and materials and all failure to comply with the Subcontract documents which appear within one (1) year from the date of Substantial Completion of FSC's scope of work, as described herein. This Warranty does not include any obligation for FSC to repair, restore, correct and cure any defects in its Work caused as a result of any third party act or omission or any damage to FSC's Work caused by normal wear and tear. There are some asphalt cores on the initial lift of asphalt that are below the target depth, but after inspecting the curb reveal in these locations the total asphalt structure can be achieved when the final lift is placed.

Sincerely,

Elliott Morton

Cc: 1811841 – Pearce's Landing

August 21, 2023

Mr. Brian Massengill
Natelli Communities
brian@natelli.com

[Handwritten signature]
9-5-23
APPROVED

**Revised - Summary of Observations and Testing
Pearces Landing Subdivision, Phase 1C
Zebulon, North Carolina
Our Project Number 121-20-97321**

Gentlemen:

As requested, representatives of NV5 Engineers and Consultants, Inc. were periodically present to perform construction material testing services during the construction of Streets A through H within Phase 1C of Pearces Landing Subdivision. Surveying is not included in our scope of services. Locations and depths noted were provided to us by others and should be considered approximate.

Our representatives were periodically present to observe proofrolling activities of the exposed soil subgrade prior to the placement of aggregate base course (ABC) stone and of the exposed ABC stone, prior to the placement of asphaltic concrete. Proofrolling was performed with a loaded tandem-axle dump truck to delineate areas of soft and/or wet materials. After shallow and isolated soil and/or ABC stone remediation, no excessive deflection or rutting of either the exposed subgrade soils and/or exposed ABC stone was observed beneath the proofload.

Our representatives were periodically present to perform random density testing (ASTM D-6938) on the exposed subgrade soil, at approximate planned soil subgrade elevation, and exposed ABC stone, at approximate planned stone subbase elevation, of the above reference interior roadways. The results of our testing indicated that the soil subgrade was compacted to at least 100% of the standard Proctor maximum dry density and the ABC stone was compacted to at least 98% of the modified Proctor maximum dry density.

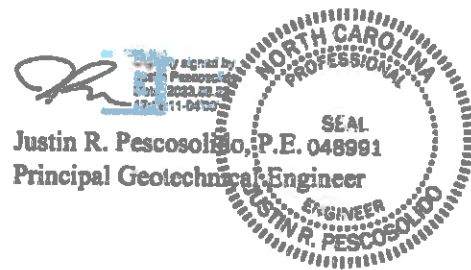
We appreciate the opportunity to provide these observations and testing services with Phase 1C of the Pearces Landing Subdivision in Zebulon, North Carolina. If you have any questions concerning this information, please don't hesitate to contact us.

Sincerely,

NV5 Engineers and Consultants, Inc. (F-1333)



Jaxon C. Dean
Associate Project Manager



NV5 Engineers and Consultants, Inc.
NC Engineering Corporation F-1333
4905 Professional Court, Raleigh, North Carolina 27609
(919) 876-9799

WAIVER AND RELEASE OF LIENS
(MLA APPOINTED)

*Let
Approved
9-8-23*

POTENTIAL LIEN CLAIMANT, Gaines and Company, Inc (hereinafter, "Potential Lien Claimant")

PROPERTY (Required): Pearces Landing Subdivision Phase 1C, Wake County Pin 2706091753, Real ID# 0027824.
Deed Book 017995, Deed Page 00146 Pearces Road, Zebulon, NC, 27597 Wake County.

DEFINITIONS: The following capitalized terms as used in this Waiver and Release of Liens ("Waiver") shall have the following meanings:

- **Company:** any title insurance company issuing a title policy or policies insuring title to the Property in reliance on this Waiver.
- **Lender:** a lender making a loan secured by a deed of trust encumbering the Property.

1. Certifications and Waiver:

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and other benefits accruing, Potential Lien Claimant certifies that (i) he/she/it has signed this Waiver in the correct legal capacity and has the authority to sign this Waiver; (ii) such Potential Lien Claimant has not received any Notice of Claim of Lien upon Funds or Claim of Lien on Real Property from any other person or entity.

Potential Lien Claimant waives and releases any lien, claim of lien or other interest whatsoever which such Potential Lien Claimant or anyone claiming by, through, or under such Potential Lien Claimant might have in the Property. Potential Lien Claimant waives and releases any right or protection Potential Lien Claimant may have arising out of any Notice to Lien Agent that Potential Lien Claimant has filed relating to the Property in accordance with the provisions of NCGS 44A-11.2 for work performed prior to and after execution of this Waiver.

2. Reliance:

This Agreement may be relied upon by the purchaser in the purchase of the Property, Lender to make a loan secured by the Deed of Trust encumbering the Property and by Company in issuance of a title insurance policy or policies insuring title to the Property without exception to matters certified in this Agreement. The provisions of this Agreement shall survive the disbursement of funds and closing of this transaction and shall be binding upon Potential Lien Claimant (and anyone claiming by, through or under them).

3. NCLTA Copyright:

THIS IS A COPYRIGHT FORM and any variances in the form provisions hereof must be specifically stated in the blank below and agreed to in writing by the Company.

No modification of this Waiver, and no waiver of any of its terms or conditions, shall be effective unless made in writing and approved by the Company

POTENTIAL LIEN CLAIMANT:

Gaines and Company, Inc. (SEAL)

By: *[Signature]*
Printed or Typed Name/Title: George Grammer VP

By: _____
Printed or Typed Name/Title: _____

DATE: 08-23-2023



Raleigh Office
 T 919.380.8750
 F 919.380.8752

223 S. West Street
 Suite 1100
 Raleigh, NC 27603

01 August 2023

Brian Massengill
 Natelli Communities
 919 868 3102

Handwritten signature and date:
 APPROVED
 9-8-23

RE: Pearces Landing Phase 1C
 Cost of Utilities

Dear Brian,

Below is a cost estimate for those items associated with Pearces Landing Phase 1C:

Phase 1C Sewer System (Permit Number S-4616)

CONNECT TO EX PHASE 1A/1B STUB	2.0	EA	1,950.00	\$3,900.00
8" DIP	305.0	LF	50.00	\$15,250.00
8" PVC SDR 21	1592.0	LF	49.00	\$78,008.00
8" PVC SDR 35	5105.0	LF	32.00	\$163,360.00
4" DIP	127.0	LF	50.00	\$6,350.00
4" PVC SCH 40	5207.0	LF	32.00	\$166,624.00
MANHOLES - TESTING (ONE TIME ONLY)	41.0	EA	3,250.00	\$133,250.00
CLEANOUTS	197.0	EA	350.00	\$68,950.00
			Total Phase 1C Sewer System	\$635,692.00

Phase 1C Water System (Permit Number W-3706)

CONNECT TO EX PHASE 1A/1B STUB	4.0	EA	1,225.00	\$4,900.00
8" DIP	7457.0	LF	37.00	\$275,909.00
6" DIP	278.0	LF	31.00	\$8,618.00
FITTINGS	31.0	EA	600.00	\$18,600.00
8" TEMPORARY BOA	1.0	EA	3,000.00	\$3,000.00
8" VALVE	38.0	EA	1,750.00	\$66,500.00
6" VALVE	14.0	EA	1,325.00	\$18,550.00
HYDRANTS	14.0	EA	4,100.00	\$57,400.00
1" METER & RPZ	1.0	EA	9,000.00	\$9,000.00
SERVICES	197.0	EA	1,321.00	\$260,237.00
			Total Phase 1C Water System	\$722,714.00

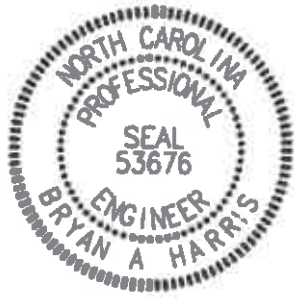
These quantities are based on the construction plan set approved on September 4, 2020 with revisions dated February 1, 2021 and contractor unit prices received on July 7, 2023.

Please let me know if you have any questions and/or require any additional information, please feel free to contact me via email at bharris@stewartinc.com.



Raleigh Office
T 919.380.8750
F 919.380.8752

223 S. West Street
Suite 1100
Raleigh, NC 27603



Bryan Harris
Director
Civil Engineering



Raleigh Office
 ☎ 919.380.8750
 📠 919.380.8752

223 S. West Street
 Suite 1100
 Raleigh, NC 27603

01 August 2023

Brian Messengill
 Natelli Communities
 919 868 3102

RE: Pearces Landing Phase 1C
 Cost of Utilities

LCA
9-8-23
Approved

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F 919.380.8752

223 S. West Street
Suite 1100
Raleigh, NC 27603



Bryan Harris
Director
Civil Engineering



Approved
9-8-23

Public Utilities Department
Notification of Conditional Acceptance
for Water and Wastewater Infrastructure

Project Name: PEARCE'S LANDING

Project Phase: 1-C

Permit Number(s): W - 3706
S - 4616

The City of Raleigh Public Utilities Department has completed field inspections and testing on the water and/or wastewater infrastructure associated with the development project/phase referenced above. Installation meets CORPUD specifications and the infrastructure is available for use. This preliminary acceptance is conditional on a final review of digital as-built data, project records and other submitted documentation. Formal notification of acceptance is pending and will be provided on successful completion of the conditional review.

Inspector Name: MICHAEL R. FOWLER, SR.

Date: 08/17/2023

Notes:

FINAL / SIGNED ACCEPTANCE LETTER TO FOLLOW

Notes on Project Phasing: City of Raleigh Public Utility Department (CORPUD) acceptance occurs after water and sewer infrastructure in an approved phase is installed, inspected/tested and the required supporting documentation has been received. Phases of construction must extend from and/or connect to existing (or concurrently accepted) infrastructure to be considered for acceptance. Acceptance boundaries are defined by the limits identified in the CORPUD approved utility phasing plan(s). Acceptance of unapproved sub-phases and/or partially complete phases will not be considered. Additional information can be found in the CORPUD Handbook at www.raleighnc.gov.



INVOICE

Invoice: N5003132301
 Invoice Date: 7/13/2023
 Page: 1 of 1

Email sent to customer on 07/13/2023

Bill to: PEARCES LANDING, LLC
 1903 N. HARRISON AVENUE, SUITE 101
 BRIAN MASSENGILL
 CARY NC 27513

Customer ID: 000285038
 PO / Contract No:
 Payment Terms: Net 30
 Due Date: 8/12/2023

Amount Due: \$29,788.80

Invoice for work or services performed at: 245 Gold Plum Ln ZEBULON NC PEARCES LANDING

For questions about your invoice, please contact Brandon Washington at 919/557-2825

Line	Date of Charge	Description	Net Amount
1	07/12/2023	UL UG for Lighting UPFRONT UNDERGROUND FEE (48 POLES)	\$27,840.00
2	07/12/2023	NC STATE SALES TAX	\$1,948.80
Amount Due:			\$29,788.80

APPROVED 9-8-23

To pay electronically, please allow 24 hours from the time this invoice is received and use website <https://www.e-billxpress.com/ebpp/DukeEnergy>. Enter your customer ID and billing zip code from above.

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

! Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Progress
 PO Box 802874
 Charlotte NC 28280-2874

ACH instructions:

Wells Fargo - Progress
 121000248
 Duke Energy Progress
 00206266000020

Invoice Number:

N5003132301

Corporation Code:

50128

Please Pay By:

8/12/2023

Customer ID:

000285038

Total Amount Due:

\$29,788.80

Fed Tax ID # 56-2155481

PEARCES LANDING, LLC
 1903 N. HARRISON AVENUE, SUITE
 101
 BRIAN MASSENGILL
 CARY NC 27513

Amount Enclosed



1814353030333133323330310000900029788804



Town of Zebulon
 1003 N. ARENDELL AVENUE
 ZEBULON, NC 27597
 (919)823-1806

INVOICE #
 24-00009

YOU CAN PAY ONLINE BY CREDIT/DEBIT/ACH:
 WWW.EDMUNDSGOVPAY.COM/ZEBULON
 YOU WILL NEED YOUR ACCOUNT ID AND PIN

ACCOUNT ID: MANTURUK PIN: 079297
 INVOICE DATE: 08/21/23
 DUE DATE: 09/01/23

*PAID
 9-8-23*

Pearces Landing, LLC
 506 Main Street, Suite 300
 Gaithersburg, MD 20878
 Attn: Brian Messengill

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Pearces Landing 1C-1 Plat		
7874.0000/LF	STREETCU	Streets/Curb/Gutter Constr Ins Pearces Landing 1C Final Plat	2.950000	23,228.30
5751.0000/LF	STORMMAP	STORMWATER MAPPING FEES Pearces Landing 1C Final Plat	1.750000	10,064.25
5751.0000/LF	STORMDRA	Storm Drainage Constr. Inspect Pearces Landing 1C Final Plat	1.200000	6,901.20
13238.0000/LF	SIDEWALK	Sidewalk Construction Inspect Pearces Landing 1C Final Plat	1.200000	15,885.60
1.0000	MAJORSUB	MAJOR SUBDIVISION FINAL PLAT Pearces Landing 1C Final Plat	300.000000	300.00
134.0000/LOT	PLAT PER	MAJ SUBDIVISION PLAT FEE/LOT Pearces Landing 1C Final Plat	10.000000	1,340.00
122.0000	RECIMPSF	RECREATION IMPACT FEE - SINGLE Pearces Landing 1C Final Plat	3,000.000000	366,000.00
43.6800	TRANSPOR	Transportation Impact Fee Pearces Landing 1C Final Plat	1,177.000000	51,411.36
38.7600	TRANSPOR	Transportation Impact Fee Pearces Landing 1C Final Plat	1,177.000000	45,620.52
		TOTAL DUE:		\$ 520,751.23

PAID
 AUG 22 2023
BK

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

Town of Zebulon
 1003 N. ARENDELL AVENUE
 ZEBULON, NC 27597
 (919)823-1806

INVOICE #: 24-00009
 DESCRIPTION: Pearces Landing 1C-1 Plat
 ACCOUNT ID: MANTURUK PIN: 079297
 DUE DATE: 09/01/23
 TOTAL DUE: \$ 520,751.23

Pearces Landing, LLC
 506 Main Street, Suite 300
 Gaithersburg, MD 20878
 Attn: Brian Messengill



PEARCES LANDING PHASE 1C

1309 PEARCES ROAD
ZEBULON, NC

TOWN OF ZEBULON
AS-BUILT DRAWING SUBMITTAL

SUBMITTED: 06.15.2023
RESUBMITTED: 08.30.2023



VICINITY MAP
SCALE 1"=400'

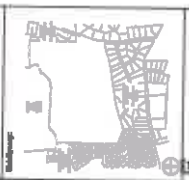
SHEET NO.	SHEET NAME
001	GENERAL NOTES
002	EXISTING UTILITIES
003	PROPOSED UTILITIES
004	PROPOSED PAVEMENT
005	PROPOSED CURBS
006	PROPOSED SIDEWALKS
007	PROPOSED DRIVEWAYS
008	PROPOSED DRIVEWAY PAVEMENT
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082	PROPOSED DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY SIDEWALKS
083	PROPOSED DRIVEWAYS
084	PROPOSED DRIVEWAY PAVEMENT
085	PROPOSED DRIVEWAY CURBS
086	PROPOSED DRIVEWAY SIDEWALKS
087	PROPOSED DRIVEWAYS
088	PROPOSED DRIVEWAY PAVEMENT
089	PROPOSED DRIVEWAY CURBS
090	PROPOSED DRIVEWAY SIDEWALKS

NOTICE TO THE OWNER:
THIS DRAWING IS A PRELIMINARY DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.

PROJECT LOCATION:
PEARCES LANDING PHASE 1C
1309 PEARCES ROAD
ZEBULON, NC 27356
OWNER: [REDACTED]
DESIGNED BY: [REDACTED]
DATE: 08/30/2023



STEWART
CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE
1309 PEARCES ROAD
ZEBULON, NC 27356
TEL: 919.776.1111
WWW.STEWARTENGINEERS.COM



PEARCES LANDING SUBDIVISION

PHASE 1C AS-BUILT DRAWINGS

COVER SHEET

CLIENT: [REDACTED]

CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE - COMMUNITIES - TRANSPORTATION

GENERAL:

TECHNICAL:

STEWART
CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE
1309 PEARCES ROAD
ZEBULON, NC 27356
TEL: 919.776.1111
WWW.STEWARTENGINEERS.COM

PROJECT INFORMATION:

PROJECT NAME: PEARCES LANDING PHASE 1C

PROJECT LOCATION: 1309 PEARCES ROAD, ZEBULON, NC 27356

PROJECT NO.: [REDACTED]

DATE: 08/30/2023

DESIGNED BY: [REDACTED]

CHECKED BY: [REDACTED]

DATE: 08/30/2023

SCALE: AS SHOWN

PROJECT STATUS: AS-BUILT SUBMITTAL

PROJECT PHASE: PHASE 1C

PROJECT DESCRIPTION: AS-BUILT DRAWINGS FOR PHASE 1C OF PEARCES LANDING SUBDIVISION.

PROJECT CONTACT: [REDACTED]

PROJECT PHONE: [REDACTED]

PROJECT FAX: [REDACTED]

PROJECT EMAIL: [REDACTED]

PROJECT WEBSITE: [REDACTED]

PROJECT ADDRESS: [REDACTED]

PROJECT CITY: [REDACTED]

PROJECT STATE: [REDACTED]

PROJECT ZIP: [REDACTED]

PROJECT COUNTY: [REDACTED]

PROJECT COUNTRY: [REDACTED]

PROJECT REGION: [REDACTED]

PROJECT TIMEZONE: [REDACTED]

PROJECT CURRENCY: [REDACTED]

PROJECT LANGUAGE: [REDACTED]

PROJECT UNIT: [REDACTED]

PROJECT DIMENSION: [REDACTED]

PROJECT AREA: [REDACTED]

PROJECT VOLUME: [REDACTED]

PROJECT WEIGHT: [REDACTED]

PROJECT LENGTH: [REDACTED]

PROJECT WIDTH: [REDACTED]

PROJECT HEIGHT: [REDACTED]

PROJECT DEPTH: [REDACTED]

PROJECT DIAMETER: [REDACTED]

PROJECT RADIUS: [REDACTED]

PROJECT ANGLE: [REDACTED]

PROJECT PERCENT: [REDACTED]

PROJECT PERMILLE: [REDACTED]

PROJECT PARTS PER MILLION: [REDACTED]

PROJECT DECIBEL: [REDACTED]

PROJECT HERTZ: [REDACTED]

PROJECT METERS PER SECOND: [REDACTED]

PROJECT METERS PER SECOND SQUARED: [REDACTED]

PROJECT METERS PER SECOND CUBED: [REDACTED]

PROJECT METERS PER SECOND TO THE FOURTH: [REDACTED]

PROJECT METERS PER SECOND TO THE FIFTH: [REDACTED]

PROJECT METERS PER SECOND TO THE SIXTH: [REDACTED]

PROJECT METERS PER SECOND TO THE SEVENTH: [REDACTED]

PROJECT METERS PER SECOND TO THE EIGHTH: [REDACTED]

PROJECT METERS PER SECOND TO THE NINTH: [REDACTED]

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PROJECT METERS PER SECOND TO THE ELEVENTH: [REDACTED]

PROJECT METERS PER SECOND TO THE TWELFTH: [REDACTED]

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PROJECT METERS PER SECOND TO THE FOURTEENTH: [REDACTED]

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PROJECT METERS PER SECOND TO THE SEVENTEENTH: [REDACTED]

PROJECT METERS PER SECOND TO THE EIGHTEENTH: [REDACTED]

PROJECT METERS PER SECOND TO THE NINETEENTH: [REDACTED]

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PROJECT METERS PER SECOND TO THE TWENTYNINTH: [REDACTED]

PROJECT METERS PER SECOND TO THE THIRTIETH: [REDACTED]



STEWART
 CONSULTANTS
 1000 WEST 10TH AVENUE
 DENVER, CO 80202
 (303) 733-1000

PROJECT:
 PEARCES LANDING SUBMISSION
 PHASE 1C AS-BUILT DRAINAGE



PEARCES LANDING SUBMISSION

PHASE 1C AS-BUILT DRAINAGE

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/15/2014
2	ISSUED FOR PERMITS	10/15/2014
3	ISSUED FOR PERMITS	10/15/2014
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5	ISSUED FOR PERMITS	10/15/2014
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100	ISSUED FOR PERMITS	10/15/2014

SEWER PLAN & PROFILE 1

Project: PEARCES LANDING SUBMISSION
 Drawing: SEWER PLAN & PROFILE 1
 Date: 10/15/2014
 Scale: AS SHOWN

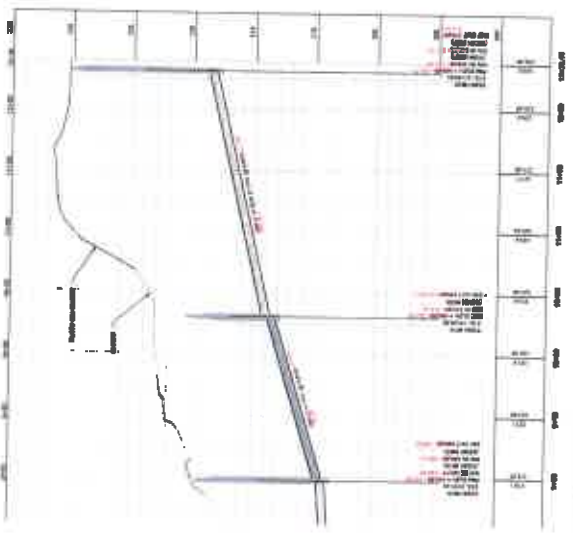
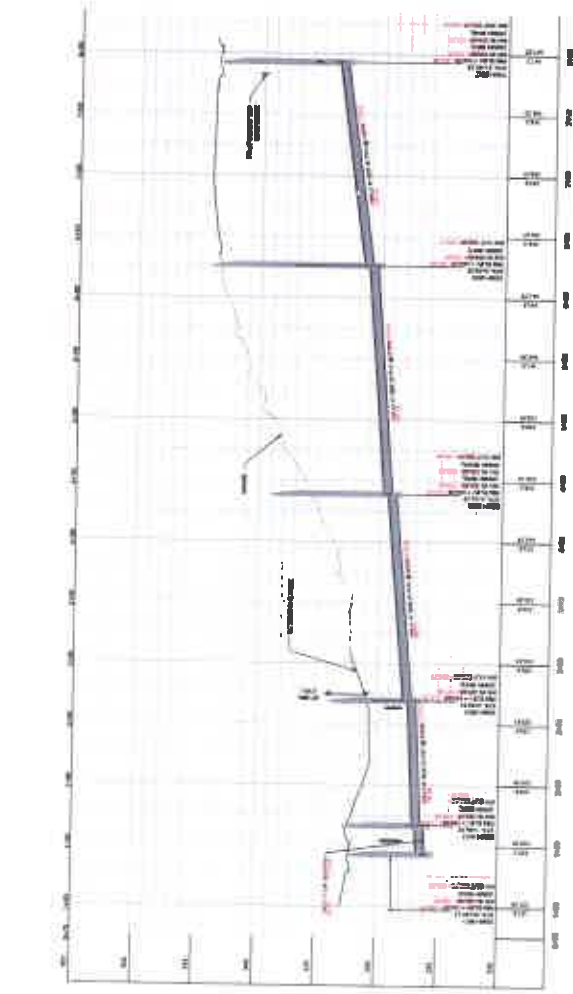
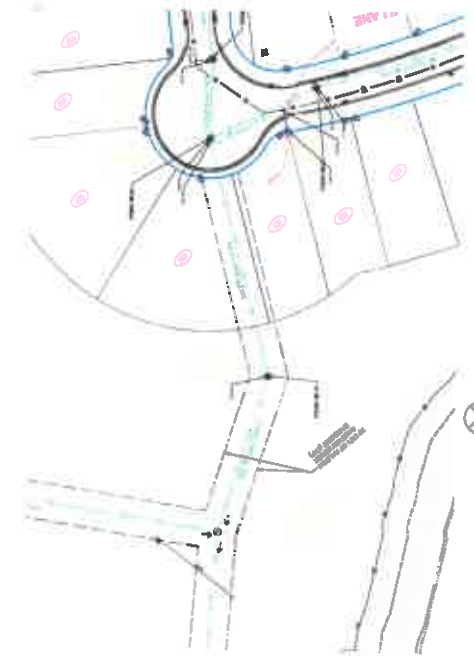
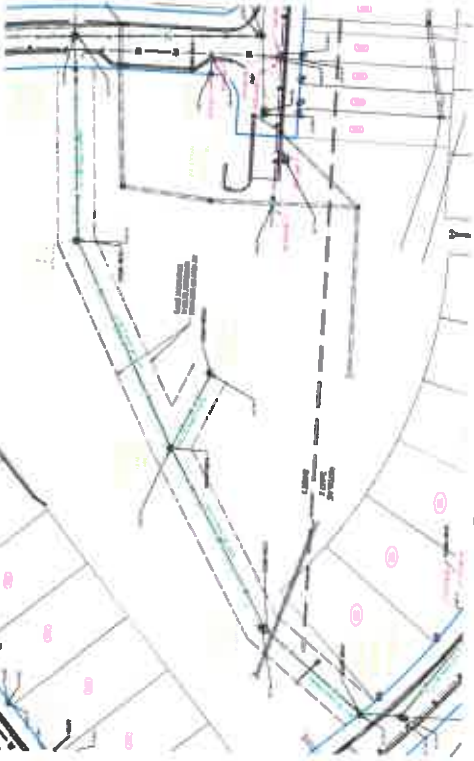
UTILITY LEGEND

SYMBOL	DESCRIPTION
(Symbol)	18" WATER MAIN
(Symbol)	30" WATER MAIN
(Symbol)	36" WATER MAIN
(Symbol)	48" WATER MAIN
(Symbol)	60" WATER MAIN
(Symbol)	72" WATER MAIN
(Symbol)	36" SEWER MAIN
(Symbol)	48" SEWER MAIN
(Symbol)	60" SEWER MAIN
(Symbol)	72" SEWER MAIN
(Symbol)	36" GAS MAIN
(Symbol)	48" GAS MAIN
(Symbol)	60" GAS MAIN
(Symbol)	72" GAS MAIN
(Symbol)	36" ELECTRIC MAIN
(Symbol)	48" ELECTRIC MAIN
(Symbol)	60" ELECTRIC MAIN
(Symbol)	72" ELECTRIC MAIN
(Symbol)	36" TELEPHONE MAIN
(Symbol)	48" TELEPHONE MAIN
(Symbol)	60" TELEPHONE MAIN
(Symbol)	72" TELEPHONE MAIN

NOTES:
 1. SEE PERMITS FOR ALL UTILITY LOCATIONS.
 2. ALL UTILITY LOCATIONS ARE SHOWN AS-BUILT.
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GENERAL NOTES:
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**RESOLUTION 2024-05
ACCEPTING ROADWAY, AND STORM DRAINAGE
INFRASTRUCTURE FOR PEARCE’S LANDING PHASE 1-C**

WHEREAS, Pearce’s Landing, LLC the developers of Pearce’s Landing Phase 1-C requests the Town of Zebulon assume ownership and maintenance of the roadway and storm drainage infrastructure within the public right-of-way or dedicated easements of Pearce’s Landing consisting of 5,751 linear feet (LF) of drainage infrastructure, and 7,874 LF of roadway:

- 1184 LF Burgendy Bluff Lane
- 1409 LF Hunter Green Drive
- 765 LF Emeral Shire Way
- 565 LF Apricot Sun Way
- 576 LF Artic Sky Lane
- 1629 LF Autumn Moon Drive
- 1439 LF Ivy Meadow Lane
- 307 LF Sassafras Leaf Court

WHEREAS, the Town of Zebulon has inspected said infrastructure; and

WHEREAS, Pearce’s Landing, LLC has completed all punch list tasks; and

WHEREAS, the Town of Zebulon has received all required documentation needed for Dedication and Warranty; and

WHEREAS, the Town of Zebulon has received a Site Improvement Performance Bond from Berkley Surety Group for completion of final asphalt roadway overlay, five-foot sidewalk, access ramps, pond conversion, pond planting and fence, signage, mail kiosk, striping, park amenities roadway and concrete repairs; private greenway and landscaping; and

WHEREAS, the Town of Zebulon may accept an offer of dedication of streets, sidewalks, curb and gutter, and storm drainage by resolution of the Board of Commissioners per the Town of Zebulon Uniform Development Ordinance section 6.4.1 and 6.10.4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Zebulon accepts dedication of the roadway, and storm drainage.

Adopted this 2nd day of October 2023.

Glenn L. York – Mayor

SEAL

Lisa M. Markland, CMC - Town Clerk

Topic: ORDINANCE 2024-17 – 1620 N Arendell Ave
Speaker: Catherine Farrell CZO, Planner II
From: Michael J. Clark, CZO, AICP, Planning Director
Prepared by: Catherine Farrell CZO, Planner II
Approved by: Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider a Conditional Zoning Map Amendment for 1620 N Arendell Ave (PIN# 1796922199). This is a legislative case.

Background:

The Applicant, DVM Services Realty LLC requests rezoning a 1.117-acre parcel at the south-east corner of N Arendell Ave and Green Pace Rd from Residential Suburban (R2) District to Heavy Commercial Conditional (HC-C) District for the development of a Veterinary Clinic.

A joint public hearing was held on September 18, 2023. One citizen spoke neither for nor against.

Discussion:

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

1. The proposed conditional rezoning advances the public health, safety, or welfare;
2. 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. An approval of the conditional rezoning is reasonable and in the public interest;
4. 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.

Policy Analysis:

Comprehensive Land Use Plan:

The Future Land Use and Character Map designates the future use of the property as General Commercial (GC). The GC designation is for properties in commercial retail, office and service uses, primarily along portions of major roadway corridors within the community for high visibility and accessibility (re. Grow Zebulon: Comprehensive Land Use Plan (Land Use and Development section pg.18)). Primary land use types within this designation include automobile service-related enterprises, restaurant chains and "big box" commercial stores.

Unified Development Ordinance:

The Applicant proposes limiting the uses to Veterinary Clinic. The Applicant has proposed site design, architecture conditions and additional development conditions for the Board to consider (see Attachments).

All conditions and details on the concept plan meet the spirit and intent of the UDO. If approved, the applicant would proceed with Technical Review Committee (TRC) review of final site plan and construction drawings before development can begin.

Financial Analysis:

Rezoning the property to GC-C will allow the applicant to relocate an existing Veterinary Clinic located elsewhere within the Town. Approval of the conditional rezoning will allow for the retention of an existing business, an increase of the assessed taxable value of the property, and construction of needed road improvements adjacent to the site.

Planning Board Recommendation:

At their meeting on September 18, 2023, the Planning Board recommended approval of the request. The Planning Board recommended adding an amendment to the conditions lessening the buffer requirements on the southern property line to a buffer that is consistent with HC to HC. The Planning Board has found that the request is consistent with Section 2.2.2.6 of the UDO and the Land Use and Development section of the Comprehensive Land Use Plan.

Staff Recommendation:

Staff recommends approval of the request, finding that the conditions offered meet the spirit and intent for the requested deviations from the UDO.

Attachments:

1. Application, Conditions, Site Plan, Building Elevations, and Landscape Plan
2. Future Land Use and Character Map
3. Aerial Map
4. Zoning Map
5. Site Pictures
6. Utility Allocation Policy Worksheet
7. Public Hearing Notification Affidavit
8. Ordinance 2024-17



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PART 1. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: 1620 N Arendel Ave.		Acres: 1.1117
Parcel Identification Number (NC PIN): 1796922199	Deed Book: 002050	Deed Page(s): 00630
Existing Zoning of the Property: R2	Proposed Zoning of the Property: Heavy Commercial (HC)	
Existing Use of the Property: Residential	Proposed Use of the Property: Veterinary Clinic	
Reason for Conditional Rezoning: The proposed use, Veterinary Clinic, is consistent with the Town's Future Land Use Map which designates the property as General Commercial. The site has excellent access and great visibility. The proposed change will allow a growing veterinary clinic to expand to accommodate the needs of the Zebulon community.		

PART 2. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: DVM Services Realty LLC c/o Brian Wood		
Street Address of Applicant/Agent: 325 Nash Street E		
City: Wilson	State: NC	Zip Code: 27893
Email of Applicant/Agent: brianwood@thevetspets.com	Telephone Number of Applicant/Agent: (252) 237-1375	Fax Number of Applicant/Agent:
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.

PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: Julia M Hicks		
Street Address of Property Owner: PO Box 576		
City: Zebulon	State: NC	Zip Code: 27597-0576
Email of Property Owner: dallas@dallaspearcrealty.com	Telephone Number of Property Owner: 919-931-6752	Fax Number of Property Owner:
<i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
Signature of Applicant: 	Print Name: Brian Wood	Date: 5/31/2023
Signature of Owner: 	Print Name: Juliah M. Hicks	Date: 5/31/2023



APPLICATION FOR
CONDITIONAL REZONING MAP AMENDMENT

OWNER'S CONSENT FORM

Name of Project: Zebulon Animal Hospital

Submittal Date: June 1, 2023

OWNER'S AUTHORIZATION

I hereby give CONSENT to Brian Wood, DVM Services, LLC (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that pursuant to Section 2.2.6 M. of the Town of Zebulon Unified Development Ordinance, that lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map and may only be changed in accordance with the procedures established in this Ordinance. Development located outside the Town of Zebulon's corporate limits shall comply with all Town policies related to annexation and the extension of utilities. I understand that all other applicable standards and regulations of the UDO will remain applicable to the subject lands unless specifically listed as conditions or deviations as part of this request. I understand that any false, inaccurate or incomplete information provided by me, or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy, or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Julia Maxine Hicks
Signature of Owner

JULIA MAXINE HICKS
Print Name

5-30-23
Date

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

Julia Maxine Hicks
Signature of Owner

JULIA MAXINE HICKS
Print Name

5-30-23
Date

*Owner of record as shown by the Wake County Revenue Department (www.wakegov.com). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.



NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at:

1620 N Arendell Ave, Zebulon, NC

1796922199

(Addresses)

(Pin Numbers)

in accordance with the Town of Zebulon Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map located on the Town of Zebulon website at https://www.townofzebulon.org/services/planning.

A Neighborhood Meeting is requested because this project will include:

- Conditional Rezoning
Planned Unit Development
Site Plan within the Downtown Core or Downtown Periphery Zoning Districts
Zoning Map Amendment (results in more intensive uses or increased density)
Special Use Permit (Quasi-Judicial Hearing)

*Quasi-Judicial Hearing: The Board of Commissioners cannot discuss the project prior to the public hearing.

The following is a description of the proposed (also see attached map(s) and/or plan sheet(s)):

Applicant proposes to a conditional rezoning from R-2 to HC to allow for the relocation of Zebulon Animal Hospital to this site. The new Veterinary Clinic will continue to operate similarly to its existing facility at 1403 N Arendell Ave in a new +/-5,000 sf building with +/-40 parking spaces.

Estimated Submittal Date: 6/1/2023

MEETING INFORMATION:

Property Owner(s) Name(s) Julia Hicks

Applicant(s) DVM Services Realty LLC c/o Brian Wood

Contact Information (e-mail/phone) brianwood@thevetspets.com - (252) 237-1375

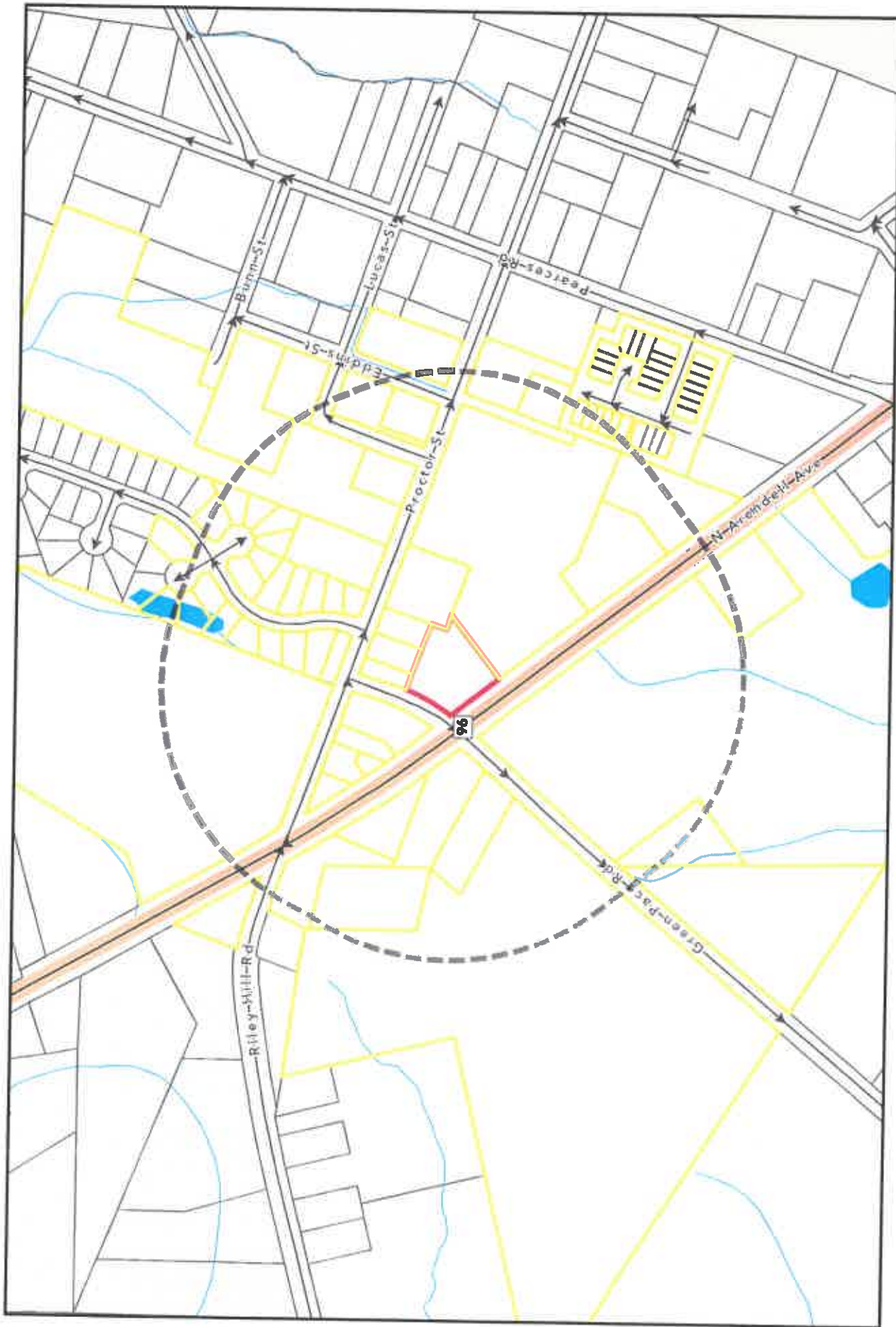
Meeting Address: Five County Spay and Neuter Clinic, 1403 N Arendell Ave, Zebulon, NC 27597

Date of Meeting: Thursday, May 18, 2023

Time of Meeting: 6:00-8:00 PM

Please note: This is a drop in meeting, with no formal start time. Come by any time during the two hour window.

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-823-1809. You may also find information about the Zebulon Planning Department and on-going planning efforts at https://www.townofzebulon.org/services/planning



750' of 1620 Arendell Ave



Disclaimer
 Maps make every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Zebulon Animal Hospital Neighborhood Meeting
Notice List

OWNER	ADDR1	ADDR2	SITE_ADDRESS
VILLA, SALVADOR LOPEZ	208 PROCTOR ST	ZEBULON NC 27597-8716	208 PROCTOR ST
SMITH, APRIL E	2013 WILD IRIS DR	ZEBULON NC 27597-8948	2013 WILD IRIS DR
MACHACEK, JOHN D MACHACEK, ELLEN G	209 NOSTALGIA LN	ZEBULON NC 27597-8873	209 NOSTALGIA LN
TRIPP, KATHLEEN K	221 PROCTOR ST	ZEBULON NC 27597-8717	221 PROCTOR ST
PROGRESS RESIDENTIAL 2015-2 BORROWER LLC	PO BOX 4680	SCOTTSDALE AZ 85261-4080	3004 WILD IRIS DR
QUAD TRI LLC OLIVE, MARTHA L	809 THATCHER WAY	RALEIGH NC 27815-1233	1709 N ARENDELL AVE
QUAD TRI LLC OLIVE, MARTHA L	809 THATCHER WAY	RALEIGH NC 27815-1233	1716 N ARENDELL AVE
QUAD TRI LLC OLIVE, MARTHA L	809 THATCHER WAY	RALEIGH NC 27815-1233	1712 N ARENDELL AVE
BRYANT, DICKEY & JAMES CARROLL	1728 N ARENDELL AVE	ZEBULON NC 27597-8741	0 N ARENDELL AVE
WAKEFIELD BAPTIST CHURCH TRUSTEES	308 PROCTOR ST	ZEBULON NC 27597-8718	313 PROCTOR ST
CREECH, HEDY JORDAN, YVONNE MARTIN	217 NOSTALGIA LN	ZEBULON NC 27597-8873	217 NOSTALGIA LN
JONES, ANGELA T	1002 WATSONIA DR	ZEBULON NC 27597-8927	1002 WATSONIA DR
CREECH, GRADY RAY CREECH, LINDA S	301 FOSTER ST	ZEBULON NC 27597-8072	405 BLUNN ST
BOYKIN, JOSEPH VERNON	15354 NC HIGHWAY 96 N	ZEBULON NC 27597-7071	50 GREEN PACE RD
BOYETTE, ROBERT A BOYETTE, WANDA C	507 EDDINS ST	ZEBULON NC 27597-8829	507 EDDINS ST
KEARNEY, RODERICK E	3009 WILD IRIS DR	ZEBULON NC 27597-8948	3009 WILD IRIS DR
GILLIAM, FERDY STEVENSON GILLIAM, JENNIE S	1003 WATSONIA DR	ZEBULON NC 27597-8928	1003 WATSONIA DR
HANDFORD, ASHLEY A HANDFORD, BRENDAN S	1005 WATSONIA DR	ZEBULON NC 27597-8928	1005 WATSONIA DR
BROWN, EULESS III	1007 WATSONIA DR	ZEBULON NC 27597-8928	1007 WATSONIA DR
ZEBULON TOWN OF	1003 N ARENDELL AVE	ZEBULON NC 27597-2309	75 GREEN PACE RD
MORI, MARLEN	219 NOSTALGIA LN	ZEBULON NC 27597-8873	219 NOSTALGIA LN
WILEY, RODERICK JR WILEY, KIMBERLY	2015 WILD IRIS DR	ZEBULON NC 27597-8946	2015 WILD IRIS DR
LANGSTON, GLORIA ANN	214 PROCTOR ST	ZEBULON NC 27597-8716	214 PROCTOR ST
STATE HIGHWAY & PUBLIC WORKS COMM	UNKNOWN	ZEBULON NC 27597	0 N ARENDELL AVE
HICKS, JULIA M	PO BOX 576	ZEBULON NC 27597-0576	1620 N ARENDELL AVE
SHERRON, WAITE R SHERRON, ILENE H	1116 GRADY RAY RD	WENDELL NC 27591-9046	113 PROCTOR ST
REID, ALVIN L REID, DORIS	3002 WILD IRIS DR	ZEBULON NC 27597-8947	3002 WILD IRIS DR
SULLIVAN, TIMOTHY ALLEN SULLIVAN, EMILY DEANNA	1008 WATSONIA DR	ZEBULON NC 27597-8927	1008 WATSONIA DR
TRI ARC FOOD SYSTEMS INC	4905 WATERS EDGE DR	RALEIGH NC 27606-2405	1513 N ARENDELL AVE
RAMOS, ALEXIS A. RAMOS, RAECHEL	3005 WILD IRIS DR	ZEBULON NC 27597-8948	3005 WILD IRIS DR

Zebulon Animal Hospital Neighborhood Meeting
Notice List

YELLOW DOG INVESTMENTS LLC	2601 STONEWALK CT	ZEBULON NC 27597-5001	103 GREEN PACE RD
DUNSTON, MAJRICE	215 NOSTALGIA LN	ZEBULON NC 27597-6873	215 NOSTALGIA LN
GAY, CRYSTAL M	1008 WATSONIA DR	ZEBULON NC 27597-8928	1008 WATSONIA DR
OSORO, PHILOMEVA OSORO, DAUDI	1008 WATSONIA DR	ZEBULON NC 27597-8927	1008 WATSONIA DR
LYNCH, ROBIN PAULET	3007 WILD IRIS DR	ZEBULON NC 27597-8948	3007 WILD IRIS DR
WAKEFIELD CENTRAL BAPTIST CHURCH	308 PROCTOR ST	ZEBULON NC 27597-8718	308 PROCTOR ST
NGUYEN, GIANG MINH WILDER, NUOI THI	2011 WILD IRIS DR	ZEBULON NC 27597-8946	2011 WILD IRIS DR
PEARCE, CONNIE M	400 PROCTOR ST	ZEBULON NC 27597-8720	300 EDDINS ST
PEARCE, CONNIE M	400 PROCTOR ST	ZEBULON NC 27597-8720	400 PROCTOR ST
BRANNAN, ANDY CURTIS	2433 NC HWY 39	ZEBULON NC 27597	0 RILEY HILL RD
BRANNAN, ANDY CURTIS	2433 NC HWY 39	ZEBULON NC 27597	1729 N ARENDELL AVE
TWP PCP ZEB RETAIL LLC	445 BISHOP ST NW	ATLANTA GA 30318-4903	1500 N ARENDELL AVE
BOYETTE, KYLE C	507 EDDINS ST	ZEBULON NC 27597-8829	409 LUCAS ST
BLACKWELL, EMILY	213 NOSTALGIA LN	ZEBULON NC 27597-8873	213 NOSTALGIA LN
PROGRESS RESIDENTIAL BORROWER 2 LLC	PO BOX 4090	SCOTTSDALE AZ 85261-4090	1011 WATSONIA DR
PROGRESS RESIDENTIAL BORROWER 6 LLC	PO BOX 4090	SCOTTSDALE AZ 85261-4090	1004 WATSONIA DR
JOSTAN INVESTMENTS GROUP LLC	8009 CREEDMOOR RD STE 203	RALEIGH NC 27613-4394	80 GREEN PACE RD
VINES, TIFFANY	3006 WILD IRIS DR	ZEBULON NC 27597-8847	3006 WILD IRIS DR
PROGRESS RESIDENTIAL 2015-2 BORROWER, LLC	PO BOX 4090	SCOTTSDALE AZ 85261-4090	2008 WILD IRIS DR
GENTEL, JILLIAN HUNTER EDDIN GENTEL, RYAN C	1212 WAKEFIELD FARM RD	ZEBULON NC 27597-7355	3008 WILD IRIS DR
MORENO, MARTIN MENDOZA	204 PROCTOR ST	ZEBULON NC 27597-8716	204 PROCTOR ST
HAMMOND, JEANETTE W HAMMOND, THOMAS	403 PROCTOR ST	ZEBULON NC 27597-8721	403 PROCTOR ST
TESSINEAR, JESSICA W	2217 POINTERS GLEN WAY	WENDELL NC 27591-9163	1704 N ARENDELL AVE
BERUBE, JAMI G HASBROUCK, IAN	200 PROCTOR ST	ZEBULON NC 27597-8716	200 PROCTOR ST
FERNANDEZ, NARCISO JESUS	483 NC 96 HWY E	YOUNGVILLE NC 27596-8868	1701 N ARENDELL AVE
KUHN, GERALD G KUHN, YARITZA	211 NOSTALGIA LN	ZEBULON NC 27597-6873	211 NOSTALGIA LN
TRUIST BANK	PO BOX 167	WINSTON SALEM NC 27102-0167	48 GREEN PACE RD
GRAND LODGE OF NORTH CAROLINA AF & AM	2921 GLENWOOD AVE	RALEIGH NC 27608-1009	302 FOSTER ST
WOOD, BRIAN K	309 PROCTOR ST	ZEBULON NC 27597-8719	308 PROCTOR ST
QUAD TRI LLC OLIVE, MARTHA L	809 THATCHER WAY	RALEIGH NC 27615-1233	0 N ARENDELL AVE
WILDOR RESTAURANT GROUP LLC	800 SALEM WOODS DR STE 104	RALEIGH NC 27615-3344	1512 N ARENDELL AVE



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Project Name: Zebulon Animal Hospital

Meeting Address: 1403 N Arendell Ave, Zebulon, NC

Date of Meeting: Thursday, May 18, 2023 Time of Meeting: 6:00-8:00 PM

Property Owner(s) Names: DVM Services Realty LLC/

Applicants: DVM Services Realty LLC

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/ Concern #1 Lot seems small to accommodate 41 parking spaces.

Applicant Response: Forty-one spaces was indicated on the notice, but number of spaces has been reduced, as shown on the plan.

Question/ Concern #2 Do the Commissioners know about this plan?

Applicant Response: The applicant is required to hold a neighborhood meeting prior to submitting an application.

Question/ Concern #3

Applicant Response:

Question/ Concern #4

Applicant Response:



AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Elizabeth Wilcox, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit.

2. The meeting invitations were mailed to the Zebulon Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 1403 N Arendell Ave (location/address) on 5/18/2023 (date) from 6:00pm (start time) to 9:00pm (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

5/24/2023 Date By: [Signature]

STATE OF North Carolina
COUNTY OF Durham

Sworn and subscribed before me, Lynn Fontana, a Notary Public for the above State and County, on this the 24th day of May, 2023.

SEAL Lynn Fontana



Notary Public

Lynn Fontana

Print Name

My Commission Expires:

12-13-2025



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

NEIGHBORHOOD MEETING SIGN-IN SHEET:

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Project Name: Zebulon Animal Hospital
 Meeting Address: 1403 N Arendell Ave, Zebulon, NC
 Date of Meeting: Thursday, May 18, 2023 Time of Meeting: 6:00 - 8:00 PM
 Property Owner(s) Name: Julia M Hicks
 Applicant: DVM Services, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	Name/ Organization	Address	Phone#	E-mail
1	<i>Seaworth Thomas</i>	<i>413 N. State St.</i>	<i>919-571-8157</i>	<i>stomas@seaworth.com</i>
2	<i>Dillon Pearce</i>	<i>434 Regan Rd</i>	<i>919-810-2662</i>	<i>dpearce@seaworth.com</i>
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Attach Additional Sheets If Necessary.

Please let us know if you would like updates on additional neighborhood meetings, if any, or submission to the Town.

Indicate if you would like plans emailed to you.

Handouts

May 18, 2023

Thank you for coming to the Zebulon Animal Hospital Conditional Zoning Neighborhood Meeting. The Town of Zebulon requires that we send notice to neighbors living within 750 feet of the property.

Please feel free to spend as much or as little time at each station. You may ask questions to any of our team members or submit comment cards.

You can request email versions of the of the attached documents or a notice of the upcoming meetings at the check-in desk.

You can also find information about the project on the Town's website.

<https://www.townofzebulon.org/departments/planning/interactive-development-map>

We appreciate your time!



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:		
Project Name: Zebulon Animal Hospital		Zoning: R-2 (Existing) HC (Proposed)
Location: 1620 N Arendell Ave, Zebulon, NC		
Property PIN(s): 1796922199		Acreage/Square Feet: 1.10
Property Owner: Julia M Hicks		
Address: PO Box 576		
City: Zebulon	State: NC	Zip: 27597-0576
Phone:	Email:	
Applicant: DVM Services Realty LLC/ Brian Wood		
Address: 325 Nash Street E		
City: Wilson	State: NC	Zip: 27893
Phone: (252) 237-1375	Fax:	Email: brianwood@thevetspets.com
Owner's Representative/Landscape Architect: Site Collaborative /Graham Smith		
Address: 821 Wake Forest Road		
City: Raleigh	State: NC	Zip:
Phone: 919.805.3586	Fax:	Email: graham@sitecollaborative.com
Builder (if known): NA		
Address:		
City:	State:	Zip:
Phone:	Fax:	Email:



INFORMATION PACKET FOR NEIGHBORHOOD MEETINGS

PROVIDING INPUT TO THE PLANNING BOARD OR BOARD OF COMMISSIONERS:

Each Board of Commissioners meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Board of Commissioners meets on the 1st Monday of each month at 7:00 p.m. and Joint Public Hearings are scheduled for the 2nd Monday of every Month. (except for holidays, see schedule of meetings at <https://www.townofzebulon.org/agendas-minutes>. You may also contact Board of Commissioners at <https://www.townofzebulon.org/government/board-commissioners>.

PRIVATE AGREEMENTS AND EASEMENT NEGOTIATION:

The Town of Zebulon cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

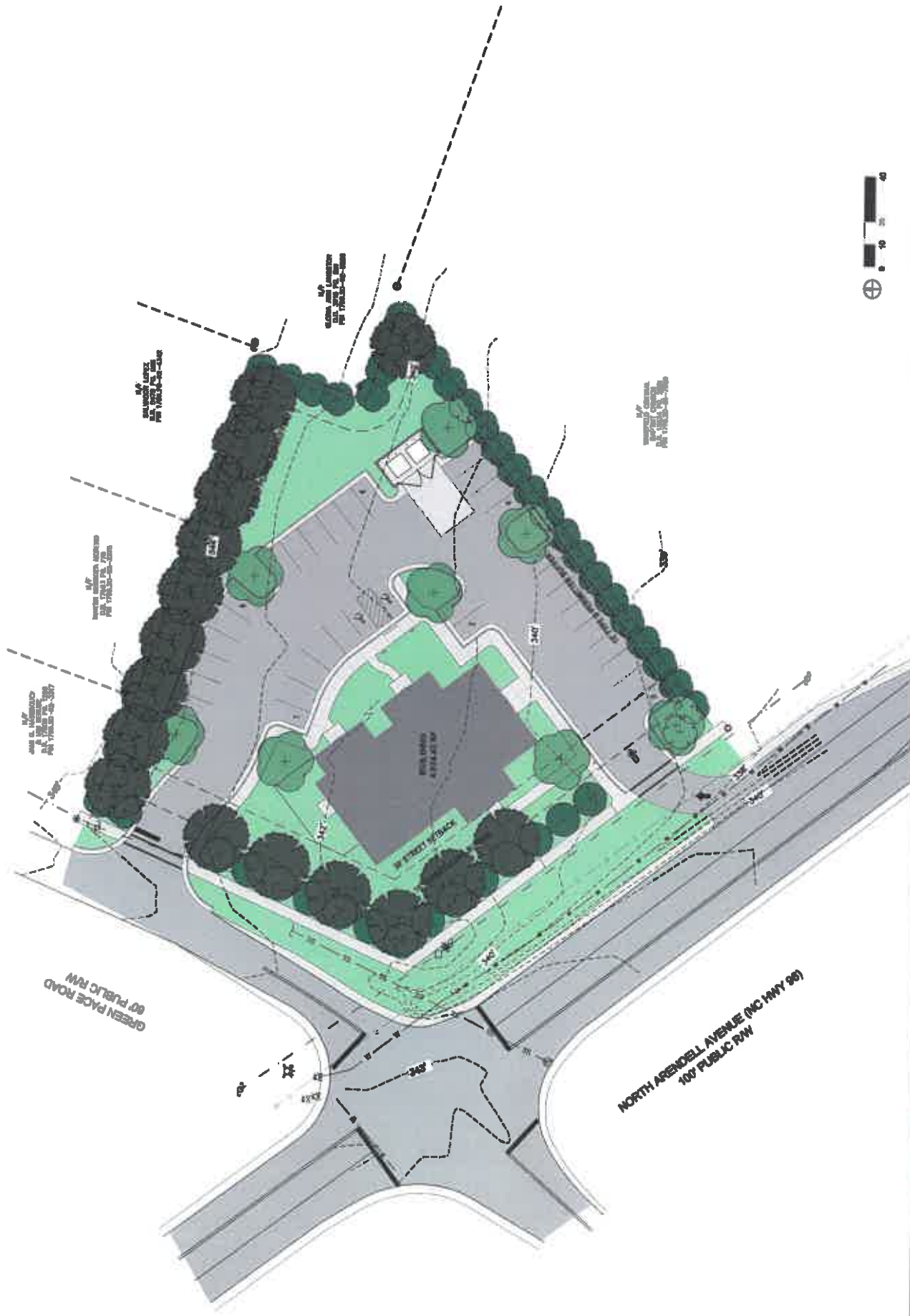
It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Zebulon can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Joint Public Hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the public hearing if the agreement is included in the conditions. If it is not, you may request that the Board of Commissioners not approve the rezoning without the agreement being included in the conditions (note that it is up to Board of Commissioners whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Town of Zebulon Interactive Development Map which can be found at: <https://www.townofzebulon.org/services/planning/whats-coming-zebulon>

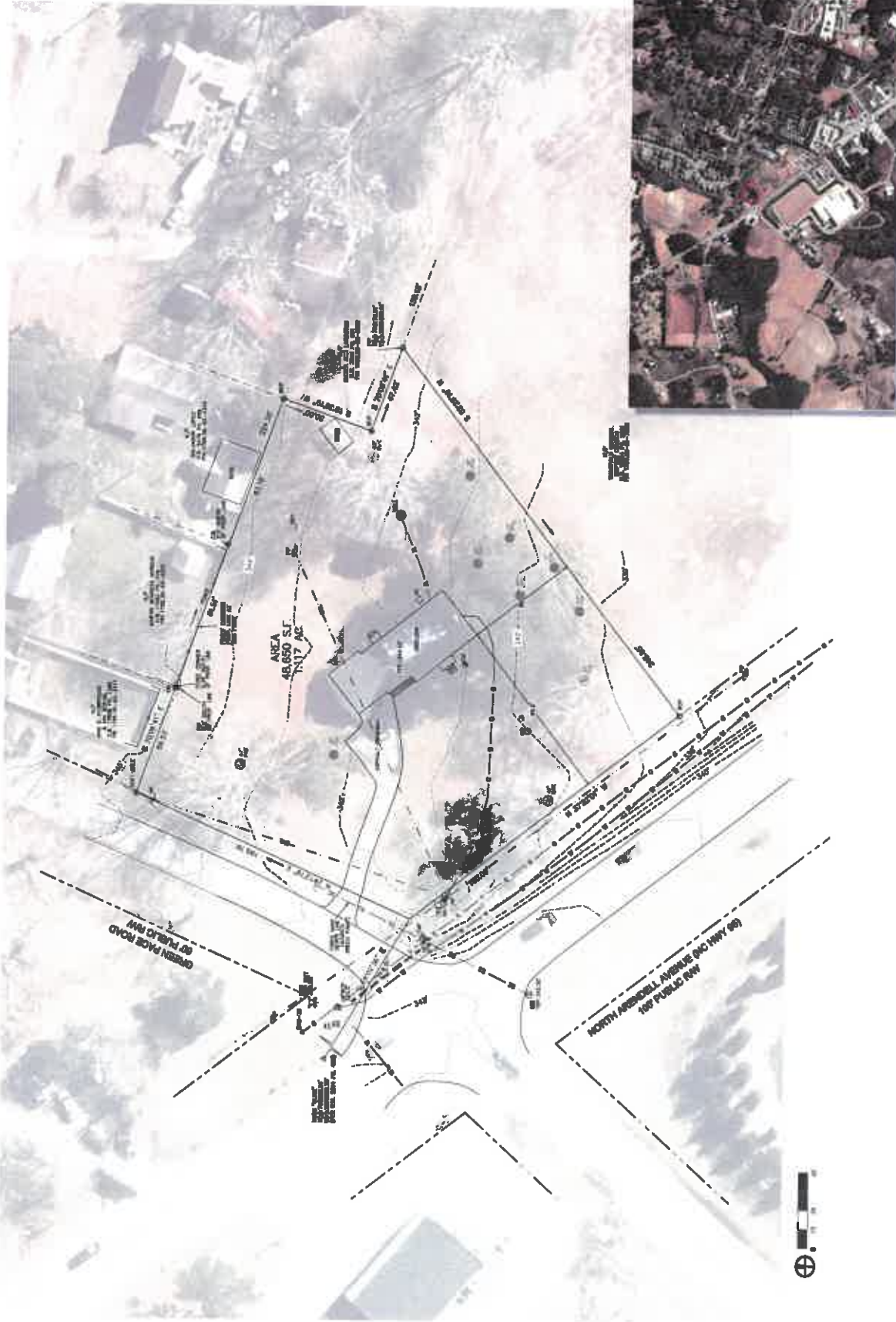
DOCUMENTATION:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.



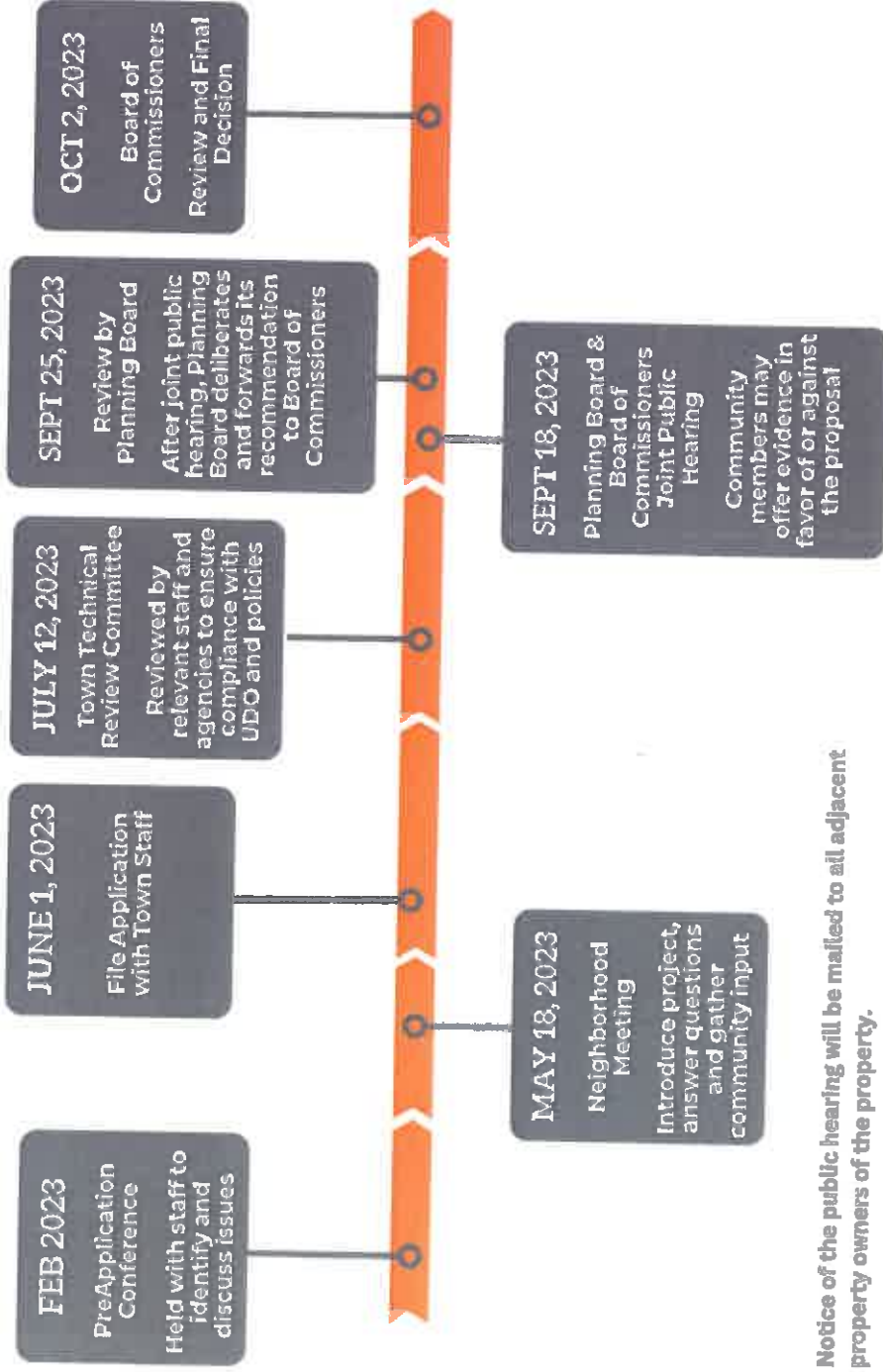
Zebulon Animal Hospital Site Plan

Presentation

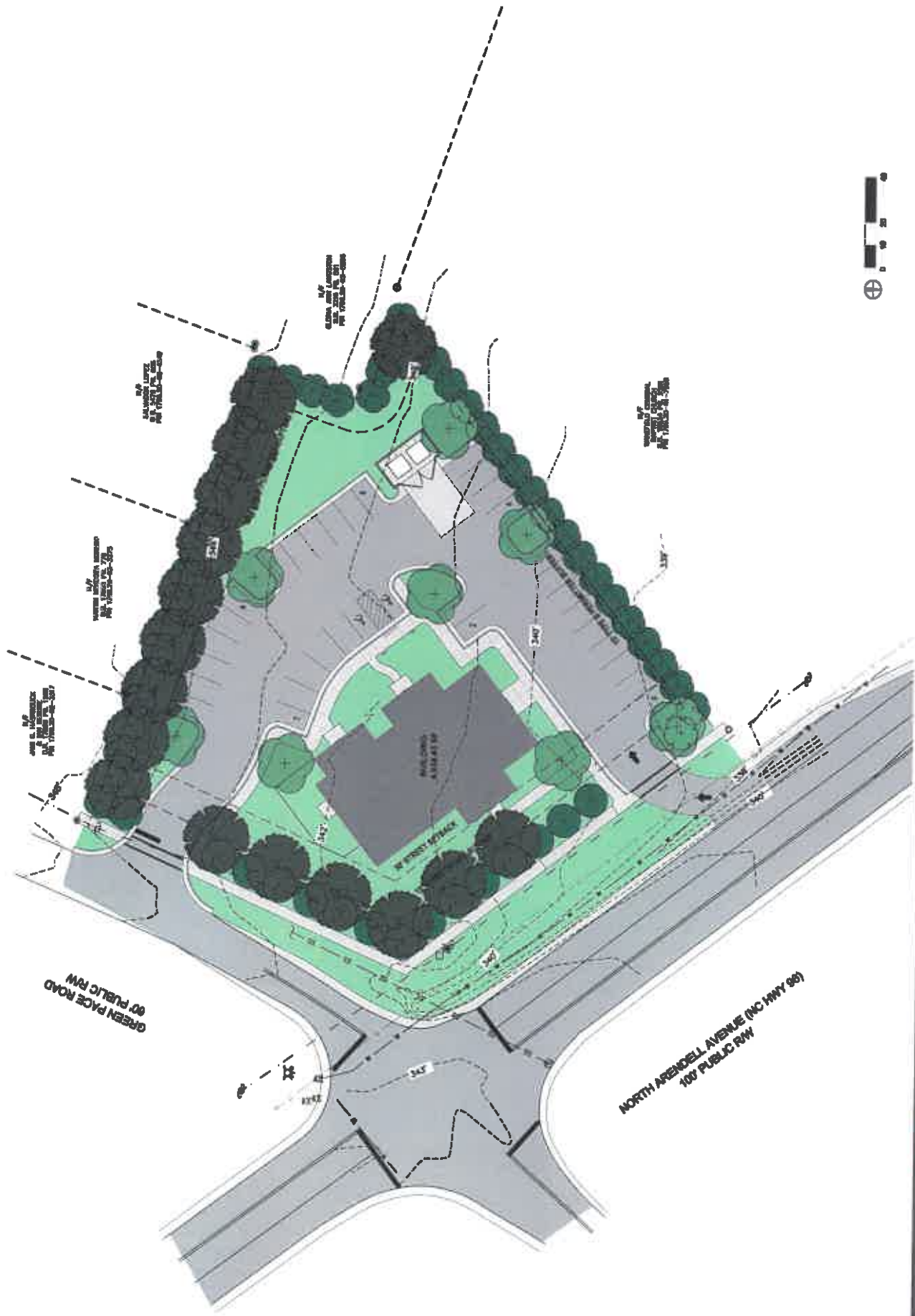


Zebulon Animal Hospital Existing Conditions

ZEBULON ANIMAL HOSPITAL CONDITIONAL REZONING ANTICIPATED TIMELINE



Notice of the public hearing will be mailed to all adjacent property owners of the property.



Zebulon Animal Hospital Site Plan

Zebulon Animal Hospital

Conditional Zoning

Proposed Conditions:

1. Use of the property shall be limited to Veterinary Clinic. Such use will comply with section 4.3.5.RR of the Town Zebulon Unified Development Ordinance, except that outdoor exercise area may be located closer than 200 feet from a lot in a residential zone, provided that it is enclosed by a six-foot tall opaque fence as shown on sheet L400 Planting Plan of the Zebulon Animal Hospital Conditional Zoning Plan Dated June 1, 2023.
2. In order to accommodate the shallow lot width, the 40-wide buffers required along the residentially zoned properties have been reduced; however, in these locations a six-foot tall opaque fence and enhanced landscaping will be provided as shown on Sheet L400 Planting Plan Zebulon Animal Hospital Conditional Zoning Plan Dated June 1, 2023. Except as noted in Condition Three (3).



N. ARUNDELL AVE ELEVATION



GREEN PACE ROAD ELEVATION



SITE COLLABORATIVE
 analysis • engagement • planning • design
 www.sitecollaborative.com

Zebulon Animal Hospital Architectural Elevations





NORTHEAST ELEVATION



SOUTHEAST ELEVATION

Zebulon Animal Hospital

Property Owners with 750 feet of 1620 N Arendell Ave

STREET ADDRESS	PI/PIN	OWNER
208 PROCTOR ST	179894948	VILLA, SALVADOR LOPEZ
2019 WILD IRIS DR	179894987	SMITH, APRIL E
208 NOSTALGIA LN	270801098	MACHOIK, JOHN D MACHOIK, ELLEN G
221 PROCTOR ST	179892669	THIFF, KATHLEEN K
2014 WILD IRIS DR	179892674	PROGRESS RESIDENTIAL 2016-2 BORROWER LLO
1709 N ARENDELL AVE	179892688	QUAD TRI LLO OLIVE, MARTHA L
1718 N ARENDELL AVE	179892689	QUAD TRI LLO OLIVE, MARTHA L
1718 N ARENDELL AVE	179892042	QUAD TRI LLO OLIVE, MARTHA L
0 N ARENDELL AVE	179892623	BRYANT, DICKIEY
215 PROCTOR ST	270802982	WAKEFIELD BAPTIST CHURCH TRUSTEES
217 NOSTALGIA LN	270801170	CREECH, HEDY JORDAN, YVONNE MARTIN
1002 WATSONIA DR	179892544	JONES, ANGELA T
402 BURN ST	270802181	CREECH, BRADY RAY CREECH, LINDA B
50 GREEN PACE RD	179892708	BOYKIN, JOSEPH VERNON
507 BURNS ST	270802186	BOYETTE, ROBERT A BOYETTE, WANDA C
909 WILD IRIS DR	179892797	KBARNEY, ROBERT E
1008 WATSONIA DR	179892566	GILLIAM, PERDY STEVENSON GILLIAM, JENNIE S
1008 WATSONIA DR	179892689	HANFORD, ASHLEY A HANFORD, BRENDAN S
1027 WATSONIA DR	179892978	BROWN, EULISS III
78 GREEN PACE RD	179891744	ZEBULON TOWN DP
219 NOSTALGIA LN	270801171	MOE, MARLEN
2018 WILD IRIS DR	179892807	WILEY, RODRICK JR WILEY, KIMBERLY
214 PROCTOR ST	179892396	LAWSITON, GLORIA ANN
0 N ARENDELL AVE	179892645	STATE HIGHWAY & PUBLIC WORKS COMM
1822 N ARENDELL AVE	179892188	HICKS, JULIA M
118 PROCTOR ST	179892120	SHERFON, WYATTE R SHERFON, LINDA H
3003 WILD IRIS DR	179892800	REID, ALVIN L REID, DORIS
1008 WATSONIA DR	179892572	SULLIVAN, TIMOTHY ALLEN SULLIVAN, EMILY DEANNA
1218 N ARENDELL AVE	179891527	TRF AND FOOD SYSTEMS INC
3008 WILD IRIS DR	179892797	RAMOS, ALBINO A RAMOS, RAEBEL
108 GREEN PACE RD	179891822	YELLOW DOG INVESTMENTS LLO
216 NOSTALGIA LN	270801074	DUNSTON, MAURICE
1008 WATSONIA DR	179892491	GAY, CRYSTAL M
1008 WATSONIA DR	179892566	ORORO, PHILOMENA ORORO, DAVID
3007 WILD IRIS DR	179892894	LYNDY, ROBIN KALIN
208 PROCTOR ST	179891799	WAKEFIELD CENTRAL BAPTIST CHURCH
2011 WILD IRIS DR	179892892	NGUYEN, GIANG MINH WILSON, NGUYEN THI
300 EDDINS ST	270801190	PEARCE, CONNIE M
400 PROCTOR ST	270802843	PEARCE, CONNIE M
0 RILEY HILL RD	179892815	BRANNAN, ANDY CURTIS
1729 N ARENDELL AVE	179892629	BRANNAN, ANDY CURTIS
1800 N ARENDELL AVE	179891852	THE POP 255 RETAIL LLO
409 LUDWIG ST	270802186	BOYETTE, KYLE C
218 NOSTALGIA LN	270801078	BLACKWELL, EMILY
1011 WATSONIA DR	179892487	PROGRESS RESIDENTIAL BORROWER 2 LLO
1004 WATSONIA DR	179892280	PROGRESS RESIDENTIAL BORROWER 9 LLO
80 GREEN PACE RD	179891177	JUSTAN INVESTMENTS GROUP LLO
3006 WILD IRIS DR	179892679	VINCE, TIFFANY
3008 WILD IRIS DR	179892708	PROGRESS RESIDENTIAL 2016-2 BORROWER, LLC
3008 WILD IRIS DR	179892770	GIBTEL, JILLIAN HUNTER EDDIN GIBTEL, RYAN G
204 PROCTOR ST	179892378	MORENO, MARTIN MENDOZA
403 PROCTOR ST	270802801	HAMMOND, JEMARITTE W HAMMOND, THOMAS
1704 N ARENDELL AVE	179892438	TESSNER, JESSICA W
200 PROCTOR ST	179892917	BERNIE, JAMI S FISHERDICK, IAN
1701 N ARENDELL AVE	179892891	FERNANDEZ, NARCISO JESUS
211 NOSTALGIA LN	270801087	KUHN, GERALD S KUHN, WYRTZA
48 GREEN PACE RD	179892688	TRUST BANK
302 POSTER ST	270802147	GRAND LODGE OF NORTH CAROLINA AF & AM
302 PROCTOR ST	179892878	WOOD, BRIAN K
0 N ARENDELL AVE	179892187	QUAD TRI LLO OLIVE, MARTHA L
1818 N ARENDELL AVE	179891667	WILDOR RESTAURANT GROUP LLO
Home Owners Associations		
201 PEARCE RD	270801208	WAKEFON TOWNHOME HOMEOWNERS ASSN INC
1000 WATSONIA DR	179892427	TARVIN MEADOWS HOMEOWNERS ASSOCIATION, INC.
1001 WATSONIA DR	179892853	TARVIN MEADOWS HOMEOWNERS ASSOCIATION, INC.

Source: Wake County Impact



Professional Seal
 State of North Carolina
 Surveyor License No. 10000
 C. V. R. L. S. E. M. E.

ZEBULON ANIMAL HOSPITAL
 DVM SERVICES REALTY, LLC
 1620 N. ARENDELL AVE., ZEBULON, NC

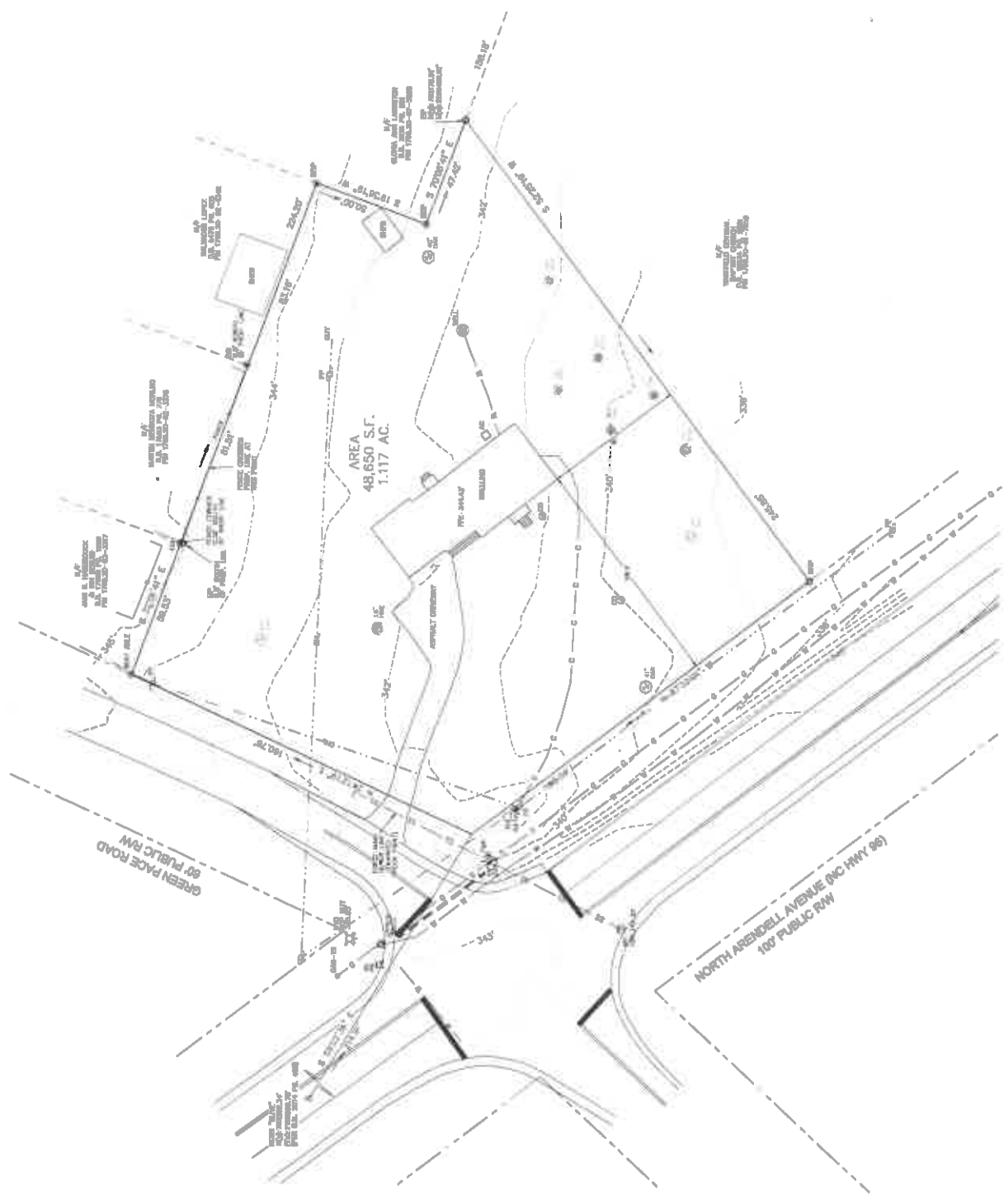
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CONDITIONAL
 PLAT
 04/11/2023
 REVISED 04/01/2023
 REVISED 07/24/2023

EXISTING
 CONDITIONS

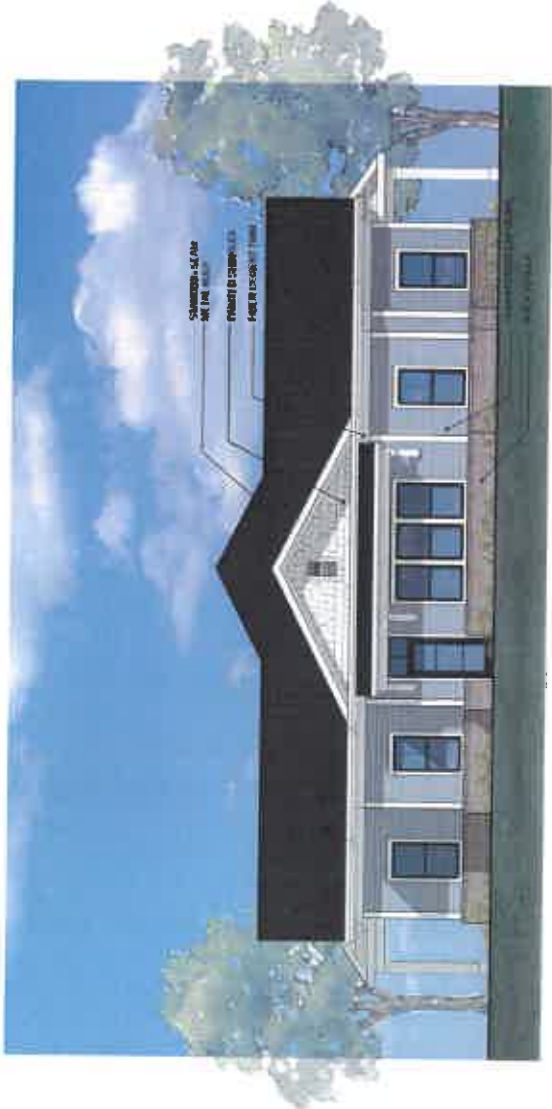
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BASE MAP INFORMATION DATED MARCH 22, 2022
 DATA FROM UNCORRECTED AIRSAT PHOTOGRAPHY
 PROVIDED BY THE NORTH CAROLINA DEPARTMENT OF
 TRANSPORTATION, DIVISION OF LAND MANAGEMENT





N. ARENDELL AVE ELEVATION



GREEN PACE ROAD ELEVATION



NORTHEAST ELEVATION

ZEBULON ANIMAL HOSPITAL CONCEPT DESIGN
 ZEBULON, NC

NORTHEAST ELEVATION A1.3
 AUGUST 01, 2023



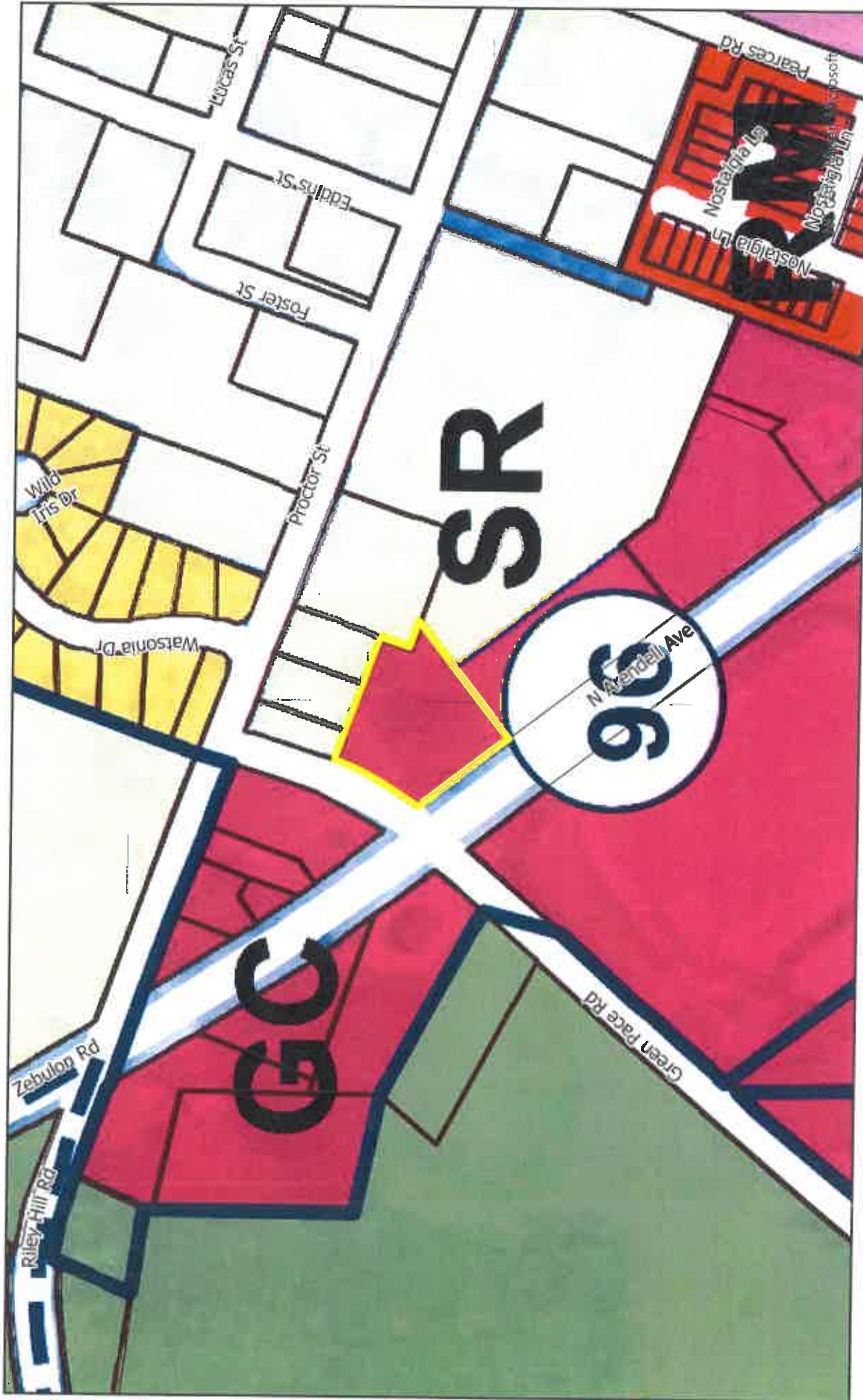
SOUTHEAST ELEVATION

ZEBULON ANIMAL HOSPITAL CONCEPT DESIGN
 ZEBULON, NC



SOUTHEAST ELEVATION A1.4
 AUGUST 01, 2023

Future Land Use Map



ZEBULON
NORTH CAROLINA

Subject Property (1620 N Arendell Ave)

Parcels



- Suburban Residential (SR)
- General Residential (GR)
- Residential Mix (RM)
- General Commercial (GC)
- Suburban Commercial (SC)

Aerial Map



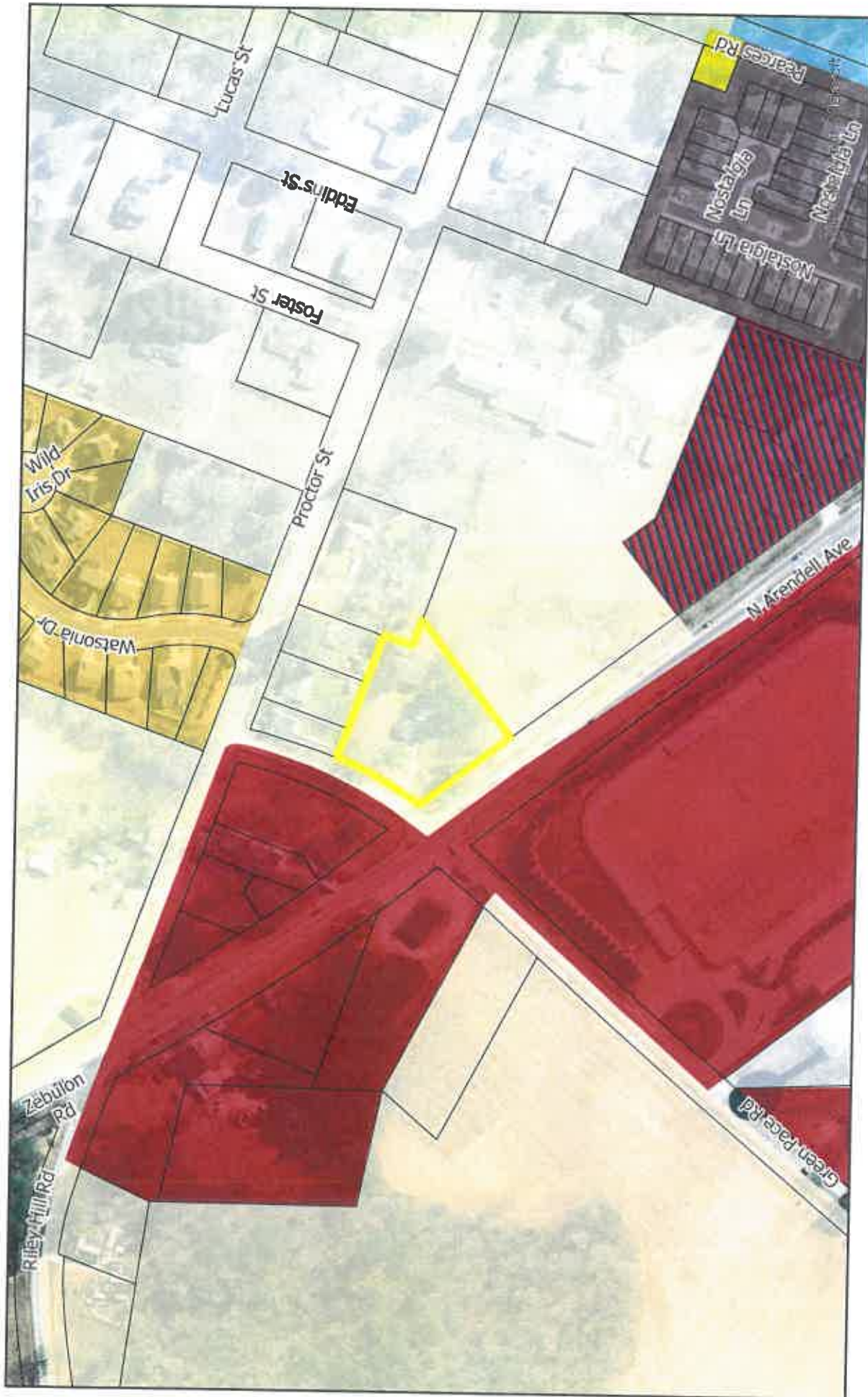
Parcels
Subject Property (1620 N Arendell Ave)



ZEBULON
NORTH CAROLINA



Zoning Map



ZEBULON
NORTH CAROLINA

Subject Property (1620 N Arendell Ave)
 Parcels
 Streets



Zoning Districts
 R1, Residential Watershed
 R2, Residential Suburban

R4, Residential Neighborhood
 RMF, Residential Multi-Family
 R-13 SUD, Residential 13 - Special Use Districts
 HC, Heavy Commercial
 LI, Light Industrial
 OI, Office and Institutional
 CZ, Conditional Zoning





View of the site from the corner of Green Pace Rd and N Arendell Ave looking down Green Pace Rd



View of the site from the corner of Green Pace Rd and N Arendell Ave looking down Arendell Ave



View down the northern property line



View of the property from the corner of Green Pace Rd and Arendell Ave.

Expiration of Allocation Award

A developer/applicant who has secured allocation according to this policy and hasn't progressed in construction plan approval, building permit approval, or on-site construction for a period of 12 months will lose the award of allocation without benefit.

Annual Review of Policy & Appeals

This policy shall be reviewed in January of each year and, when appropriate, readjusted by the Town's Board of Commissioners. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

Appeals of any provision of this ordinance shall be decided upon by the Town's Board of Commissioners upon receiving a recommendation from the Planning Board.

BASE POINTS: List of Preferred Land Uses and Required Characteristics:

The uses listed below have been determined to be the most desirable and important uses for the Town of Zebulon to promote and maintain economic and housing diversity. Only projects that completely meet the stated performance characteristics will be considered for utility allocation. Please select one of the following Base Point classifications.

60 Base Points	Single Family Homes (Expedited Subdivision or Recombination) Newly constructed Single Family Homes built upon new lots created via the minor subdivision, exempt subdivision, expedited subdivision (3 or fewer lots) or recombination process.
60 Base Points	Change of Use This category captures renovation, rehabilitation, up-fit or retrofit of existing buildings or portions of buildings that pre-date this policy and require a code summary sheet, change in building occupancy, certificate of occupancy, building permit and/or building inspections and do not increase the utility demand from the previous use of the building.
45 Base Points	Business Office/Finance/ Insurance / Professional Services Center - Large Qualifying projects must exceed 100,000 square feet of heated floor space and create at least 150 employment positions that exceed the average annual Wake County salary according to Wake County Economic Development or the Employment Security Commission. Employees perform professional, scientific, and technical services for others. Such services require a high degree of expertise and training and provide high salaried employment opportunities. Examples include software engineering, legal, medical, accounting, consulting, architectural, biomedical, chemical, research and development, and administrative services. Finance or Insurance Centers shall also pool financial risks by underwriting insurance and annuities. Some establishments support employee benefit programs. Examples include bank or credit union headquarters, brokerages, investments, insurance, financing, and data processing establishments.
45 Base Points	Manufacturing/Industrial Employment Center Manufacturing or Industrial establishments in this category exceed 200,000 square feet of floor space located in plants, factories, or mills and employ power-

	<p>driven machines and materials-handling equipment. They may also employ workers who assemble or create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management) in conjunction on-site.</p>
45 Base Points	<p>Governmental Uses/Public Administration This category encompasses centers for all government functions; it includes federal, state, and local government agencies that administer, oversee, and manage public programs and budgets and have executive, legislative, or judicial authority. Establishments develop policy, create laws, adjudicate civil and criminal legal cases, and provide for public safety and national defense.</p>
40 Base Points	<p>Single Use Retail Newly constructed single use, stand-alone building used primarily for retail, restaurant, or similar commercial use.</p>
40 Base Points	<p>Hotels, Motels, or other Accommodation Service Establishments This category serves lodging and short-term accommodations for travelers. They may offer a wide range of services, from overnight sleeping space to full-service hotel suites. They may offer these services in conjunction with other activities, such as entertainment or recreation. Stays in these establishments are generally less than one month. This classification does not include boarding or rooming houses.</p>
40 Base Points	<p>Arts/Entertainment/Museums These establishments operate facilities or provide services for a variety of cultural, entertainment, and performing art functions. Establishments include those that produce, promote, or participate in live performances, events, or exhibits intended for public viewing; those that preserve and exhibit objects and sites of historical, cultural, or educational interest; and those that operate facilities or provide services to serve activities associated with the aforementioned.</p>
40 Base Points	<p>Amusement, Sports or Recreational Establishment Establishments in this category operate either indoor or outdoor facilities offering family activities (i.e. sports, recreation, or amusement) and provide services, such as facilitating amusement in places operated by others, operating recreational sports groups and leagues. Examples include golf courses, indoor sports venues, bowling alleys, miniature golf courses, athletic clubs, skating rinks and arcades. This category may be used in conjunction with a commercial or residential development as a mixed use development.</p>
40 Base Points	<p>Mixed Use Development (Transit Oriented) Newly constructed or substantially rehabilitated collection of vertically mixed retail, office and residential uses in multi-story buildings centered within a one-half mile radius of an existing rail or bus transit station or the intersection of</p>

	<p>Horton Street and North Arendell Avenue in Downtown Zebulon. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.</p>
40 Base Points	<p>Mixed Use Development (Urban Infill) Newly constructed or substantially rehabilitated collection of mixed retail, office and residential uses in a multi-story building on a previously developed parcel within the corporate limits. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.</p>
40 Base Points	<p>Mixed Use Development (Greenfield) Newly constructed collection of mixed retail, office and residential uses in a multi-story building or buildings on a previously undeveloped parcel. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.</p>
35 Base Points	<p>Housing Services for the Elderly Establishments This category offers housing services for the aged, not requiring a license from the North Carolina Department of Health and Human Services, such as independent retirement housing, multi-unit assisted housing with services (MAHS), and continuing care retirement centers. All facilities must provide, but not necessarily be limited to, the following services/facilities: On-site laundry facilities, on site management, guaranteed transportation services at least four days per week, on-site exercise facilities, on-site computer access, and a clubhouse/common lounge area for all residents.</p>
35 Base Points	<p>Mixture of Use Development (Retail/Office-Institutional/Commercial) Newly constructed collection of horizontally arranged uses including retail, office-institutional and commercial within a master planned project on a previously undeveloped parcel or parcels totaling at least 10 acres. Mixture of use projects must include at least two (2) use types with at least 25% of the space devoted to each use type included in the development.</p>
30 Base Points	<p>Retail/Commercial Center Newly constructed center of at least 50,000 square feet, typically containing an anchor such as a grocery store and other smaller spaces and/or outparcels for subordinate uses. Uses are entirely consumer-driven and include all manner of retail, service and office possibilities.</p>
30 Base Points	<p>Business Office/Finance/ Insurance / Professional Services Center – Medium Qualifying projects must exceed 50,000 square feet of heated floor space and create at least 75 employment positions that exceed the average annual Wake County salary according to Wake County Economic Development or the</p>

	<p>Employment Security Commission. Employees perform professional, scientific, and technical services for others. Such services require a high degree of expertise and training and provide high salaried employment opportunities. Examples include software engineering, legal, medical, accounting, consulting, architectural, biomedical, chemical, research and development, and administrative services. Finance or Insurance Centers shall also pool financial risks by underwriting insurance and annuities. Some establishments support employee benefit programs. Examples include bank or credit union headquarters, brokerages, investments, insurance, financing, and data processing establishments.</p>
30 Base Points	<p>Business Office/Finance/ Insurance / Professional Services Center – Small Qualifying projects 50,000 square feet of heated floor space or less. Employees perform professional, scientific, and technical services for others. Such services require a high degree of expertise and training and provide high salaried employment opportunities. Examples include software engineering, legal, medical, accounting, consulting, architectural, biomedical, chemical, research and development, and administrative services. Finance or Insurance Centers shall also pool financial risks by underwriting insurance and annuities. Some establishments support employee benefit programs. Examples include bank or credit union headquarters, brokerages, investments, insurance, financing, and data processing establishments.</p>
30 Base Points	<p>Multi-Tenant Retail Center Newly constructed center 50,000 square feet or less, typically containing a more than one tenant space within a single structure. Uses are entirely consumer-driven and include all manner of retail, service and office possibilities.</p>
30 Base Points	<p>Single Use Office Newly constructed single use, stand-alone building used primarily for office and professional.</p>
30 Base Points	<p>Bungalow Court or Pocket Neighborhood Newly constructed Bungalow Court or Pocket Neighborhood per the standards of the Unified Development Ordinance.</p>
30 Base Points	<p>Distribution/Trucking Center Newly constructed center of at least 500,000 square feet where products and resources are transported to and delivered from via truck or rail.</p>
25 Base Points	<p>Warehouse Newly constructed center of at least 500,000 square feet where products and resources are stored.</p>
25 Base Points	<p>Religious Institutions Any facility such as a church, temple, synagogue, mosque or monastery used for worship by a non-profit organization and their customarily related uses.</p>
20 Base Points	<p>Intensive Industrial Uses: Uses classified as Special Land Uses within the Industrial Classification.</p>

20 Base Points	Multi-Family Residential & Condo Units
20 Base Points	Major Subdivision 4- 25 Lots Any subdivision of land of four (4) – 25 Lots.
10 Base Points	Major Subdivision 26 lots or more Any subdivision of land of 26 or more lots.
Board Determination	All Other Uses Not Categorized This category of use captures all other uses not categorized elsewhere. Allocations for such uses are left to the discretion of the Town’s Board of Commissioners upon recommendation of the Planning Board and acted on a case-by-case basis.

BONUS POINTS

Proposed projects can gain BONUS POINTS by agreeing to provide any of the following items over and above the UDO or Standard Specification requirements for their development proposal.

NOTE: No bonus points are given for UDO requirements.

CATEGORY 1 – Non-Conformity Abatement and Public Infrastructure Improvements

Section 1A - Abatement of Nonconformities		(Max - 3 points)
	Abatement of any existing non-conforming structures	3
	Abatement of any existing non-conforming use of land	2
	Abatement of any existing non-conforming lots	1

Section 1B - Roadway Infrastructure Not Warranted by TIA/UDO/CTP		(Max - 10 points)
	Construction of full cross section of existing off-site public street	5
	Nearby Intersection Improvements	5
	Traffic signal improvements	4
	Signage or striping improvements	1

Section 1C - Off-Site Public Greenway Improvements		(Max - 10 points)
	Construct more than 4000 linear feet of 10-foot-wide path	10
	Construct more than 3000 linear feet of 10-foot-wide path	8
	Construct more than 2000 linear feet of 10-foot-wide path	6
	Construct more than 1000 linear feet of 10-foot-wide path	4
	Construct 500 to 1000 linear feet of 10-foot-wide path	2

Section 1D – Off-Site Bike-Ped Improvements		(Max – 5 points)
	Construction of off-site sidewalk improvements (Subject to TRC Approval)	2
	Construction of off-site bike lane improvements (Subject to TRC Approval)	3

CATEGORY 2. Green Development Standards/ Building & Site Design

Section 2A - Conservation of Natural Habitat Meeting Active Open Space Requirements as Defined in the UDO		(Max - 10 points)
	One point per acre up to 10 acres	1 - 10

Section 2B - Parking		(Max – 15 points)
	Structured Parking Facilities - must reduce footprint by 20%	10
5	EV Charging Stations (two-port)	5
	Provision of on-street public parking (1 point per stall up to 10 Max)	1 - 10

Section 2C - Stormwater SCM's		(Max – 10 points)
	Stormwater - Restored Riparian Buffer	10
	Construct a fountain or other stormwater amenity within the BMP/SCM (as approved by Staff)	4
	Stormwater - Landscaped Green Roof	5
	Stormwater - Underground capture system for on-site irrigation	5
5	Stormwater - Bioretention	5
	Stormwater - Wetland	5
	Exclusive use of porous pavement in parking areas where suitable	2

Section 2D - Building/Site Design		(Max - 20 points)
	Compliance with residential design guidelines per Section 5.2 of the UDO	10
	Non-Residential building design that incorporates an active upper story.	5
	Pedestrian oriented and walkable site design which promotes alternatives to vehicular travel within the development. (Subject to TRC Approval)	5

Section 2E - Infill/Redevelopment		(Max – 16 points)
	Development or Redevelopment within DTC	10
	Development or Redevelopment within DTP	6
	Redevelopment of previously vacant building space over 20,000 square feet	6
	Redevelopment of previously vacant building space under 20,000 square feet	5

Section 2F - Historic Preservation		
	Historic Structure Preservation via Deed Restriction (Determined by TRC)	10
	Restoration of Historic Structure (Must be approved by TRC)	5

Section 2G – LEED Certification		(Max – 10 points)
	LEED Certification for Neighborhood Development (LEED ND)	10
	Platinum LEED Certification	10
	Gold LEED Certification	8
	Silver LEED Certification	6
	Bronze LEED Certification	4
	LEED Certified Certification	2

CATEGORY 3 – Outdoor Enhancement and Transit Improvements

Section 3A – Outdoor Enhancement		(Max – 12 points)
	Construction of a Parkway Street Section on a Collector level street	5

	Construction or Preservation of Gateway Landscaping or Structure (Subject to Comprehensive Plan Consistency and TRC approval)	5
	Outdoor Display of Public Art (Subject to TRC Approval)	4
	Public Facing Outdoor Mural (Subject to TRC Approval)	4
	Maintenance of Roadside Gateway Plant Bed (requires maintenance agreement)	3
3	Planting Pollinator Garden (225 Square Foot Minimum)	3
	Exclusive use of xeriscaping techniques and drought tolerant species	3
	Enhanced Roadside Landscaping (Subject to TRC Approval)	2
	Enhanced Buffer Landscaping (Subject to TRC Approval)	2
	Construction of a Parkway Street Section on a Local level street	2
9	Installation of Native Shade Tree Species (per Tree up to 10 Trees)	1

Section 3B – Transit (Pursuant to location being adjacent to a planned or active transit route)		(Max - 8 points)
	Provision of more than 50 designated Park & Ride Stalls	8
	Provision of 25 designated Park & Ride Stalls	5
	Provision of 10 designated Park & Ride Stalls	3
	Provision of mass transit easement w/ structure (bus stop with shelter & bench)	2

CATEGORY 4 - Amenities

Section 4A - Private Greenway		(Max - 3 points)
	Construction of more than 3000 linear feet private greenway meeting Town of Zebulon standards	3
	Construction of more than 2000 linear feet of private greenway meeting Town of Zebulon standards	2
	Construction of more than 1000 linear feet of private greenway meeting Town of Zebulon standards	1

Section 4B – Pool (Combinations may be approved by TRC)		(Max - 8 points)
	Olympic Pool and Aquatic Center	8
	Junior Olympic Pool	5
	Lap Pool (four lane minimum)	3
	Resort Style Pool	2
	Any Other Pool	1

Section 4C - Outdoor Deck/Patio		(Max - 3 points)
	Deck/Patio - More than 3000 square feet	3
	Deck/Patio - More than 2000 square feet	2
	Deck/Patio - More than 1000 square feet	1

Section 4D - Pool Amenities		(Max - 2 points)
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	Jacuzzi/Hot Tub/Whirlpool	2
	Water Playground with apparatus	2
	Sauna/Steam room	2

Section 4E - Clubhouse		(Max - 10 points)
	Commercial Coffee Shop with at least 10 designated public seating spaces.	10
	With full kitchen and over 4000 square feet of meeting space	10
	With full kitchen and less than 4000 square feet of meeting space	9
	Meeting space without kitchen more than 3500 square feet	8
	Meeting space without kitchen 2500 - 3499 square feet	7
	Meeting Space without kitchen 1500 - 2499 square feet	5
	Meeting Space without kitchen less than 1500 square feet	4
	No meeting space, bathrooms and changing rooms only	3
	Outdoor Kitchen or Grills	2

Section 4F - Additional Active Recreation		(Max - 10 points)
	Gymnasium (regulation size indoor basketball court)	10
	Baseball/Softball Field (regulation size)	5
	Football/Soccer Field (regulation size)	5
	Skate Park	5
	Tennis Courts (two regulation courts, fenced)	5
	Multi-Use Hardcourt (two regulation basketball courts, street hockey, fenced)	5
	Pickleball Court (three regulation courts, fenced)	5
	Pocket Park – 5,000 square feet	3
	IPEMA Certified Playground Equipment	4
	Lighted Field of Play for nighttime use	3
	Electronic Scoreboard or Covered Dugouts or Bleachers	3
	Community Garden – 15-foot by 15-foot, with water access and potting shed.	3

Section 4G – Additional Urban Open Space Enhancements (Within Non Residential Zoning Districts)		(Max – 10 points)
2	Fountain	2
2	Canopy Including Fixed Permanent Seating	2
2	Drinking Fountain with Pet Fountain	2
	Permanent Game Tables	1
	Permanent Tables with Shade Cover	1
1	All Weather Bulletin Board	1
	Covered or Internal Bicycle Parking	1
	Artist-Design Bicycle Racks	1
1	Little Free Library	1
	Drinking Fountain	1
	Public Work Bike Stand With Tools	1

CATEGORY 5 – Affordable Housing

Inclusion of a percentage of the provided housing stock of a proposed development cost no more than 30% of a household income not exceeding 80% of the Area Median Income (AMI)		(Max – 10 Points)
	15% Affordable Housing	10
	10% Affordable Housing	5

CATEGORY 6 – Other

(Max 5 Points)

	Integrated public safety operation systems (EX. Flock Safety or others as approved by the Police Department)	3
	Smart Waste and Recycling Stations	2

ZEBULON

NORTH CAROLINA

CASE # CZ 2023-04 IDT# 1032727 – Zebulon Animal Hospital

PROJECT ADDRESS 1620 N Arendell Ave

PIN NUMBER: 1796922199

HEARING DATE: September 18, 2023

State of North Carolina

County of Wake

BEFORE ME, the undersigned Notary, Stacie Paratore on this 5th day of September 2023, personally appeared Michael J. Clark, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

I Michael J. Clark, acting as the Planning Director for the Town of Zebulon, affirm that the following Public Notice Procedures have been completed in accordance with applicable North Carolina General Statute and Town of Zebulon Unified Development Ordinance Section 2.3.6 have been satisfied for the above referenced hearing.

- First Class Mailing Sent on 8/31/2023 (see attached mailing list and copy of mailing)
- Advertisement in a Paper of General Circulation sent on 9/1/2023 (Wake weekly, publication dates 9/8 & 9/15/2023)
- Posting Public Hearing Signage on Property on 9/31/2023 (pictures attached)
- Posted to Planning Department Website 8/31/2023
- Sent to E-Mail Distribution List on 9/1/2023

Michael J. Clark

9/5/2023

Michael J. Clark, AICP, CZO

Date

Subscribed and sworn to before me, this 5th day of September 2023

[Notary Seal:]

STACIE PARATORE
NOTARY PUBLIC
WAKE COUNTY, N.C.

Stacie Paratore

[signature of Notary]

Stacie Paratore

[printed name of Notary]

NOTARY PUBLIC

My commission expires: 10/27, 2025



Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Article 2.2.6 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on September 18, 2023 at 6:00 PM at the Zebulon Municipal Complex, 1003 N. Arendell Avenue, and will be conducted by the Board of Commissioners and Planning Board of the Town of Zebulon for the purpose of considering the following items:

***IDT Project Number 1032727 - CZ 2023-04 – Zebulon Animal Hospital
(1620 N Arendell Ave)***

PIN # 1796922199. A request by DVM Services Realty LLC on behalf of the property owner Julia Hicks, for a Conditional Rezoning to the Heavy Commercial Conditional (HC-C) zoning district for the development of a Veterinary Hospital.

Public comments may be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. Links will be provided along with the full application packet and documentation on the Planning Department web page at <https://www.townofzebulon.org/departments/planning/public-hearing-information> For questions or additional information, please contact us at (919) 823-1816.

Wake Weekly September 8th & 15th

**ORDINANCE 2024-17
CONDITIONAL ZONING
1620 N. ARENDELL AVENUE**

Conditions for the conditional rezoning of the property located at 1620 N. Arendell Avenue for Zebulon Animal Hospital are as follows:

1. Use of the property shall be limited to Veterinary Clinic. Such use will comply with section 4.3.5.RR of the Town Zebulon Unified Development Ordinance, except that outdoor exercise area may be located closer than 200 feet from a lot in a residential zone, provided that it is enclosed by a six-foot tall opaque fence as shown on sheet L400 Planting Plan of the Zebulon Animal Hospital Conditional Zoning Plan Dated June 1, 2023.
2. In order to accommodate the shallow lot width, the 40-wide buffers required along the residentially zoned properties, except as noted in Condition Three (3), have been reduced; however, in these locations a six-foot tall opaque fence and enhanced landscaping will be provided as shown on Sheet L400 Planting Plan Zebulon Animal Hospital Conditional Zoning Plan Dated June 1, 2023.
3. The buffer requirements along the southern property line would require a Type A buffer along the property line adjacent to the General Commercial (GC) future land use designation.

Adopted this the 2nd day of October 2023

Glenn L. York – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk

STAFF REPORT
RESOLUTION 2024-06
STRATEGIC PLAN GRANT POLICY REVISION
OCTOBER 2, 2023

Topic: Resolution 2024-06 – Strategic Plan Grant Policy
Speaker: Joseph M. Moore II, PE - Town Manager

Executive Summary:

An amended non-profit funding policy to reflect changes to General Statutes.

Background:

Local governments may fund a non-profit for specific programs or services as an alternative to directly providing those programs or services. Guiding principles to the award of grants to non-profit organizations include:

- Support is only for functions the local government has authority to provide.
- Certain accountability requirements may be required as a condition of funds.
- Faith-based organizations may not use funds for a religious purpose.

A Non-profit Funding Policy was adopted by the Town in November 2007. The policy limited the budget of the annual appropriation to \$5,000, with a maximum amount of \$1,000 to any single group.

The Board revised the policy in January 2020 to incentivize and leverage the efforts of local non-profit organizations to advance upon the goals of the Zebulon 2030 Strategic Plan.

The General Assembly has subsequently adopted Statutes specifying how municipalities award grants to non-profit organizations (§ 14-234.3). Specifically, prohibiting public officials from awarding non-profits of which they are associated.

The Board reviewed a draft revision to the Strategic Plan Grant policy at their Work Session on August 17, 2023 and offered no changes.

Discussion:

The Board will consider adopting the revised Strategic Plan Grant policy.

Policy Analysis:

The proposed revision is consistent with State law and Zebulon's 2030 Strategic Plan.

Financial Analysis:

Funds to award grants were budgeted in the FY '24 Budget Ordinance.

Staff Recommendation:

Staff recommends adoption of Resolution 2024-06.

Attachment(s):

1. Resolution 2024-06 – Strategic Plan Grant policy
2. GS 14-234.3

RESOLUTION 2024 -06
STRATEGIC PLAN GRANT POLICY AMENDMENT

1.0 PURPOSE:

The purpose of this policy is to provide guidelines to Board in making decisions, and Staff in making recommendations, regarding funding requests by local non-profit organizations. The Town of Zebulon wishes to contribute to the efforts of these organizations when their focus areas align with those of the *Town of Zebulon Vision 2030 Strategic Plan*.

2.0 POLICY STATEMENT:

The Town of Zebulon is committed to providing financial assistance to those non-profit agencies which supplement the Town services that are provided to its citizens. Non-profit agencies should also focus on one or more of the Town of Zebulon's focus areas defined in the Strategic Plan. The focus areas and priority goals within those areas are:

- ***Focus area 1: Vibrant Downtown*** – We will have a clean, attractive, and historic downtown with a variety of special events, entertainment, shops, restaurants, businesses and housing to serve as the heart of Zebulon, providing a gathering place for the community and a destination for visitors.
 - ***Goal:*** Revitalize downtown Zebulon
 - ***Goal:*** Develop events, entertainment, and cultural attractions to draw people downtown

- ***Focus area 2: Small Town Life*** – We will preserve and enhance our small-town feel by developing more activities and locations to gather with family and neighbors, making Zebulon a safe, connected, family friendly and walkable town.
 - ***Goal:*** Promote more community events and festivals
 - ***Goal:*** Enhance and create more community gathering places
 - ***Goal:*** Increase the connectedness and walkability in the community

- ***Focus area 3: Growing Smart*** – Our community is growing and we will plan for the growth with appropriate staffing and service levels to address land use and traffic concerns; promote economic development and preserve the affordability of our community
 - ***Goal:*** Plan for appropriate land use to meet transportation and housing needs
 - ***Goal:*** Pursue economic development opportunities with our community partners
 - ***Goal:*** Maintain appropriate staffing to support expected service levels for the growing community

3.0 NON-PROFIT AGENCY ELIGIBILITY FOR TOWN FUNDS:

It shall be the policy of the Town of Zebulon to consider providing assistance to non-profit agencies meeting the criteria detailed below.

- **3.1 Eligibility Requirements**

All non-profits shall verify their non-profit status by submitting an IRS tax exempt letter confirming 501(c)(3) status, and IRS 990 form and a current solicitation license from the North Carolina Secretary of State (or if exempt, the exemption letter). Additionally, non-profit organizations must not have their revenue suspended by the North Carolina Secretary of State or have overdue federal or state taxes.

- **3.2 Accountability**

Non-profits agencies shall adhere to accountability standards set by the Town Manager and as required by law. Compliance with these standards is a criterion for funding. These standards include but are not limited to:

- Complying with all financial requirements including the submission of financial statements or audits as specified by the contract.
- Complying with program performance measurement requirements including quarterly reports to the Board of Commissioners.

- **3.3 Funding Eligibility**

1. A non-profit agency must have operated for two years by December 31 of the year preceding the application deadline.
2. Non-profit agencies may not use a third party arrangement to meet requirements for eligibility.
3. Only one application per agency will be considered each year.
4. Grants are for operating costs. The Town will not fund the purchase, maintenance, or repair or capital assets in excess of \$5,000.

- **3.4 Use of Funds**

1. Application must identify what project or program will use funds.
2. Application must identify and explain how project or program meets one of the goals of the Strategic Plan.

4.0 FUNDING APPLICATION PROCEDURE:

- **4.1 Application Timeline**

- The application will be available on the Town of Zebulon website (www.townofzebulon.org) the first business day of the calendar year.
- Completed applications must be returned to the Finance Department no later than the date indicated in the public notice. Applications received after the published deadline will be deemed ineligible for that year.

- All applicants must appear and make a brief presentation at the March Board of Commissioners meeting (1st Monday of every March).
- **4.2 Application Requirements**
 - A completed and signed application is required, along with all required documentation by the advertised deadline.
 - Applications must designate if any Board members are associated with their non-profit.
 - Applicants not completing and presenting a written report to the Board of Commissioners for a prior year award will not be forwarded to the Board of Commissioners for funding consideration (see 5.0 Grant Reporting and Monitoring).
- **4.3 Funding Award**
 - Requests for funding will be handled as part of the annual budget process.
 - Town staff will provide analysis to assist the Board of Commissioners with how the applicant aligns with the Town's focus areas and goals.
 - The Board of Commissioners will approve final funding for non-profits when the Annual Budget is adopted.
 - No Board member associated with a non-profit may participate in the vote to award grant funding to that non-profit and must request recusal from voting.
 - Applicants will be notified of final funding no later than June 30th.
 - The total amount of funding available for award to all non-profit organizations shall not exceed \$5,000 for any fiscal year, with no more than \$1,000 awarded to any single non-profit organization.
 - Funds distributed by the Town of Zebulon may only be spent as indicated on the application submitted by the organization. In the event that funds are not used as indicated, the full amount of funding will be required to be returned to the Town.
 - Any organization receiving funding will hold the Town of Zebulon harmless from any claim or liability that may arise or result from the operation of any program or service assisted with funding from the Town of Zebulon.
 - Awards in violation of G.S. 14-234.3 are considered void and guilty of a Class 1 misdemeanor.

5.0 GRANT REPORTING AND MONITORING

Each funded agency must present a report to the Board of Commissioners at a Regular Council meeting. Each agency shall also provide a written report documenting funds received and spent. Funded agencies who do not report will not be eligible for consideration of Town grants in the next fiscal year.

6.0 EXCEPTIONS

Other non-profit entities may receive funding at the Board of Commissioners discretion. The Board may consider other factors such as:

- Does it promote an established Town initiative?
- Does the entity provide a public purpose outside the Town's focus areas?
- Does the entity have a substantial presence in the community?
- Does the entity have a proven track record over time of contributions to the benefit of the Town, its institutions and citizens?
- Does the entity stimulate or encourage community participation in non-profit activities?

This policy shall remain in effect until such time as amended by the Board of Commissioners.

Adopted this the 2nd day of October 2023
Effective this the 2nd day of October 2023

Glenn L. York – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk

§ 14-234.3. Local public officials participating in contracts benefiting nonprofits with which associated.

(a) No public official shall knowingly participate in making or administering a contract, including the award of money in the form of a grant, loan, or other appropriation, with any nonprofit with which that public official is associated. The public official shall record his or her recusal with the clerk to the board, and once recorded, the political subdivision of this State may enter into or administer the contract.

(b) Anyone knowingly violating this section shall be guilty of a Class 1 misdemeanor. The exceptions listed in G.S. 14-234(b) and (d1) through (d5) shall apply to this section.

(c) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when (i) an immediate termination would result in harm to the public health or welfare and (ii) the continuation is approved as provided in this subsection. A political subdivision of this State that is a party to the contract may request approval from the chair of the Local Government Commission to continue contracts under this subsection.

(d) For purposes of this section, the following definitions shall apply:

- (1) Nonprofit with which that public official is associated. – A nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the public official is a director, officer, or governing board member, excluding any board, entity, or other organization created by this State or by any political subdivision of this State.
- (2) Participate in making or administering a contract. – Any of the following actions by a public official:
 - a. Deliberating or voting on the contract.
 - b. Attempting to influence any other person who is deliberating or voting on the contract.
 - c. Soliciting or receiving any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the political subdivision of the State with the not-for-profit with which that public official is associated.
- (3) Public official. – Any individual who is elected or appointed to serve on a governing board of a political subdivision of this State. The term shall not include an employee or independent contractor of that political subdivision of this State. (2021-191, s. 4(a).)

STAFF REPORT
RESOLUTION 2024-07
AMERICAN RESCUE PLAN FUNDS - POLICIES
OCTOBER 2, 2023

Topic: Resolution 2024-07 – American Rescue Plan Funds – Policies

Speaker: Bobby Fitts
From: Bobby Fitts, Finance Director
Prepared by: Bobby Fitts, Finance Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider adopting the attached resolution which would adopt the attached policies regarding use of the American Rescue Plan (ARP) Funds that the Town received.

Background:

There are a handful of policies and procedures that a local government must adopt and implement for all ARP expenditures. They include setting up basic financial administration and internal control provisions; adopting and implementing certain policies; completing all required reporting; maintaining appropriate records; and complying with state law budgeting and fiscal control provisions. These provisions can be implemented with adoption of these policies.

Policy/Program Analysis:

Adopting Resolution 2024-07 ensures U.S. Treasury compliance with the expenditure of ARP funds.

Staff Recommendation:

Staff recommends approval of Resolution 2024-07.

Attachments:

1. Resolution 2024-07
 - a. Eligible Use Policy
 - b. Conflict of Interest Policy
 - c. Nondiscrimination Policy
 - d. Records Retention Policy
 - e. Allowable Cost Policy

RESOLUTION 2024-07
AMERICAN RESCUE PLAN FUNDING POLICIES

WHEREAS, the Town of Zebulon Board of Commissioners adopted a project fund to receive American Rescue Plan Funds (ARP) in September 2021; and

WHEREAS, one of the requirements to utilize ARP funding is to adopt policies that apply specifically to the use of the funds;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF ZEBULON BOARD OF COMMISSIONERS, THAT THE FOLLOWING POLICIES ARE ADOPTED IN RELATIONSHIP TO THE USE OF AMERICAN RESCUE PLAN FUNDING:

- o Eligible Use Policy
- o Conflict of Interest Policy
- o Nondiscrimination Policy
- o Records Retention Policy
- o Allowable Cost Policy

BE IT FURTHER RESOLVED THAT this resolution and these policies apply to the use of ARP Funds only and shall remain in effect until all ARPA funds have been expended.

Adopted this 2nd day of October 2023.

Glenn L. York, Mayor

SEAL

Lisa M. Markland, CMC, Town Clerk

**ELIGIBLE USE POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY TOWN OF ZEBULON**

WHEREAS the Town of Zebulon has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS US Treasury has issued a [Compliance and Reporting Guidance v.3.0 \(February 28, 2022\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

BE IT RESOLVED that the Town of Zebulon hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how the Town of Zebulon will spend its ARP/CSLFRF funds.

I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its [Final Rule](#) regarding use of ARP funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its [Interim Final Rule](#) or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARP funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband Internet; and

II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the [Local Government Name] to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Zebulon, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of Zebulon employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the [US Treasury Compliance and Reporting Guidance](#).)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARP funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
 - d. Proposed budget, broken down by cost item, in accordance with the [Local Government Name]'s Allowable Cost Policy.
 - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)

- 2. Requests for funding must be submitted to the Town Manager for approval. All requests will be reviewed by Town Manager for ARP/CSLFRF compliance and by the Finance Officer for allowable costs and other financial review.**
- 3. No ARP/CSLFRF may be obligated or expended before final written approval by the Town Manager. Board Approval and budget amendments will be required before approval.**
- 4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.**
- 5. Following approval, employees responsible for implementing the project must conform to actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.**
- 6. The Finance Officer must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.**
- 7. The Finance Officer must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.**

CONFLICT OF INTEREST POLICY

**APPLICABLE TO CONTRACTS AND SUBAWARDS OF TOWN OF ZEBULON SUPPORTED
BY FEDERAL FINANCIAL ASSISTANCE**

I. Scope of Policy

- a. **Purpose of Policy.** This Conflict of Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when Town of Zebulon (“*Unit*”) enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. **Application of Policy.** This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means the individual identified in Section III(a) of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a Federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.
- d. “*Covered Individual*” means a Public Officer, employee, or agent of the Unit.
- e. “*Covered Nonprofit Organization*” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).
- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.

- g. *“Federal Financial Assistance”* means Federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. *“Governing Board”* means the Board of Commissioners of the Unit.
- i. *“Immediate Family Member”* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
- j. *“Involved in Making or Administering”* means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. *“Pass-Through Entity”* means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- l. *“Public Officer”* means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.
- m. *“Recipient”* means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. *“Related Party”* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.
- o. *“Subaward”* means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

- p. “*Subcontract*” means any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. COI Point of Contact.

- a. Appointment of COI Point of Contact. Joseph M. Moore II, Town Manager of the Unit, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that the Town Manager is unable to serve in such capacity, the Finance Officer shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the “*COI Point of Contact*”.
- b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section III.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.
 - iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization,

such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

- 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

- 2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

- ii. Identification and Management of Conflicts of Interest.

- 1. Duty to Disclose and Disclosure Forms

- a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact

potential real or apparent conflicts of interest arising under this Policy.

- b. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.
- c. If the value of a proposed Contract or Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Unit.

2. Identification Prior to Award of Contract or Subaward.

- a. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the Unit.

3. Management Prior to Award of Contract or Subaward

- a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to the Town Manager and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:
 - i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Unit is a Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Unit is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Unit; or
 - ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in

writing document a justification supporting such rejection.

- b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

- a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Unit has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to the Town Manager and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

- a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4), the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:
 - i. if Unit is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or
 - ii. if Unit is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Unit in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

V. Oversight of Subrecipient's Conflict of Interest Standards

- a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has

adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.

- b. Obligation to Disclose Subrecipient Conflicts of Interest. The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

- a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.

- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; of (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

* * * * *

Adopted this the 2nd day of October, 2023.

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
<p>Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none"> - Stock in a corporation. - Membership interest in a limited liability company. - Partnership interest in a general or limited partnership. - Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract. - Option to purchase any equity interest in a firm or organization. 	<p>Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract.</p> <p>A position as a director or officer of the firm or organization, even if uncompensated.</p>
<p>Holder of any debt owed by a firm considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none"> - Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment)) - Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan). <ul style="list-style-type: none"> o Holder of a judgment against the firm. 	<p>A referral of business from a firm considered for a Contract or Subaward.</p>
<p>Supplier or contractor to a firm or organization considered for a Contract or Subaward.</p>	<p>Political or social influence (e.g., a promise of appointment to a local office or position on a public board or private board).</p>

EXHIBIT B

COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The Town of Zebulon (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Joseph M. Moore II as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Contract exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Mayor and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step

1 Identify the proposed Contract, counterparty, and the subject of the Contract.

Name of Contract:

Name of Counterparty

Subject of Contract:

2 Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.

Public Officials

Employees

Agents

3 Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract. [If the estimated Contract amount exceeds \$[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]

Public Officials

Employees

Agents

Any identified interest in Step 3 is a potential “real” conflict of interest.

4 Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract. If the estimated Contract amount exceeds \$[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.

Public Officials – Related Party

Employees – Related Party

Agents – Related Party

Any identified interest in Step 4 is a potential “real” conflict of interest.

5 Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the *appearance* that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.

Any identified interest in Step 5 is a potential "apparent" conflict of interest.

Public Officials

Employees

Agents

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT C

CONTRACT CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of Zebulon (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Joseph M. Moore II as the “COI Point of Contact.”

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following contract: _____ (the “*Contract*”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Contract. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Contract or will such current or potential employer receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

Sign Name:

Print Name:

Name of Employer

Job Title:

Date of Completion:

EXHIBIT D

COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT

The Town of Zebulon (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Joseph M. Moore II as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Mayor and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step

1 Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.

Name of Contract:

Name of Counterparty

Subject of Subaward:

2 Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.

Public Officials

Employees

Agents

3 Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds \$[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]

Public Officials

Employees

Agents

4 Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds \$[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]

Public Officials – Related Party

Employees – Related Party

Agents – Related Party

Any identified interest in Step 3 is a potential “real” conflict of interest.

Any identified interest in Step 4 is a potential “real” conflict of interest.

5

Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the *appearance* that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.

Any identified interest in Step 5 is a potential "apparent" conflict of interest.

Public Officials

Employees

Agents

COI Point of Contact:

Signature of COI Point of Contact:

Date of Completion:

EXHIBIT E

**SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM
FOR OFFICIALS, EMPLOYEES, AND AGENTS**

The Town of Zebulon (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Joseph M. Moore II as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following subaward: _____ (the “*Subaward*”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

Sign Name:

Print Name:

Name of Employer

Job Title:

Date of Completion:

Recitals

WHEREAS, the Town of Zebulon has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

WHEREAS, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

WHEREAS, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Zebulon agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and TOWN OF ZEBULONs or instrumentalities or agencies thereto.

RESOLVED, That the governing board of the Town of Zebulon hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

Nondiscrimination Policy Statement

It is the policy of the Town of Zebulon to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Zebulon, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town of Zebulon received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

I. Governing Statutory & Regulatory Authorities

As required by the CSLFRF [Award Terms and Conditions](#), the Town of Zebulon shall ensure that each "activity," "facility," or "program"¹ that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and Town of Zebulon or instrumentalities or agencies thereto.

¹ 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including TOWN OF ZEBULONS, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the TOWN OF ZEBULONS to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Zebulon shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

III. Reporting & Enforcement

1. The Town of Zebulon shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Zebulon shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town of Zebulon shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Zebulon shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Zebulon in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Joe Moore
Town Manager
(919) 823-1801
jmoore@townofzebulon.org

**Record Retention Policy: Documents Created or Maintained Pursuant to the
ARP/CSLFRF Award**

Retention of Records: The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) [Award Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Zebulon to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Zebulon agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

Covered Records: For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Zebulon’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

Storage: Town of Zebulon’s records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

Departmental Responsibilities: Any department or unit of the Town of Zebulon, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Zebulon to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Officer is responsible for identifying the documents that the Town of Zebulon must or should retain and arrange for the proper storage and retrieval of records. The Finance Officer shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

Reporting Policy Violations: The Town of Zebulon is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee’s supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Manager. The Town of Zebulon prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

Questions About the Policy: Any questions about this policy should be referred to Joe Moore, Town Manager, (919) 823-1801, jmoore@townofzebulon.org, who is in charge of administering, enforcing, and updating this policy.

POLICY FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

WHEREAS the Town of Zebulon has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) provides, in relevant part:

Allowable Costs/Cost Principles. As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

[ARP/CSLFRF] Funds may be, but are not required to be, used along with other funding sources for a given project. Note that [ARP/CSLFRF] Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the [ARP/CSLFRF] Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the [ARP/CSLFRF] program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

BE IT RESOLVED that the governing board of the Town of Zebulon hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

Town of Zebulon Allowable Costs and Costs Principles Policy

I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to

types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Zebulon shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with Joe Moore (Town Manager) and Bobby Fitts (Finance Officer), who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to Bobby Fitts, Finance Officer. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

1. **Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Zebulon or the proper and efficient performance of the federal award.

- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
 - Market prices for comparable goods or services for the geographic area.
 - Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to Town of Zebulon, its employees, the public at large, and the federal government.
 - Whether the Town of Zebulon significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.
- 2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

- 3. Be authorized and not prohibited under state or local laws or regulations.**
- 4. Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
- 5. Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of Zebulon.**
- 6. Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
- 7. Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**

8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

III. SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Officer is responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Zebulon must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. Finance Department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, Town of Zebulon regulations, and program-specific rules may deem a cost as unallowable, and Finance Department personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Direct costs are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

Indirect costs are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Zebulon may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

V. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

§ 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in [§ 200.475](#)). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a [state](#) or the chief executive of a [local government](#) or the chief executive of an [Indian tribe](#);
- (2) Salaries and other expenses of a [state](#) legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in [§ 200.435](#)); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For [Indian tribes](#) and Councils of Governments (COGs) (see definition for *Local government* in [§ 200.1](#) of this part), up to 50% of salaries and expenses directly attributable to managing and operating [Federal programs](#) by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

§ 200.417 INTERAGENCY SERVICE.

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

VI. COST ALLOWABILITY REVIEW PROCESS

PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, the Town Manager must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Town Manager for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the Finance Officer must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the Finance Officer will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.

- Once a proposed project budget is pre-approved by the Town Manager the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Officer must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Department will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Finance Department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Department must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Finance Department will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Officer may, in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town of Zebulon's governing board must approve any allocation of other funds for this purpose.
- The Finance Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

VII. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)

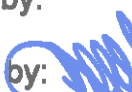
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable

Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed

Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

STAFF REPORT
ORDINANCE 2024-14 and ORDINANCE 2024-15
AMENDING GRANT SPECIAL PROJECT FUND FOR
AMERICAN RESCUE PLAN FUNDS
OCTOBER 2, 2023

Topic: Ordinance 2024-14 and Ordinance 2024-15 – American Rescue Plan Funds – Grant Project Fund

Speaker: Bobby Fitts
From: Bobby Fitts, Finance Director
Prepared by: Bobby Fitts, Finance Director
Chris D. Ray, Public Works Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider amending the ordinance which established a special grant project fund for the American Rescue Plan Funds that the Town received.

Background:

At their Regular Meeting on September 13, 2021, the Board of Commissioners adopted a project ordinance to receive American Rescue Plan Act (ARPA) funds from the United States Treasury. At their Mini Retreat on October 27, 2022, the Board directed Staff to use those funds towards the W. Horton Street Drainage Improvements project. ARPA funds must be obligated by 2024 and spent by 2025. The design contract for the project was awarded on June 15, 2023 and the work to design, permit, and acquire easements has started. The timeframe to complete construction by the deadline provides limited margin to address issues typically encountered in the easement acquisition and construction phases.

In consultation with the NC League of Municipalities and based on the recommendation of other local municipalities, using ARPA funds as a *Revenue Replacement* option opens more flexibility on the deadlines to complete the W. Horton Street Drainage Improvements project. The Revenue Replacement method allows communities to reimburse themselves for eligible expenses incurred back to March 3, 2021, such as accounting ARPA funds as the source for Police and Fire Department salaries and benefits between March 3, 2021 to June 30, 2022. Using ARPA funds for these expenses both meet the deadline, thereby eliminating the risk of forfeiture of those funds, and free up those funds accounted for salary and benefits to complete the W. Horton Street project.

Discussion:

Ordinance 2024-14 and Ordinance 2024-15 appropriates previously expended funds to reimburse the Town under the Revenue Replacement method of expenditure.

STAFF REPORT
ORDINANCE 2024-14 and ORDINANCE 2024-15
AMENDING GRANT SPECIAL PROJECT FUND FOR
AMERICAN RESCUE PLAN FUNDS
OCTOBER 2, 2023

Policy/Program Analysis:

Using the Revenue Replacement method is consistent with the directive to use ARPA funds for W. Horton Street Drainage Improvements.

Fiscal Analysis:

Using the Revenue Replacement method eliminates the risk of forfeiting \$1,885,773 of ARPA funds. This method also frees more of those ARPA funds to go towards construction instead of the 20% expected to meet additional federal reporting requirements (e.g., verify material sourcing).

Staff Recommendation:

Staff recommends approval of Ordinance 2024-14, Ordinance 2024-15.

Attachments:

1. Ordinance 2024-14
2. Ordinance 2024-15

ORDINANCE 2024-14
AMENDING THE GRANT PROJECT FUND FOR THE TOWN OF ZEBULON
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to amend a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Zebulon (Town) has received the two tranches for a total amount of \$1,885,733 of CSLFRF funds.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

These funds are being used to reimburse the Town for salaries and benefits paid in the Police and Fire Departments from March 3, 2021 through June 30, 2022.

Section 3: The following amounts are appropriate for the project and authorized for expenditure:

<u>Expenditures</u>	<u>Increase</u>	<u>Decrease</u>
Police – Salaries	\$1,371,000.00	
Police – Group Insurance	128,500.00	
Fire – Salaries	300,000.00	
Fire – Group Insurance	86,232.78	
Transfer to General Fund (CSLRF Reimbursement)		1,885,732.78

Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town’s Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Board of Commissioners.

Section 7: This grant project ordinance is effective as of March 3, 2021, and expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted: October 2, 2023

Effective: October 2, 2023

Glenn L. York - Mayor

ATTEST:

Lisa M. Markland, CMC - Town Clerk

ORDINANCE 2024-15

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Transfer from ARPA Grant Project Fund (Reimbursement)	\$1,885,732.78	
Fund Balance Appropriated		1,885,732.78

EXPENDITURES

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: October 2, 2023

Effective: October 2, 2023

Glenn L. York - Mayor

ATTEST:

Lisa M. Markland - Town Clerk

Topic: FY 2024 Monthly Financial Report Addendum

Executive Summary:

A monthly report summarizing the status of the Town's revenues and expenditures.

Background:

The attached financials are a summary of revenues and expenditures to date. These monthly reports are provided to inform the Board of revenue and expenditure trends throughout the year. The enclosed statements are through September 15, 2023.

Information:

Expenditures

With Fiscal Year 2023 unofficially closed and all 12 months of sales tax and all four quarters of utilities sales tax received, the revenues and expenditures appear to be the following approximately:

- Revenues: \$22,033,000 (up 30.8% from FY 2022)
- Expenditures: \$16,717,000 (up 28.2% from FY 2022)

With approximately 3 months into Fiscal Year 2024 expenditures complete, the Town has spent approximately 15% (~ \$4,190,000) of its General Fund budget of \$27,266,671. Note the larger, early year expenditures (e.g., vehicle and equipment purchases, debt service payments, property & liability and workers compensation premiums) explain why some departments have higher amounts of budget spent at this point in the year. Descriptions of some early revenue activity are provided below.

Revenues

- Property Tax (the Town's largest revenue stream)
 - + FY 2024 collections: \$855,811 collected to date (~ 8.0% of budget).
 - + Observations:
 - # 83% more than collected last fiscal year (\$466,514).
 - # One month of vehicle taxes have been collected for FY 2024.
- Sales Tax (second largest revenue stream)
 - + June's sales (reports lag 3-months):
 - # \$20,316 (10.4%) more collected than last June for all sales tax.
 - # \$8,245 (9.6%) more collected than last June for "local" sales tax.
 - # "Local" sales tax (Article 39) is generated within, and returns to, Wake County.
 - # For every \$100,000 in local sales, \$3.55 comes back to the Town of Zebulon.
 - + Year-over-year comparisons (sales through all twelve months of the fiscal year)
 - # \$324,475 (+16.0%) more collected than last year for all sales tax
 - # Collections represent 122% of budgeted revenues at 100% of the fiscal year.
 - # Robust sales and an increased share (resulting from recent census data showing population increase) were factors in the collections exceeding budget.

- **Utilities Sales Tax (5% of revenue stream):** first quarterly disbursement to be received December 15.
 - + All four distributions of FY 2023 have now been received and were \$52,070 (8.3%) more than FY 2022.
 - + Reflects natural gas and electricity sales and heavily weather dependent
- **Permits & Zoning**
 - + \$60,857 collected total (24% of budgeted revenues (\$250,000))
 - + 125.5% more than what was collected this time last fiscal year (\$26,991).
- **Parks & Recreation**
 - + 44,947 collected total (44% of budgeted revenues (\$102,000))
 - + 4.4% more than what was collected this month last fiscal year (\$43,052).
- **Transportation Impact Fees**
 - + \$97,032 collected to date in FY 2024
 - + 17.7% less than what was collected last fiscal year (\$117,888).
 - + Revenue placed in reserve for transportation projects to be spent within 10 years
- **Recreation Impact Fees**
 - + \$366,000 collected to date in FY 2024
 - + 13% more than what was collected last fiscal year (\$324,000).
 - + Collections since inception of fee (January 2022) ~ \$4,097,000

Policy Analysis: N/A

Financial Analysis: Budgeted revenue in FY 2024 is \$27,266,671 while year to date revenue collected is \$2,181,893 (8% of budgeted). Budgeted revenue includes \$8.2M Fund Balance.

Staff Recommendation:

No staff recommendation or Board action is necessary. These are informational only.

Attachments:

1. General Fund Fiscal Year 2024 Expenditure Statement and Revenue Statement (as of September 15, 2023)

Sales Tax

FY 2023

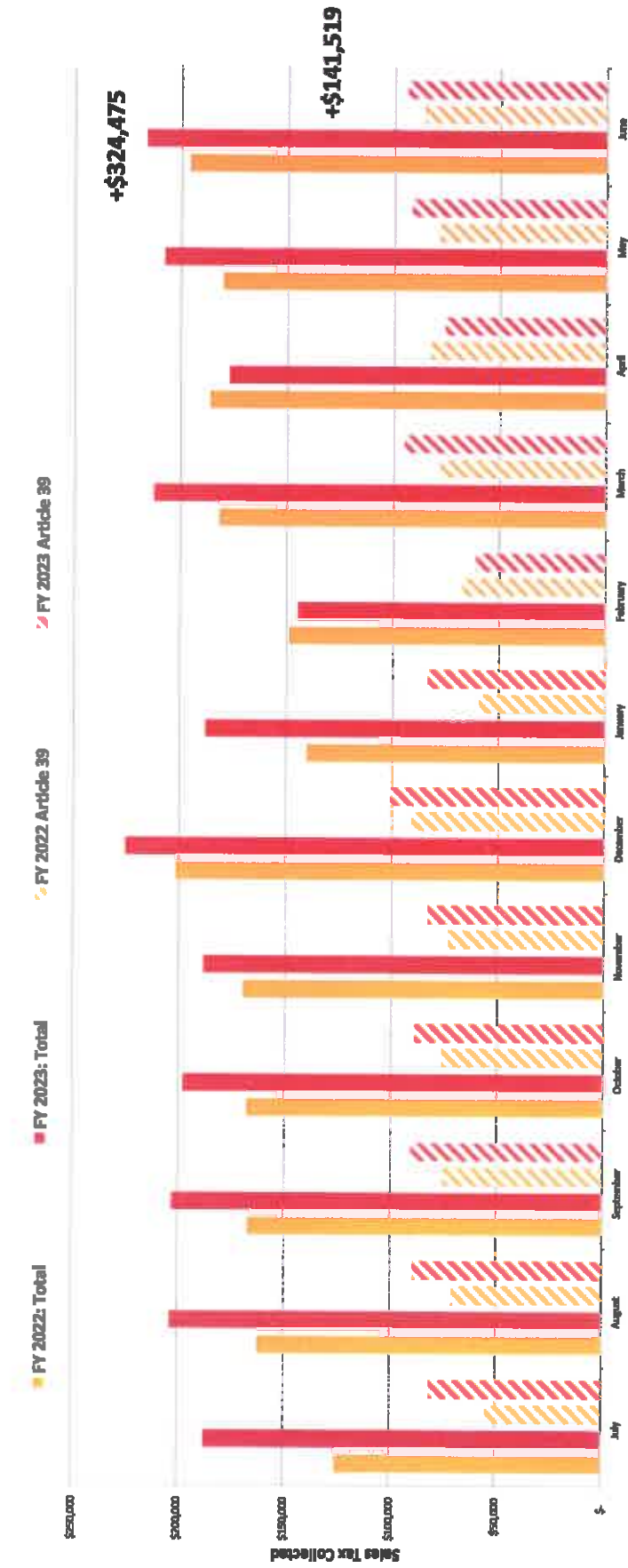
Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Held Harmless	FY 23 Totals	Prior Year (FY 2022)	% Inc (Dec) from Prior Yr
July	\$ 81,324	\$ 35,456	\$ 40,808	(1) \$	29,723	\$ 187,311	\$ 125,560	49.2%
August	89,152	37,948	44,690	1	31,591	203,381	162,100	25.5%
September	90,401	37,188	45,331	(9)	29,910	202,821	167,034	21.4%
October	88,724	35,842	44,468	(2)	28,631	197,664	167,586	17.9%
November	82,782	35,160	41,563	1	28,664	188,169	169,657	10.9%
December	100,596	41,335	50,512	0	32,950	225,884	201,425	11.9%
January	83,332	34,713	41,782	0	28,106	187,935	140,273	34.0%
February	61,030	28,403	30,601	(6)	24,586	144,614	148,707	-2.8%
March	94,803	38,927	47,461	9	31,315	212,514	181,841	16.9%
April	75,803	34,729	38,068	(10)	29,033	177,129	186,154	-4.9%
May	91,708	38,501	45,971	0	31,521	207,702	180,133	15.3%
June	93,849	40,893	47,168	10	34,379	216,208	195,892	10.4%
Total	\$ 1,089,506	\$ 438,596	\$ 518,983	(6) \$	\$ 360,958	\$ 2,350,837	\$ 2,026,362	16.0%

FY 2022

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Held Harmless	FY 22 Totals	Prior Year (FY 2021)	% Inc (Dec) from Prior Yr
July	\$ 54,740	\$ 23,633	\$ 27,374	(8) \$	19,820	\$ 125,560	\$ 106,293	18.1%
August	70,908	30,305	35,575	0	25,312	182,100	98,134	65.2%
September	75,195	30,242	37,636	(8)	23,969	167,084	107,017	56.1%
October	76,033	30,096	36,111	1	23,345	167,586	105,056	59.5%
November	73,190	32,351	36,680	0	27,435	169,657	111,773	51.8%
December	90,634	36,407	45,390	6	28,988	201,425	128,204	57.1%
January	58,259	27,588	29,798	(0)	23,629	140,273	107,034	31.1%
February	67,203	26,858	33,643	(3)	21,007	148,707	85,810	73.3%
March	78,105	34,810	39,178	(0)	29,749	181,841	121,143	50.1%
April	82,591	34,357	41,347	4	27,856	186,154	115,436	61.3%
May	78,526	33,955	39,398	0	28,254	180,133	120,866	48.0%
June	85,604	35,686	42,943	(0)	30,552	195,892	129,315	51.5%
Total	\$ 891,967	\$ 377,287	\$ 447,074	(8) \$	\$ 310,023	\$ 2,026,362	\$ 1,336,082	51.7%

* Net proceeds of the Article 39 tax are returned to the county of origin.

Monthly Summary of Sales Tax Collected



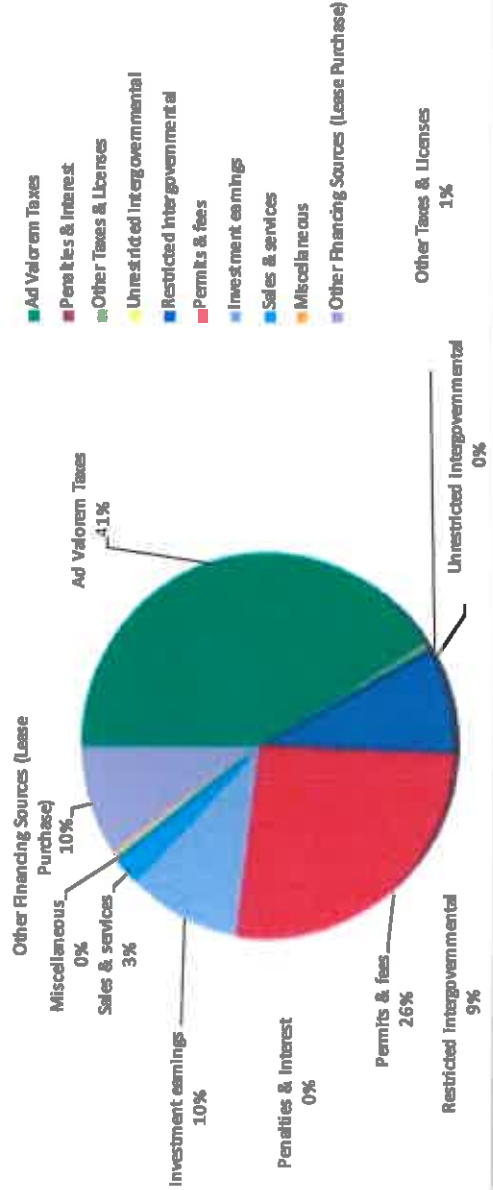


TOWN OF ZEBULON
 Revenue Statement: 2023 - 2024
 for Accounting Period 6/30/2024
 GENERAL FUND

As of 9/15/2023

Revenue Categories	Estimated Revenue	Revenue YTD	% Collected	% of Total Revenue YTD
Ad Valorem Taxes	\$10,722,500	\$886,638	8.4%	41.1%
Penalties & Interest	\$15,000	\$1,788	11.9%	0.1%
Other Taxes & Licenses	\$186,500	\$16,830	9.1%	0.8%
Unrestricted Intergovernmental	\$3,233,000	\$0	0.0%	0.0%
Restricted Intergovernmental	\$2,504,500	\$187,763	7.5%	8.6%
Permits & fees	\$772,750	\$574,888	74.4%	26.3%
Investment earnings	\$300,000	\$224,921	75.0%	10.3%
Sales & services	\$872,000	\$55,011	5.7%	2.5%
Miscellaneous	\$82,000	\$8,046	11.0%	0.4%
Other Financing Sources (Lease Purchase)	\$232,000	\$215,000	92.7%	9.8%
Transfers in from other funds	\$0	\$0	0.0%	0.0%
Fund Balance Appropriated	\$8,247,421	\$0	0.0%	0.0%
Total Revenue	\$27,288,671	\$2,181,883	8.0%	100%

Town of Zebulon General Fund % of Total Revenue To Date - FY 2024



ZEBULON

NORTH CAROLINA

TOWN OF ZEBULON
Expenditure Statement:2023 - 2024
for Accounting Period 6/30/2024
GENERAL FUND

As of 9/15/2023

<u>Dept #</u>	<u>Department</u>	<u>Approp. Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$607,116	\$35,649	5.9%
420	FINANCE	\$517,155	\$112,965	21.8%
430	ADMINISTRATION	\$1,580,725	\$229,660	14.5%
490	PLANNING AND ZONING	\$825,330	\$158,042	19.1%
500	PUBLIC WORKS-PROPERTY & PROJECT MGMT	\$2,756,855	\$223,356	8.1%
510	POLICE	\$3,911,975	\$880,439	22.5%
520	PUBLIC WORKS-OPERATIONS	\$9,339,237	\$974,436	10.4%
530	FIRE	\$3,695,574	\$815,801	22.1%
570	POWELL BILL	\$232,686	\$2,349	1.0%
590	ENGINEERING	\$139,000	\$1,441	1.0%
620	PARKS & RECREATION	\$2,043,418	\$304,226	14.9%
690	COMMUNITY & ECONOMIC DEVELOPMENT	\$1,617,600	\$452,006	27.9%
	Total Expenditures	\$27,266,671	\$4,190,370	15.4%