

**ZEBULON
BOARD OF COMMISSIONERS
AGENDA
February 3, 2020
7:00pm**

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. SCHOOL RECOGNITION

A. Zebulon Elementary School

1. Zantavious Hinton – Student
2. Christa Shirley – Teacher

IV. PUBLIC COMMENT PERIOD

All wishing to speak must sign up prior to 6:50pm. 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.

V. CONSENT

A. Minutes

1. January 6, 2020 – Regular Meeting

B. Finance

1. Monthly Items
 - a. Tax Report – November 2019
 - b. Financial Report as of January 17, 2020

C. Administration

1. Quarterly Reports for Fire, Planning, and Public Works

VI. PRESENTATION

A. 2020 Census Update

VII. OLD BUSINESS

A. Planning

1. SUP 2019-11 – 715 Shepard School Road

VIII. NEW BUSINESS

A. Public Works

1. Relay for Life East Wake Zebulon Municipal Complex Facility Use Application

B. Administration

1. Ordinance 2020-40 - Sunday Early Alcohol Sales

IX. BOARD COMMENTS

X. MANAGER'S REPORT

Zebulon Board of Commissioners
Minutes
January 6, 2020

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Larry Loucks, Shannon Baxter, Glenn York, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Tim Hayworth-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Eric Vernon-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Wakelon Elementary School student Madison Lebron-Hendrickson.

APPROVAL OF AGENDA

Commissioner Loucks asked to amend the agenda to add Sunday Alcohol sales under Old Business. Commissioner Baxter made a motion, second by Commissioner Moore to approve the agenda as amended. There was no discussion and the motion passed unanimously.

SCHOOL RECOGNITION

Mayor Matheny recognized student Madison Lebron-Hendrickson and teacher Garren Barna, both from Wakelon Elementary School.

PUBLIC HEARING

A. SUP 2019-11 – 715 Shepard School Road

Michael Clark, Planning Director, was sworn in by Lisa Markland, Town Clerk.

The quasi-judicial hearing request was for the Board to consider a special use permit for a rooming house located at 715 Shepard School Road. The zoning was Residential-10, but was now Downtown Periphery under the new UDO. It was explained the property would consist of seven rooming units with a kitchen, living area, and eight parking spaces. The developer agreed to bring this nonconforming site into current code compliance.

Michael Clark gave a PowerPoint presentation which provided background information on the property and showed the zoning data, vicinity map, and sketch plan. The six findings of fact were 1) will not materially endanger the public health or safety if located where proposed, 2) complies with all required standards, conditions, and specifications of this Ordinance including Article 4: Uses; 3) will not substantially injure the value of the abutting land, 4) will be in harmony with the area in which it is to be located, 5) is in general conformity with the Town's adopted policy guidance; and 6) includes a concept plan that accurately depicts the proposed use's configuration. The Board was reminded under the new UDO the findings of fact increased from four to six. Staff found the applicant met Findings of Fact 2, 5, and 6. Mr. Clark asked the Board to accept the staff report and packet provided as well as the presentation to be entered into

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the record as evidence. Mr. Clark recommended the Board accept presentation of the evidence and testimony as submitted at the meeting for consideration at the February 3, 2020 meeting.

Eric Vernon, Town Attorney clarified that the evidence included the staff report and testimony provided by Michael Clark.

Mayor Matheny asked if anyone wished to speak in favor.

Mike Burrows was sworn in by Lisa Markland, Town Clerk. Mr. Burrows of 5025 Upchuch Lane, Wake Forest, North Carolina, stated the property was purchased in 2009 and refurbished to provide affordable housing to female tenants. In 2011 a group home had been approved by the Board of Commissioners and was not being used as that due to the fact clients were in breach of the contract. The property had been brought up to code and all of the planning department's issues had been addressed when refurbished.

Commissioner Baxter asked about the concerns of the Planning Department and the property being in violation. Mr. Burrows stated he had met the concerns of the Planning Department.

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

Mayor Matheny closed the public hearing.

Commissioner Loucks made a motion, second by Commissioner York to table SUP 2019-11 – 715 Shepard School Road until the February 3, 2020 meeting. There was no discussion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

No one signed up to speak.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the December 2, 2019 meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the December 9, 2019 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the December 18, 2019 work session. There was no discussion and the motion passed unanimously.

A. Finance

Commissioner Clark made a motion, second by Commissioner Baxter to approve the tax report for October 2019. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the financial report as of December 13, 2019. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Finance

1. Resolution 2020-07 - Non-Profit Funding Policy Amendments

Bobby Fitts stated the Board's feedback from the December 18, 2019 work session had been incorporated into the proposed policy. The changes were reflected in sections five and six.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Resolution 2020-07.

Mayor Matheny suggested changing the wording under 6.0 Exceptions from "non-profit" to "not for profit" entities so the Martin Luther King, Jr. breakfast would not be excluded and could be funded into the Town's budget. Commissioner Clark asked to keep the "non-profit" language. Commissioner York asked for legal staff to provide input. Eric Vernon gave an explanation of non-profit vs. not for profit.

There was no further discussion and the motion to approve Resolution 2020-07 passed unanimously.

B. Planning

1. Ordinance 2020-38 (AN 2019-01) Annexation 201 Green Pace Road

Michael Clark presented the annexation request for approximately 32.4 acres located at 201 Green Pace Road. The site was currently vacant and zoned as heavy commercial. The applicant was proposing to put in a commercial center.

The Planning Board unanimously recommended approval at the December 9, 2019 meeting. The vicinity map, ETJ map, and land use map, which showed the property to be mixed use, were presented. Staff recommended approval of Ordinance 2020-38.

Commissioner Loucks made a motion, second by Commissioner Clark to approve Ordinance 2020-38 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable. There was no discussion and the motion passed unanimously.

2. Ordinance 2020-39 (AN 2019-03) Annexation 704 Pearces Road

Michael Clark presented the annexation request for approximately 0.78 acres located at 704 Pearces Road. The site was a single family residential parcel located in the ETJ and zoned as R-2 Residential Suburban. The applicant was requesting the annexation so the property could attach to municipal water and sewer service.

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The Planning Board unanimously recommended approval at the December 9, 2019 meeting. The vicinity map, ETJ map, and land use map, which showed the property to be medium density residential, were presented. Staff recommended approval of Ordinance 2020-39.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2020-39 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable. There was no discussion and the motion passed unanimously.

C. General

1. Sunday Early Alcohol Sales

Commissioner Loucks asked about approving the sale of alcohol at 10:00am on Sunday. Joe Moore explained the matter was brought before the Board at their December 18th work session to see if there was interest in adopting an ordinance on Sunday early alcohol sales. Staff would create an ordinance along with a fiscal analysis and operational analysis for the Board's consideration at the February 3, 2020 meeting.

NEW BUSINESS

A. Administration

1. Board Appointments

There were five in town residents (Arlanda Miles, Dale Beck, David Lawry, Michael Germano, and Eric House) who expressed interest in serving on the Planning Board. Each person explained their qualifications and interests in wanting to serve on the Planning Board.

Joe Moore explained staff would present a text amendment at the February meeting recommending the Board disband the Board of Adjustment and have the Planning Board serve as the Board of Adjustment. Michael Clark offered some detail on the upcoming text amendment.

Commissioner Baxter made a motion to appoint David Lowry to the Planning Board. Motion died for lack of a second.

Commissioner York made a motion, second by Commissioner Clark to appoint Michael Germano to the Planning Board as an in town member. There was no discussion and the motion passed with a vote 4 to 1 with Commissioners York, Clark, Moore, and Loucks voting in favor and Commissioner Baxter voting against.

Mayor Matheny explained Damon Damphie withdrew his application to the Parks and Recreation Advisory Board, but Garrett Underhill had submitted his interest after the agenda packets went out.

Garrett Underhill explained his qualifications and interests in serving on the Parks and Recreation Advisory Board.

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Commissioner York made a motion, second by Commissioner Clark to appoint Garrett Underhill to the Parks and Recreation Advisory Board. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Baxter thanked everyone who applied for the Planning Board position.

Commissioner York stated there were other opportunities citizens could get involved in and encouraged them to do so.

Commissioner Clark was happy to see the large crowd at the meeting.

Commissioner Moore wished everyone a Happy New Year.

Commissioner Loucks thanked the crowd for coming to the meeting and everyone who applied for the Planning Board.

MANAGER'S REPORT

Bobby Fitts gave the following budget transfer:

Parks and Recreation transferred \$1,500 from equipment maintenance to vehicle maintenance.

CLOSED SESSION

Mayor Matheny explained the Board needed a motion to go into closed session as permitted by NC GS § 143-318.11(a)(5) for the purpose of property acquisition.

Commissioner Loucks made a motion, second by Commissioner York to go into closed session as permitted by NC GS § 143-318.11(a)(5) for the purpose of property acquisition. There was no discussion and the motion passed unanimously.

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

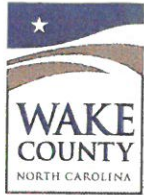
Commissioner Loucks made a motion, second by Commissioner York to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 3rd day of February, 2020.

Robert S. Matheny—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

GREG FORD, CHAIRMAN
VICKIE ADAMSON, VICE-CHAIR
MATT CALABRIA
SUSAN EVANS
JESSICA HOLMES
SIG HUTCHINSON
JAMES WEST

January 7, 2020

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 January 6, 2020, 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 cursive script that reads "Denise Hogan".

Denise Hogan
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Tax Committee Meeting: 12/12/2019

Board of Commissioners Meeting: 01/06/2020

TO: Wake County Board of Commissioners and Town Board of Zebulon

FOR: Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties

Relief Codes:

- 1. New to North Carolina
- 2. First time listing
- 3. Previous year listing on time
- 4. Omitted item(s) from listing - Current/previous listing on time
- 5. Military Deployment
- 6. Provided proof of timely listing

Approved by:

The Wake County Tax Committee has approved the following policy to recommend relief of the late listing and/or vehicle penalties when at least one of the following conditions apply:

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Late List Appealed	Appeal/Request Type	Recommendation	Relief Code
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16463 BB&T OF NORTH CAROLINA
TIM SMITH
PO BOX 167
WINSTON-SALEM, NC 27102

BUSINESS PERSONAL PROPERTY
ZEBULON

0006802858 2018
Not Paid

\$66,899.11

Late List Penalty

Denied

This List Requires Board Action

Tax Committee Members: Natasha Baldwin, City Of Raleigh
Kim Lorbacher, Wake County Finance
Jessica Murphy-Rhem, Town Of Cary

Marcus Kinrade, Tax Administrator



Wake County Revenue Department

Rebate Details

11/01/2019 - 11/30/2019

ZEBULON

DATE 12/03/2019 TIME 1:08:15 PM 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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BUSINESS ACCOUNTS

742996	482.77	0.00	0.00	0.00	482.77	11/21/2019	0006891597	2019	2019 000000	WELLS FARGO VENDOR FINANCIAL SERV LLC
741828	0.00	0.00	8.08	0.00	8.08	11/06/2019	0006808118	2019	2019 007200	GRAYHAWK LEASING LLC
SUBTOTALS FOR BUSINESS ACCOUNTS	482.77	0.00	8.08	0.00	490.85				2	Properties Rebated

PUBLIC SERVICE ACCOUNTS

741973	251.79	0.00	0.00	0.00	251.79	11/07/2019	0009000381	2019	2019 000000	BELLSOUTH TEL CO
SUBTOTALS FOR PUBLIC SERVICE ACCOUNTS	251.79	0.00	0.00	0.00	251.79				1	Properties Rebated

TOTAL REBATED FOR ZEBULON

TOTAL REBATED FOR ZEBULON	734.56	0.00	8.08	0.00	742.64				3	Properties Rebated for City
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STAFF REPORT
FINANCIAL STATEMENTS UPDATE
FEBRUARY 3, 2020

Topic: FY 2020 Monthly Financial Statement Update

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

Executive Summary:

The attached financials are for Board of Commissioners review only. See discussion below for details on statements.

Background:

The attached financials are a summary of revenues and expenditures to date. These are provided to keep the Board informed, on a monthly basis, of how revenues and expenditures are trending throughout the year.

Information:

These financial statements are through January 17, 2020. We have now received four of twelve months of sales tax and the first of four quarterly distributions of utilities sales in FY 2020. As usual, the majority of property taxes were received in the past few weeks of December and early January.

For FY 2020, approximately 6½ months in to the New Year, the Town has spent about 43.6% (approximately \$5,540,000) of its General Fund budget of \$12,694,074. At a little over the halfway point in the year some trends on the expenditure side have shown up. For example, at this point of the year most monthly expenditures such as Fuel Expense, Utilities and Vehicle Maintenance should be around 50-55% spent. There are a few departments for Fuel Expense such as Police, Fire and Stormwater where they are trending slightly high. Utilities in Buildings & Grounds, Streets and Parks & Recreation are around 60% spent. Vehicle Maintenance in Police, Streets and Parks & Recreation are currently at 60-80% spent. Some of these expenses are related to the costs operating an older fleet of vehicles. These are items that we will keep an eye on going forward for the rest of the year. Should they worsen or become a cause for concern there is the possibility that they could become a future budget amendment. That is not anticipated at this time however. Highlights include:

Sales Tax

- Sales taxes collected in October 2019 were 12.9% (\$11,534) more than the same period in FY 2019.
- Year to date collections are 11.3% (\$39,605) ahead of the YTD total for FY 2019.
- Article 39 sales tax collections, from the county of origin, were 12.7% (\$5,217) more than the same period in FY 2019.
- Year to date collections of Article 39 receipts are 10.3% (\$16,376) ahead of FY 2019



STAFF REPORT
FINANCIAL STATEMENTS UPDATE
FEBRUARY 3, 2020

Utilities Sales Tax (Sales tax on natural gas, electricity, telecommunication services and video programming)

- First Quarter distribution received December 16.
- The second distribution for FY 2020 will not be received until March 15.

Property Tax

- Property taxes collected to date in FY 2020 are approximately \$6,332,000.
- This is 94.3% of budgeted revenues (\$6,716,779).
- This is 4.4% more than what was collected to date in FY 2019 (\$6,065,000).
- We expect to meet and exceed our budgeted number with an estimated total of approximately \$6,900,000. This is due to audit billing of business personal property where values exceeded listed values.

Permits & Zoning

- Permit and zoning fees collected to date in FY 2020 are \$124,216.
- This is 93% more than what was collected to date in FY 2019 (\$64,323).
- This is 88.7% of budgeted revenues (\$140,000) for the year.
- Projected permit and zoning fees for FY 2020, based on permit activity, are estimated to be approximately \$200,000.
- For information, the cost to add a Permitting Technician would be approximately \$55,000 including salary and benefits.

Transportation Impact Fees

- Transportation Impact fees collected to date for FY 2020 are \$222,453.
- This is 222% more than what was collected to date in FY 2019 (\$68,979).
- The unaudited balance to date of Transportation Impact fees is \$467,013.
- This revenue is placed in reserve for transportation projects and spent within 10 years.
- For information, the cost to design and construct a traffic signal is approximately \$235,000.

Policy Analysis: N/A

Financial Analysis: Budgeted revenue is \$12,694,074 while year to date revenue collected is \$8,530,335 (67.2% of budgeted). As shown in the chart on the Revenue Statement, 75% of year to date revenues come from property taxes.

Staff Recommendation:

No staff recommendation or Board action is necessary. These are informational only.

Attachments:

1. General Fund Fiscal Year 2020 Expenditure Statement and Revenue Statement (as of January 17, 2020)
2. Sales Tax – FY 2020

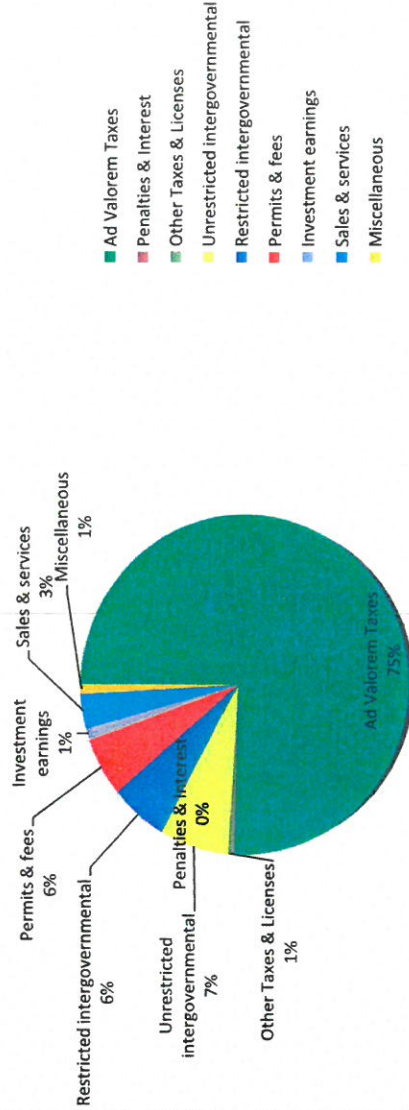


TOWN OF ZEBULON
 Revenue Statement: 2019 - 2020
 for Accounting Period 6/30/2020
 GENERAL FUND

As of 1/17/2020

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$6,770,779	\$6,425,589	94.9%	75.3%
Penalties & Interest	\$11,000	\$10,949	99.5%	0.1%
Other Taxes & Licenses	\$69,500	\$37,171	53.5%	0.4%
Unrestricted intergovernmental	\$1,796,050	\$588,759	32.8%	6.9%
Restricted intergovernmental	\$823,540	\$508,717	61.8%	6.0%
Permits & fees	\$262,500	\$492,810	187.7%	5.8%
Investment earnings	\$140,000	\$99,592	71.1%	1.2%
Sales & services	\$713,600	\$287,178	40.2%	3.4%
Miscellaneous	\$174,310	\$79,806	45.8%	0.9%
Fund Balance Appropriated	\$1,932,795	\$0	0.0%	0.0%
Total Revenues	\$12,694,074	\$8,530,570	67.2%	100%

Town of Zebulon General Fund % of Total Revenue To Date - FY 2020





TOWN OF ZEBULON

Expenditure Statement: 2019 - 2020
 for Accounting Period 6/30/2020
 GENERAL FUND

As of 1/17/2020

<u>Dept #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$405,476	\$165,317	40.8%
420	FINANCE	\$355,900	\$187,212	52.6%
430	ADMINISTRATION	\$1,053,045	\$420,556	39.9%
450	CONTRACTED SERVICES	\$22,500	\$16,985	75.5%
470	STADIUM	\$50,550	\$24,732	48.9%
490	PLANNING AND ZONING	\$882,987	\$253,507	28.7%
500	BUILDINGS & GROUNDS	\$1,358,101	\$532,146	39.2%
510	POLICE	\$2,447,865	\$1,391,085	56.8%
530	FIRE	\$2,171,766	\$906,640	41.7%
560	STREETS AND HIGHWAYS	\$1,150,465	\$373,865	32.5%
570	POWELL BILL	\$113,368	\$2,378	2.1%
580	SANITATION	\$1,176,755	\$562,592	47.8%
590	STORMWATER	\$343,430	\$169,639	49.4%
620	PARKS & RECREATION	\$1,040,396	\$470,989	45.3%
690	SPECIAL PROJECTS	\$121,470	\$62,758	51.7%
Total Expenditures		\$12,694,074	\$5,540,401	43.6%

Sales Tax

FY 2020

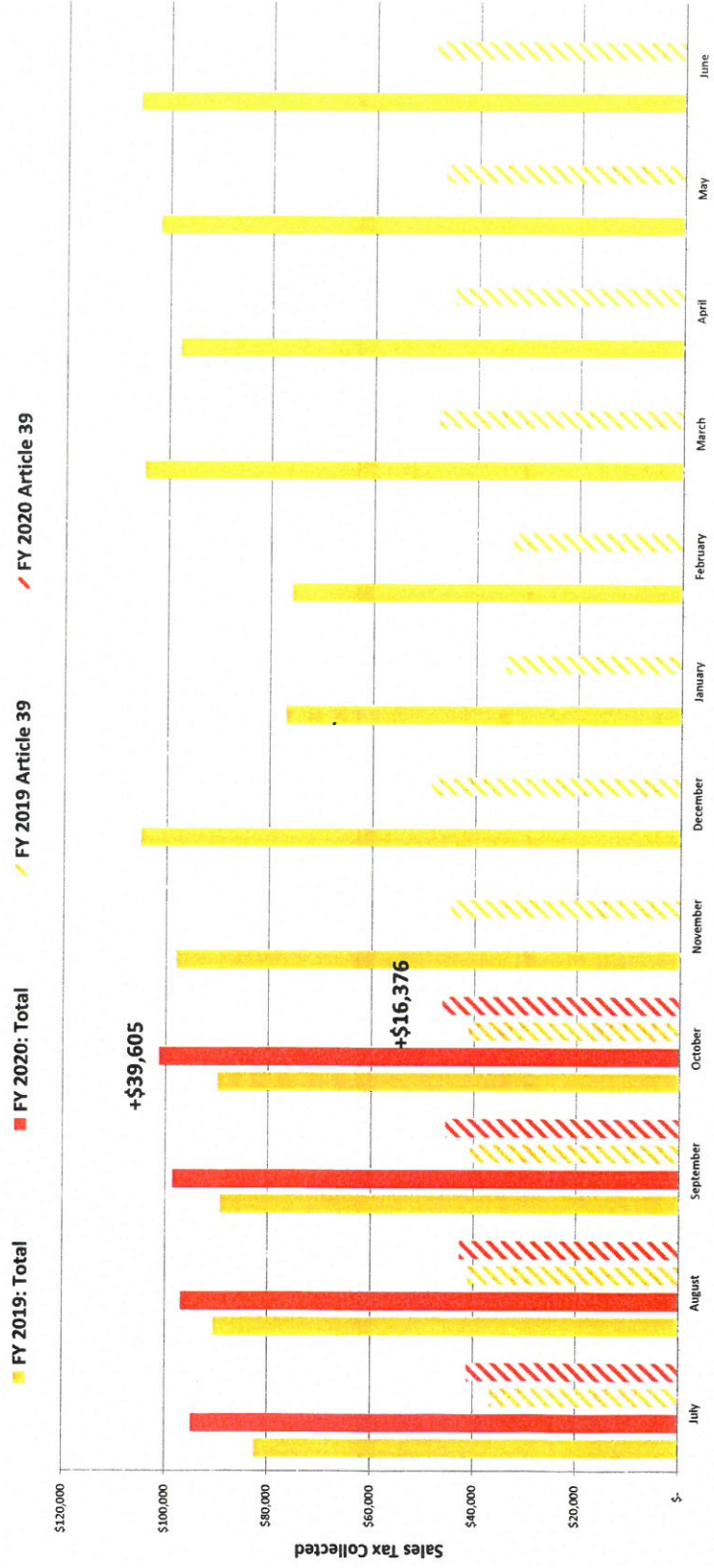
Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 20 Totals	Prior Year (FY 2019)	% Inc (Dec) from Prior Yr
July	\$ 41,205	\$ 17,900	\$ 20,548	43 \$	\$ 15,016	\$ 94,711	\$ 82,490	14.8%
August	42,670	18,069	21,290	1	14,791	96,820	90,393	7.1%
September	45,534	17,330	22,718	1	12,899	98,482	89,061	10.6%
October	46,223	17,994	23,069	(1)	13,920	101,205	89,671	12.9%
November	-	-	-	-	-	-	97,904	-100.0%
December	-	-	-	-	-	-	104,983	-100.0%
January	-	-	-	-	-	-	76,871	-100.0%
February	-	-	-	-	-	-	75,834	-100.0%
March	-	-	-	-	-	-	104,736	-100.0%
April	-	-	-	-	-	-	97,795	-100.0%
May	-	-	-	-	-	-	101,771	-100.0%
June	-	-	-	-	-	-	105,892	-100.0%
Total	\$ 175,633	\$ 71,292	\$ 87,624	43	\$ 56,626	\$ 391,219	\$ 351,614	11.3%

FY 2019

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 19 Totals	Prior Year (FY 2018)	% Inc (Dec) from Prior Yr
July	\$ 36,660	\$ 15,288	\$ 18,274	(2) \$	\$ 12,269	\$ 82,490	\$ 85,782	-3.8%
August	41,003	16,254	20,432	(1)	12,704	90,393	84,256	7.3%
September	40,586	16,066	20,242	0	12,166	89,061	87,489	1.8%
October	41,007	15,964	20,421	1	12,279	89,671	77,610	15.5%
November	44,706	17,395	22,274	1	13,528	97,904	90,722	7.9%
December	48,453	18,495	24,162	(2)	13,875	104,983	103,358	1.6%
January	34,293	14,101	17,050	(0)	11,428	76,871	72,080	6.6%
February	32,900	14,512	16,402	(3)	12,023	75,834	69,386	9.3%
March	47,536	18,843	23,708	0	14,649	104,736	91,420	14.6%
April	44,474	17,522	22,152	(1)	13,649	97,795	87,894	11.3%
May	46,429	18,144	23,099	1	14,098	101,771	93,063	9.4%
June	48,503	18,854	24,215	(6)	14,325	105,892	97,465	8.6%
Total	\$ 506,550	\$ 201,438	\$ 252,431	(11)	\$ 156,993	\$ 1,117,401	\$ 1,040,523	7.4%

* Net proceeds of the Article 39 tax are returned to the county of origin.

Monthly Summary of Sales Tax Collected



TOWN OF ZEBULON FIRE DEPARTMENT 2ND QUARTER REPORT (OCTOBER-DECEMBER) FEBRUARY, 2020



EXECUTIVE SUMMARY

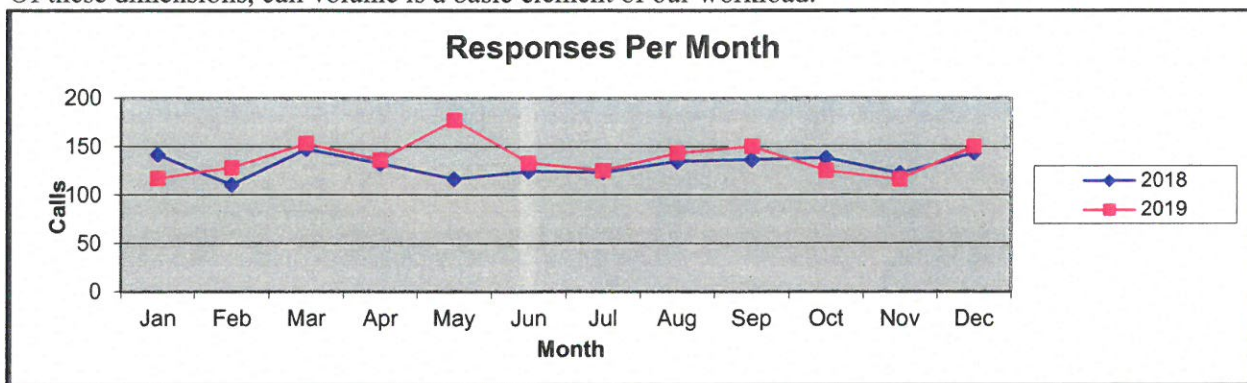
The Fire Department quarterly report summarizes the service trends/benchmarks, personnel updates, project updates, and emerging issues. Incident workload continues to trend on a slight increase with increasing demands for fire code enforcement and fire/life safety education programs.

SERVICE TRENDS/BENCHMARKS

Several dimensions are constantly monitored to track trends related to our service delivery, identify emerging needs and/or issues, and as a means of quality control. Call volume and the departmental activities are two of the workload indicators.

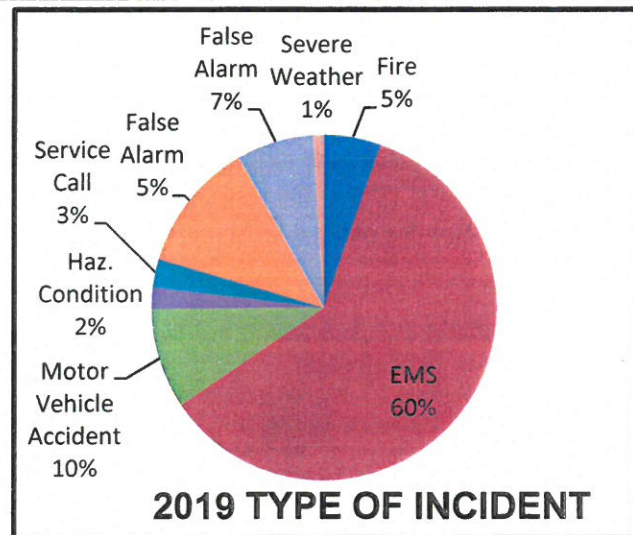
CALL VOLUME

Of these dimensions, call volume is a basic element of our workload.



Take-Aways:

- 2019 call volume was 5.2% higher than 2018, consistent with the overall trend. Trending over the last ten years indicates that call volume continues to increase each year.
- Emergency medical service calls continued to be the majority of responses, typically varying from around 60-70% of all calls. In 2018, EMS calls were 60% of the total.



Did you know? When fire department units arrive prior to EMS units, our staff provide patient care until the ambulance arrives. Of the 1,106 EMS calls which we responded in 2019, we provided initial patient care on 803 calls, or 80.1%. In 2018, this percentage was 38.6% (indicative of the availability of ambulances and busyness of the Wake County EMS system).

OUTREACH/EDUCATION

The months of October, November, and December are always busy months for outreach and education for our department, from Fire Prevention Week to the open house during the Zebulon Christmas Parade. Shown below are pictures from just one of the many events from the last quarter.

2019 Zebulon Hay Day (October 12, 2019)



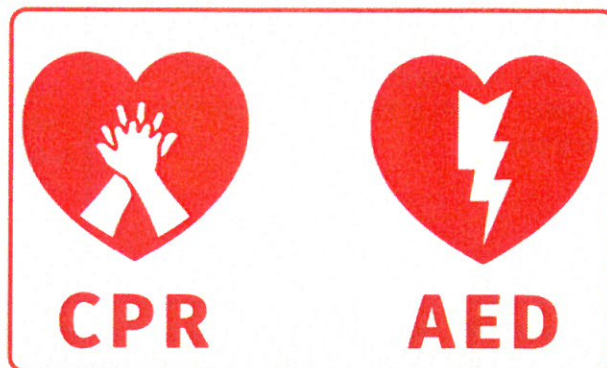
Additionally in this quarter, new CPR mannequins and AED simulators were purchased to improve the training provided to individuals desiring to learn CPR and how to use Automatic External Defibrillators. The new mannequins were required by the American Heart Association and two classes were offered during the quarter (one at the Community Center in conjunction with Parks and Recreation department and one for Boy Scouts at a local merit badge clinic).


**CPR AND FIRST AID
CERTIFICATION**
INSTRUCTED BY THE
ZEBULON FIRE DEPARTMENT 

Saturday, October 5
9:00am - 3:00pm
Ages 13 and up.

\$10 per person.
Pre-register by Friday, September 27
Bring your own lunch
(refrigerator available)
Zebulon Community Center





PERSONNEL UPDATES

Since the last quarterly report, the following individuals received these recognitions:



Captain Taylor Andrews received the 2019 Career Firefighter of the Year award.



Firefighter Eric Pendergrass received the 2019 Volunteer Firefighter of the Year award.



Firefighter Seth Taylor has been hired to fill a vacant position. He previously was affiliated with the Town of Knightdale Fire Department. Firefighter Taylor started on December 23, 2019 and will be assigned to C Shift.

PROJECT UPDATES

Listed below are updates to projects currently in progress:

- **Additional Defibrillators** – Three new defibrillators have been placed in service. This is the second year of a project to equip all fire vehicles with semi-automatic defibrillators.
- **Fire Station Access Control System** – Work is scheduled to begin soon on installation of an access control system for the fire station. This system will provide a single visitor entrance and to better secure the building when the crews are away from the station, as well as during nights and weekends.
- **Radio Interoperability Solution** – The solution to enable town employees on the Public Works radio system to communicate with town employees on the public safety radio system is complete. It was used during the Holiday Happenings event as well as the Christmas Parade. This enables better staff coordination and provides a better means for staff to communicate during these larger events.
- **Fire Station Replacement Project** – Staff continue to work with Wake County departments of EMS and Facility, Design, and Construction to identify the preferred site for the fire/EMS station project.



PARTING SHOTS

Shown below are a few miscellaneous pictures from the quarter.

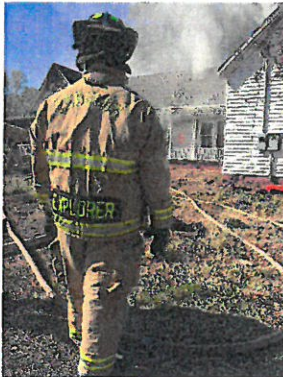


2019 Firefighter of the Year Award Winners



Retired Firefighters at the Christmas Party

Scenes from Fall Live Burn on Old Bunn Road



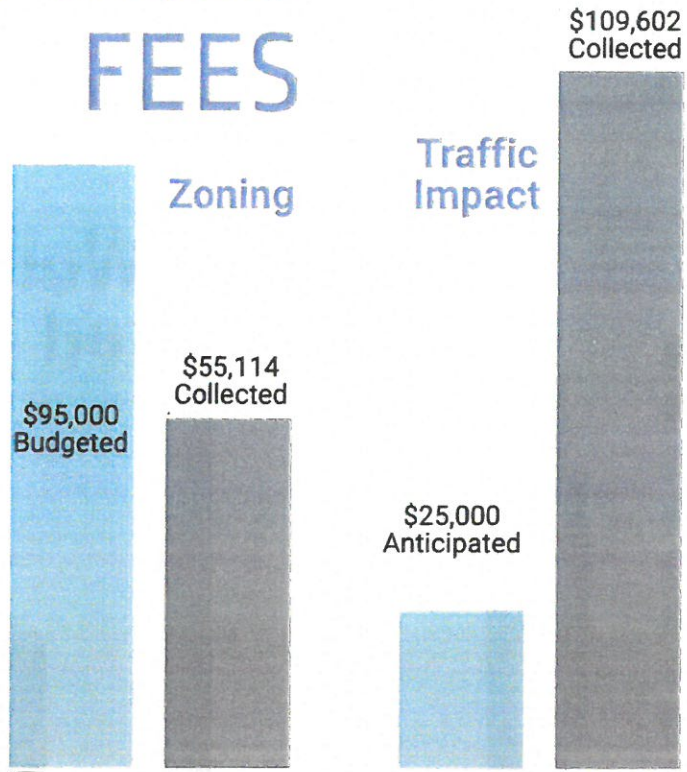
PLANNING Q2 REPORT

Contact Us
 919-823-1810
 1003 N Arendell Avenue
 Zebulon, NC 27597





FY2020 FEES



Grow Zebulon



Jacob Parente joined the Planning Department as a Planner/GIS Technician in October.

Jacob's job responsibilities include: creating GIS maps for the Town, updating the Town's GIS Information, and processing Zoning Permits. He is quite a catch for the Town of Zebulon as he is an avid fisherman.

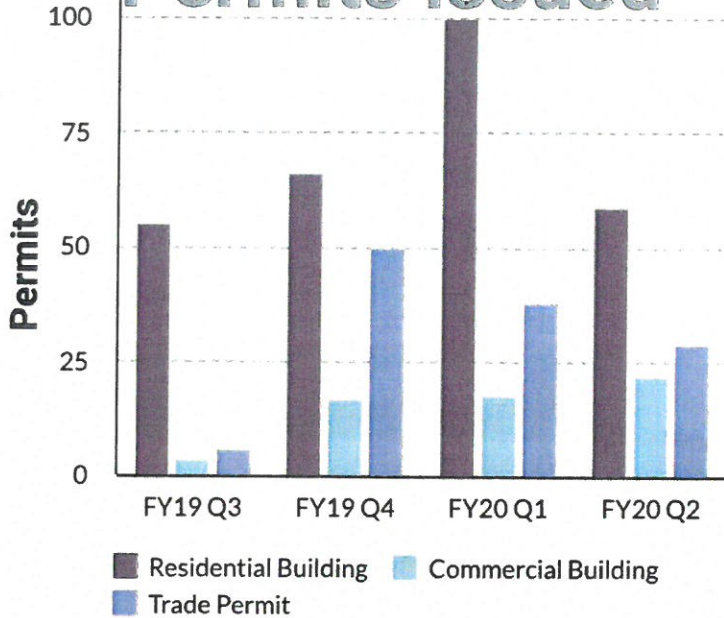
Cases

Finalized in Q2

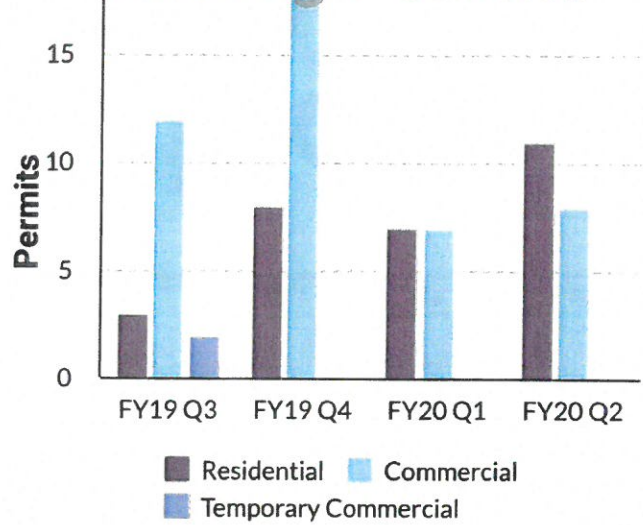
- Technical Review Committee
 - TRC 2019-07 Weavers Pond Phase 6
 - TRC 2019-09 Zebulon Green
 - TRC 2019-10 Smithfield's Chicken & BBQ
- Plat Recording
 - FP 2019-04 Taryn Lakes Phase 3
 - FP 2019-05 Weavers Pond Phase 7
- Special Use Permits
 - SUP 2019-08 Pearces Road
 - SUP 2019-09 Zebulon Green
 - SUP 2019-10 Internet Cafe
- Annexation
 - AN 2019-01 Green Pace Road
 - AN 2019-02 Pearces Road
 - AN 2019-03 704 Pearces Road
- Board of Adjustment
 - AP 2019-01 324 Perry Curtis Road

Permitting

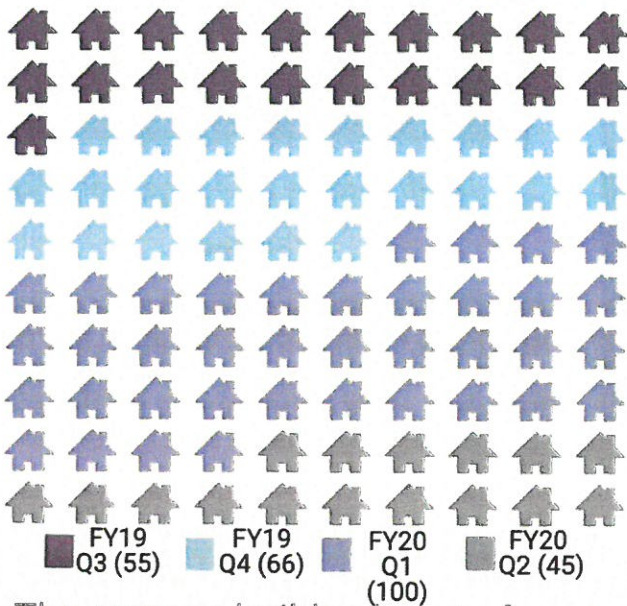
Permits Issued



Zoning Permits

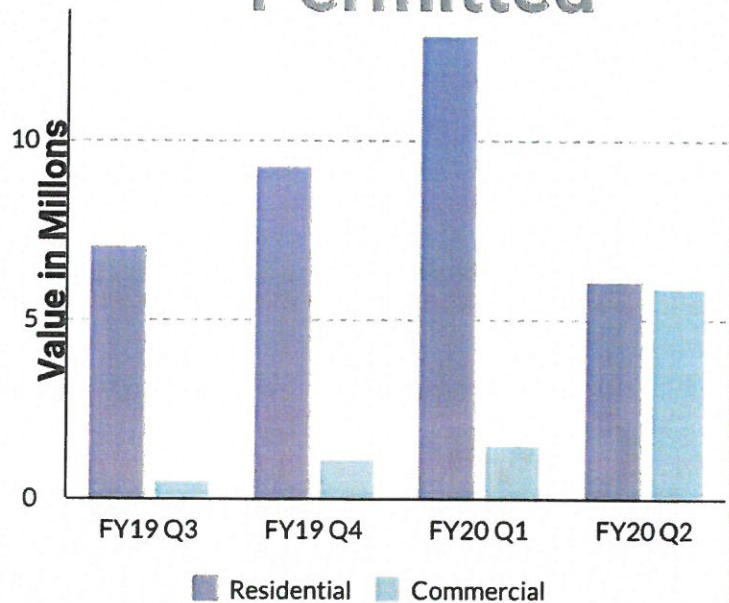


Homes Permitted



The average builders' cost of a new home was \$127,403.84 in Q2 of FY2020.

Value of Work Permitted



Code Enforcement

Minimum Housing Cases



Opened: 0
Closed: 2

Code Enforcement Cases



Opened: 16
Closed: 54

Stop Work Orders



Issued: 1

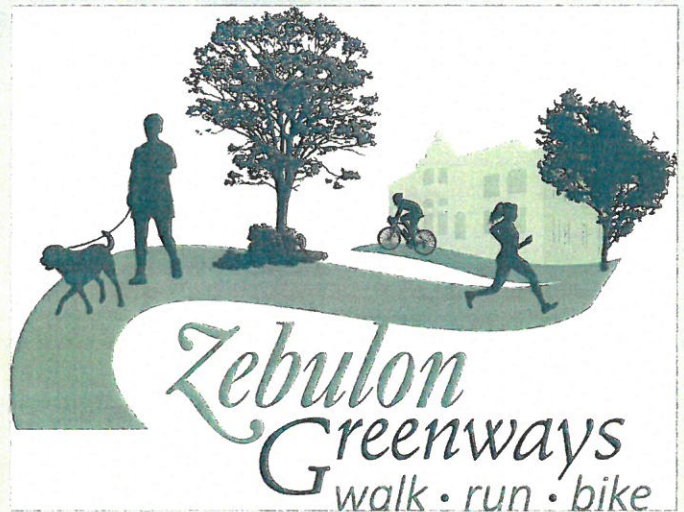
Town of Zebulon

Public Works

Department

Quarterly
Report

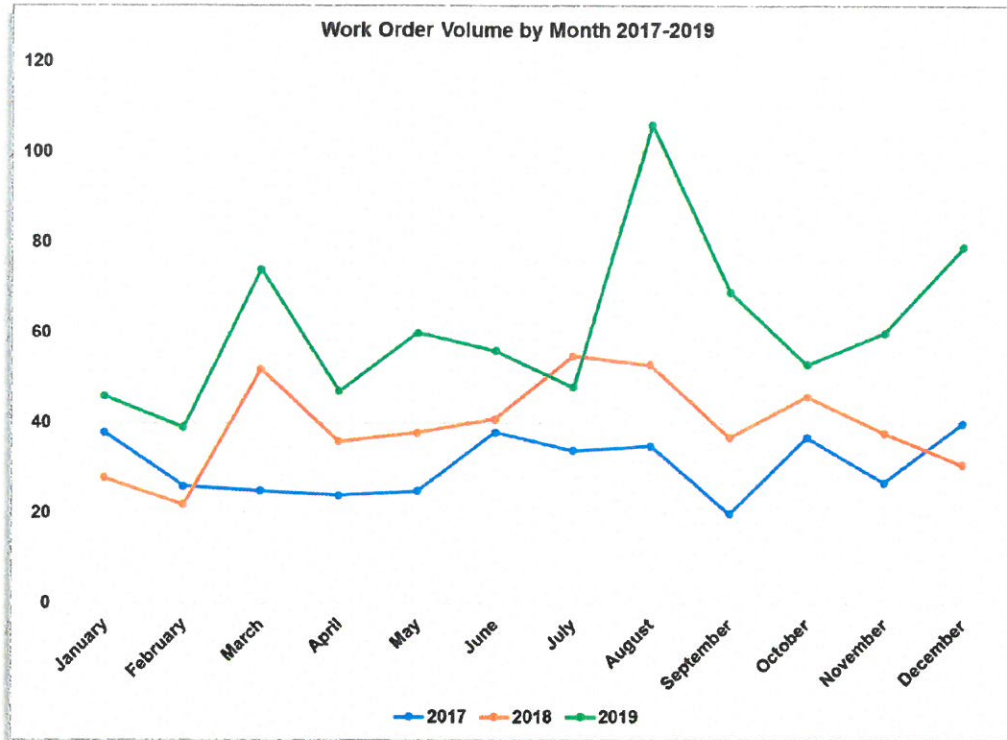
October - December
2019



Public Works is committed to providing the citizens of the Town of Zebulon with the highest level of service and protection of the environment.

Service Trends

Work Order Volume Growth

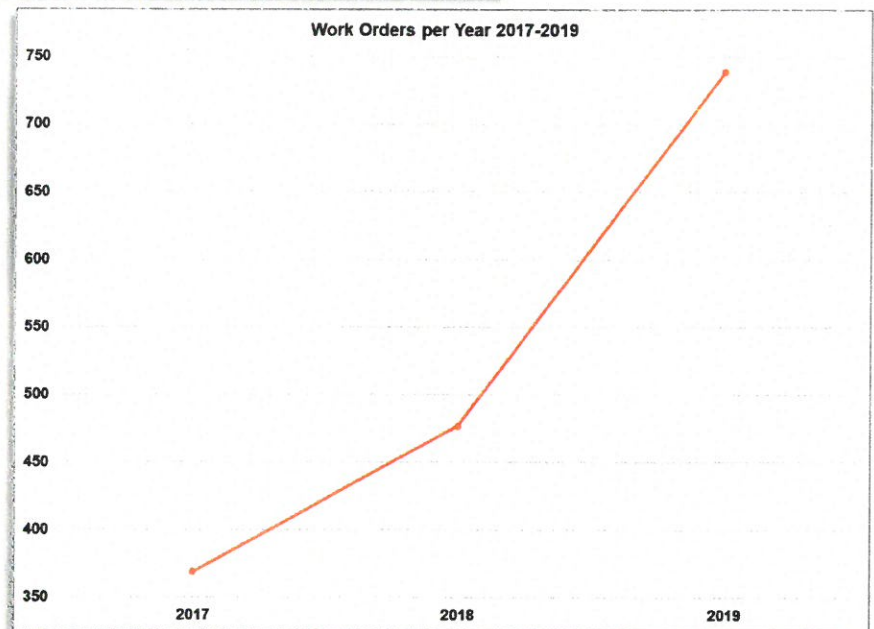


The increased rate of development in Zebulon is reflected in the increased volume of work orders completed by Public Works each year.

2017 to 2018: +29%

2018 to 2019: +55%

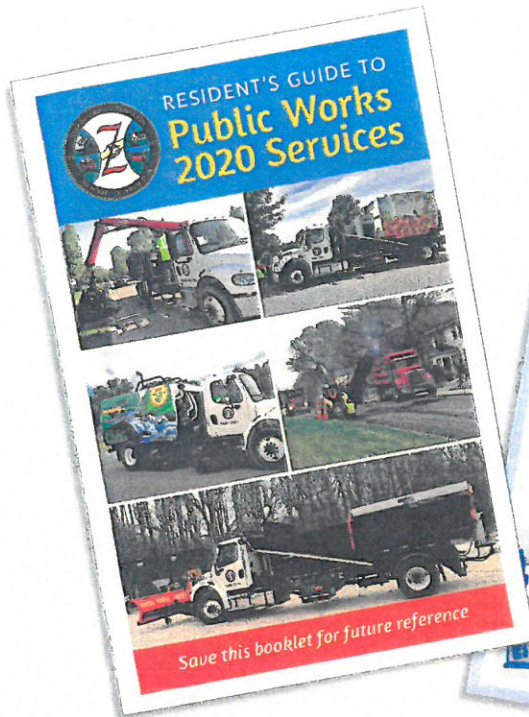
Given the anticipated residential growth in 2020, the department expects to see a similar rise in 2020.



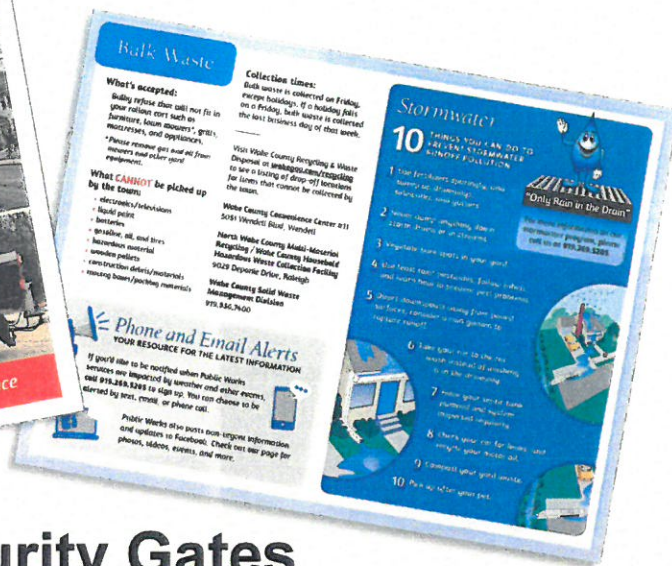
DID YOU KNOW? The 3 most frequent types of work orders in 2019 were trash cart deliveries related to development, roadway maintenance, and building maintenance.

Events & Activities

2020 Services Brochures



The 2020 Public Works services brochures are now available at town facilities and on the Town of Zebulon web site. Packed with information and schedules, this guide is mailed to all residents & provided to new-construction residents with their waste carts.



Improved Security Gates

The installation of code-controlled gates and extended fencing restricts access to the Public Works facility, improving the security of our people and equipment.



Community Outreach

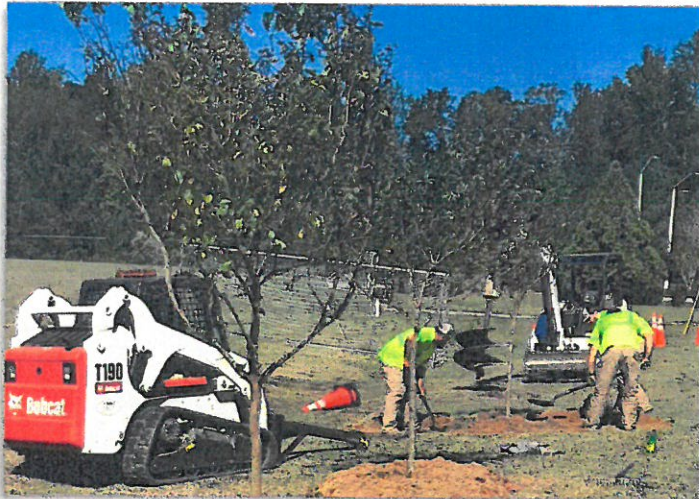
Hay Day - snow plow art



Zebulon Middle School Truck Fair



Arbor Day



Tree Lighting



Christmas Parade - Citizen of the Year



Project Updates



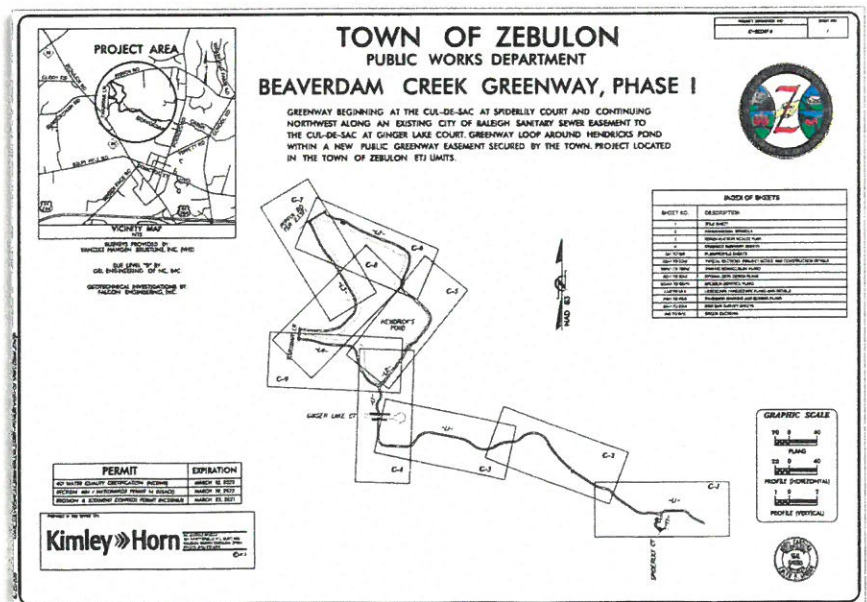
Public Works HVAC Project

- ◆ Project completed under budget
- ◆ Passed Wake County inspections
- ◆ Installed two gas split systems & an instant hot water heater



Beaverdam Creek Greenway

- ◆ Received utilities certification
- ◆ Received exemption for Kimley-Horn to bid on CA/CEI work
- ◆ Received qualifications statements for CA/CEI services
- ◆ Anticipated Notice to Proceed for construction: May 1, 2020



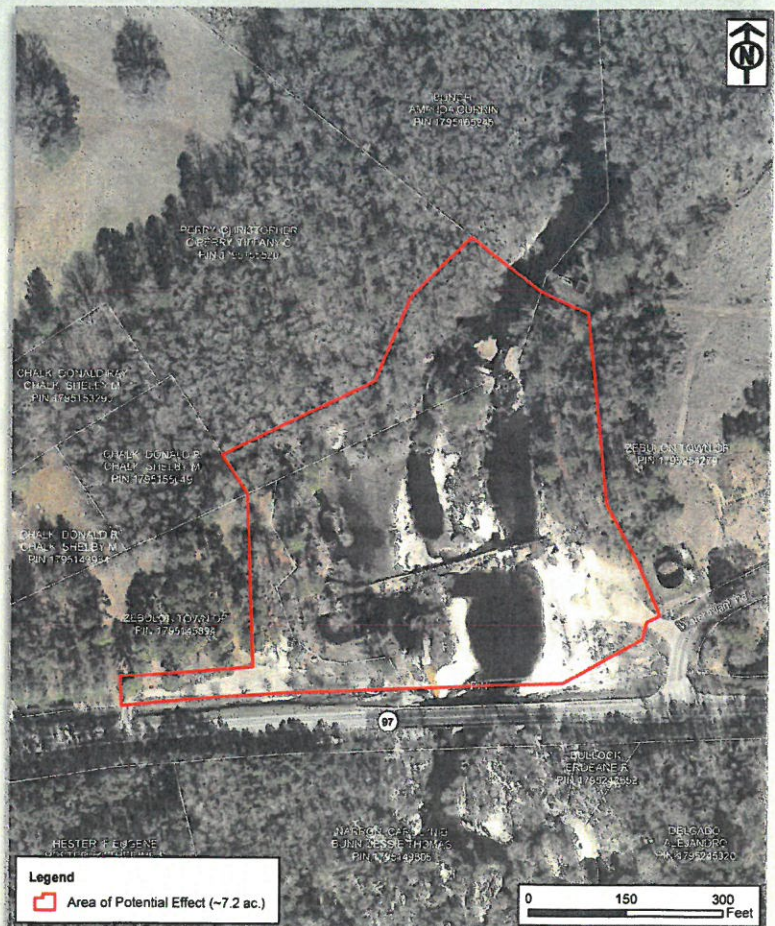
North Arendell Avenue Access Improvements

- ◆ Carolina Land Acquisitions under contract to acquire 19 easements/ROW
- ◆ ROW asset evaluations/claim forms submitted for DOT review
- ◆ Received Duke Energy utility relocation costs for East Hendricks Drive



Little River Dam

- ◆ Continuing to work with NC Department of Public Safety and FEMA to secure additional funding
- ◆ Architectural survey complete
- ◆ Archeological survey to begin in 1Q2020:
 - ◆ Coordination with state agencies
 - ◆ Visual inspection
 - ◆ Shovel tests



Social Media Update



731 Likes



758 Followers



2 posts
reached
1,000+
people

Personnel Updates

Congratulations!

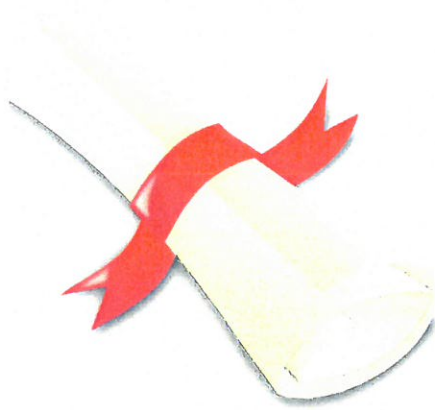


Corbin Johnson was awarded the 2019 Five Star Award, which is given each year to the team member who most exemplified the following traits: High Character, High Performance Level, Dependability, Team Player, & Positive Attitude.

Farewell

Will Gay has accepted a position with the City of Raleigh's Water & Sewer Division. As an Equipment Operator, he was a valued member of the Public Works team and will be missed. We wish him all the best in his new role.





Training

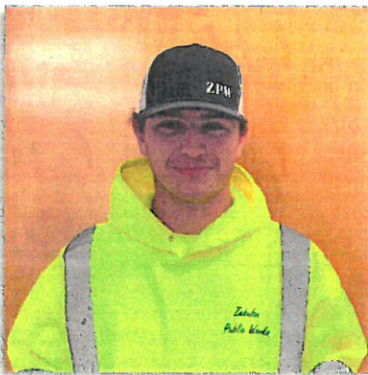


Jason Brown
Operations & Maintenance for
Water & Wastewater Utilities

Certified Stormwater Inspector



Mary Duffy
Intermediate Purchasing



Daniel Baxley
Chain Saw Safety





Steven Holmquist
Snow & Ice Control



2020 CENSUS UPDATE
FEBRUARY 3, 2020

Topic: 2020 Census Update

Speaker: Michael Clark Introducing Kenneth Wilkins, Partnership Specialist
From: Michael Clark, AICP, CZO, Planning Director
Prepared by:  Teresa Piner, Contractor
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will receive information about the upcoming 2020 Census.

Background:

The Federal Government has worked for several months laying the foundation for the 2020 Census. Partnership Specialists work with federal, state, local and tribal governments and/or local businesses and community groups to encourage participation in the upcoming nationwide head count.

Address Canvassing for the 2020 Census began in the summer of 2019. Census workers (listers) worked throughout the Zebulon community identifying housing units where residents live, comparing what was currently on the ground to the data from the 2010 Census as well as the address and annexation information submitted by the Zebulon Planning Department.

The Town of Zebulon is an active participant in the Wake County Complete Count Committee. In addition, Mayor Matheny has prepared a letter outlining the importance of an accurate Census Count to Zebulon residents and Town staff regularly posts information about the upcoming 2020 Census on multiple social media platforms.

Census Recruiters and Town staff continue to advertise jobs within the Zebulon community. Census Recruiters have attended various local functions, spoken to civic organizations, participated in the Zebulon Christmas Parade, Tree Lighting, and the Holiday Vendor Market promoting Census job opportunities and awareness. Members of the Wake County Complete Count Committee have assisted Town staff and Census workers by manning information tables during the day at the Zebulon Community Center, Zebulon Library, and Eastern Regional Center. The Complete Count Committee has also supplied promotional materials for distribution at multiple Family Movie Nights held at the Community Center in addition to the Farmer's Market

Partnership Specialists remain diligent in developing partnerships to raise awareness, trust and promote participation in the 2020 Census. Partnership Specialists work with communities to foster efforts toward achieving an accurate count, especially in communities considered "hard to count". Populations considered undercounted typically fall within one of four broad categories: hard to locate, hard to contact, hard to interview and hard to persuade. These populations include children under 5, individuals not living in long-term housing, the homeless, young adults between the ages of 18-24, racial and



2020 CENSUS UPDATE FEBRUARY 3, 2020

ethnic minorities, immigrants, people with lower incomes, individuals who do not trust the government, and those with physical or mental disabilities.

Discussion:

No direction or discussion required. Any discussion will be to answer questions of the Board.

Policy Analysis:

An increase or decrease in population has the ability to influence the location of new schools, the number of seats in the U S House of Representatives (apportionment of dividing 435 seats among 50 states), the drawing of state legislative districts, congressional districts and school districts. Census counts provide municipalities with valuable information on population growth and trends. This insight directs attention to needed resources and strategic planning efforts to address future impacts on roads, parks, police, fire, economic development initiatives, and community development and redevelopment opportunities.

Financial Analysis:

The Decennial Census is the backbone for the distribution of federal funds to local authorities over the next ten (10) years. When residents respond to the census it helps the community receive its fair share of more than \$675 billion in funds spent on schools, hospitals, roads, public works and other vital programs. Schools within the Zebulon community are recipients of funding for free and reduced school lunches and special education programs. The Town is also a recipient of Powell Bill Funds, the redistribution of sales tax, public transportation grants (ZWX route), and Community Development Block Grant funding for utility infrastructure, road improvements as well as sidewalks and greenways, all of which are impacted by population.

Staff Recommendation:

No recommendation. This report is offered to keep the Board apprised of the 2020 Decennial Census process.



STAFF REPORT
SUP 2019-11
715 SHEPARD SCHOOL ROAD
FEBRUARY 3, 2020

Topic: SUP 2019-11 – 715 Shepard School Road

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

Executive Summary:

The Board of Commissioners will consider the Special Use Permit application received for land located at 715 Shepard School Road to operate a Rooming House.

Background:

Associate Properties, LLC has submitted a request to re-obtain a Special Use Permit for the purpose of managing a 7-unit, existing rooming house. However, in accordance with Sections 152.045 and 152.063, the Special Use Permit has expired. The zoning is currently DTP (Downtown Periphery) but was Residential-10 (R-10) at the time of application. [NC PINs: 2705373387].

Public Hearing: January 6, 2020 – At the quasi-judicial hearing, staff provided an overview of the request and applicant presented his testimony. No one spoke in opposition to the request.

Ultimately, the Board of Commissioners will determine whether or not to approve the Special Use Permit.

The findings of fact are as follows:

- (1) Will not materially endanger the public health or safety if located where proposed;
- (2) Complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;
- (3) Will not substantially injure the value of the abutting land;
- (4) Will be in harmony with the area in which it is to be located;
- (5) Is in general conformity with the town's adopted policy guidance; and
- (6) Includes a concept plan that accurately depicts the proposed use's configuration.

If denied, the Board of Commissioners must discuss and state a reason as to why there was insufficient evidence to meet a finding of fact. Only one finding must be found unproven, based upon evidence submitted at the hearing, to oppose the permit.

The application, supporting documents, and any expert testimony provided by the applicants, staff, or the public, such as the application and findings of fact, proposed concept plan, and proposed conditions that were entered into the public record as exhibits during the Joint Public Hearing should be given careful examination to guide



STAFF REPORT
SUP 2019-11
715 SHEPARD SCHOOL ROAD
FEBRUARY 3, 2020

the Board's discussion for the six findings of fact necessary to approve or deny the special use permit.

Discussion:

The discussion before the board is to determine if the proposed request meets all 6 of the required findings of fact in accordance with 152.038 of the Zoning Code.

Policy Analysis:

Comprehensive Plan: Land Use & Overview (Chapter 9)

The Land Use Map defines the area as Traditional Neighborhood (TN) with an overall density of 4 to 8 units per acre. TN includes housing types of duplexes, quadplexes, and townhomes with limited commercial uses serving the neighborhood such as grocery stores, pharmacies, schools, and fire stations. The proposed Special Use Permit conforms to the intent of the Comprehensive Plan.

Comprehensive Plan: Housing & Neighborhood (Chapter 6)

This proposed use is an existing use operating without permits. This proposal is consistent with the following goal:

- *Housing & Neighborhood Goal 1 – Achieve a variety of housing types, designs and densities in both older neighborhoods and newly developing areas to meet the needs of all income levels.*

Transportation Plan

The Multimodal Transportation Plan shows the cross section of Shepard School Road from Gannon Avenue to Old Bunn Road as a 2-Lane with Sidewalks and Bicycles. This cross section is within 47' of right-of-way, each travel lane is 14' in width with curb and gutter, and sidewalks.

Traffic

A Traffic Impact Analysis (TIA) report was not submitted, and is not required as the trips generated during a weekday peak hour will be less than 100 trips. A driveway permit from NCDOT will be required for the site. Any improvements required for the driveway permit will be handled during the technical review site plan approval process.

Greenway, Bicycle, and Pedestrian Master Plan

The Greenway, Bicycle, and Pedestrian Master Plan does not plan for any greenway corridors for the proposed development site. Sidewalks are not present on this side of Shepard School Road.

Parks and Recreation Master Plan

The Town currently does not have a Parks and Recreation Master Plan or a Parks and Recreation component of the Comprehensive Plan, to guide the placement, or assess the needs, of parks and recreation facilities.



STAFF REPORT
SUP 2019-11
715 SHEPARD SCHOOL ROAD
FEBRUARY 3, 2020

Ordinance Requirements

Staff has proposed conditions of approval relating to construction drawing/site plan approval. The applicant agrees to these conditions.

Fiscal Analysis:

N/A.

Staff Recommendation:

Staff has reviewed the applicable documentation and has determined that finding of facts 2, 5, and 6 have been met. The Board of Commissioners may request additional conditions if deemed necessary.

Attachments:

1. Application
2. Concept Plan
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. NCGS 160A-58.1
7. Site Pictures
8. Proposed Conditions
9. Notice of Violation
10. Copy of 150-foot buffer for mailed notice notification
11. Notice of Public Hearing



RECEIVED
11/17
103

Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597
Phone: (919) 823-1810 Fax: (919) 887-2824
www.townofzebulon.org

SPECIAL USE PERMIT

GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is **\$800.00 or \$1,800.00 with TIA Review**.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled “QUASI-JUDICIAL HEARINGS,” beginning on page 6, for an explanation of quasi-judicial hearings and the applicant’s responsibility in such hearings. APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING. Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Special Use Permit. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon’s website or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled “REQUIRED FINDINGS OF FACT”). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.



APPLICATION FOR Special Use Permit

PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: ASSOCIATE PROPERTIES, LLC / S.M. BURROWS (MANAGER)		
Street Address of Applicant/Agent: 5025 UPCHURCH LN.		
City: WAKE FOREST	State: NC	Zip Code: 27587
Email of Applicant/Agent: MIKEBURROWS69@GMAIL.COM	Telephone Number of Applicant/Agent: 919-999-6936	Fax Number of Applicant/Agent: NONE
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

PART 2. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: 715 SHEPARD SCHOOL RD.	Current Zoning Classification: R-10	Acreage: .28
Parcel Identification Number (NC PIN): 2705373387000	Deed Book: 13495	Deed Page(s): 1946
Existing Use of the Property: ROOMING HOUSE	Proposed Use of the Property: ROOMING HOUSE	
Describe the nature of the proposed activity and any particular characteristics related to the use of the property: TO CONTINUE TO PROVIDE INDIVIDUAL ROOMS FOR RENT TO FEMALE TENANTS IN NEED OF AFFORDABLE HOUSING. ALL ROOMS ARE FURNISHED WITH A BED & DRESSER & PRIVACY DOOR LOCKSETS. ALL UTILITY COST ARE INCLUDED IN THE RENT. THERE ARE SEVEN BEDROOMS & THREE FULL BATHROOMS AS SHOWN ON THE ATTACHED FLOOR PLANS.		

PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: ASSOCIATE PROPERTIES, LLC		
Street Address of Property Owner: 5025 UPCHURCH LN.		
City: WAKE FOREST	State: NC	Zip Code: 27587
Email of Property Owner: MIKEBURROWS69@GMAIL.COM	Telephone Number of Property Owner: 919-999-6936	Fax Number of Property Owner: NONE

I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.

Signature of Owner: S.M. Burrows	Print Name: S.M. BURROWS	Date: 11/5/2019
-------------------------------------	-----------------------------	--------------------



REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Planning Board and Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. The applicant will bear the burden of presenting substantial, competent, and material evidence sufficient to enable the Board of Commissioners to make the findings of fact required in §152.038(B) of the Zebulon Code of Ordinances, as set forth below. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?

THE EXISTING USE IS CONSISTANT, SIMILAR, & COMPLIANT WITH SURROUNDING RESIDENTIAL PROPERTIES.

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property?

TENANT OCCUPANCY IS CONSISTANT & SIMILAR WITH ALL ADJOINING & ABUTTING RESIDENTIAL PROPERTIES OF EQUAL OR LESSOR VALUE OR CONDITION WHICH WILL HAVE NO NEGATIVE IMPACT OF THEIR VALUES.

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?

PUBLIC RECORDS OF PROPERTIES IN THE IMMEDIATE AREA OF THIS SUBJECT PROPERTY & USE WILL CLEARLY SHOW THAT IT IS IN HARMONY WITH THE AREA

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?

THIS PROPERTY WAS PURCHASED BY ASSOCIATE PROPERTIES, LLC (LP) AS AN REO FORECLOSURE FROM FALNIE MAE (PURCHASE PRICE \$126,500). THIS PROPERTY WAS "CONDENED" & AP MADE MAJOR IMPROVEMENT (WAKE COUNTY BUILDING PERMIT # 009255 DUE 6/18/09) ALL INSPECTED & APPROVED IN COMPLIANCE & CONFORMITY WITH ALL ORDINANCE, POLICIES, LAND USE PLAN & THOROUGHFARE PLANS.

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?

BY THE FACT THAT A MAXIMUM OF SEVEN VEHICLES WILL BE PERMITTED WITH ON SITE PARKING PROVIDED WHICH WILL HAVE NEGLIGABLE IMPACT ON TRAFFIC.



APPLICATION FOR
Special Use Permit

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities?

NO ALTERATIONS ARE PROPOSED.

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

NO ALTERATIONS EXIST WHICH WILL EFFECT ANY OF THESE CONDITIONS

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

NO ALTERATION ARE PROPOSED WILL EFFECT SURROUNDING PROPERTIES

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

LACK OF AFFORDABLE HOUSING FOR TENANT RESIDENCE ON LOW FIXED INCOME.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that 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.

S.M. Burrows
Signature of Applicant

S.M. BURROWS
Print Name

11/5/2019
Date



SITE PLAN REQUIREMENTS

Every applicant requesting a Special Use Permit shall submit 24 copies and 1 pdf on cd of a site plan drawing with the application for a Special Use Permit. The site plan shall contain sufficient information to adequately determine the type of development being proposed. The site plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

<u>ITEM</u>	<u>CHECK IF SUBMITTED</u>
1. Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements.	<u>✓</u>
2. Elevation drawings of all buildings indicating the proposed exterior finish materials.	<u>NA/EXISTING</u>
3. Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations.	<u>NA/EXISTING</u>
4. Location of all ingress and egress.	<u>✓</u>
5. Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	<u>NA/NONE</u>
6. All pedestrian walks and open areas for use by residents, tenants, or the public.	<u>NA</u>
7. Proposed land uses indicating areas in square feet.	<u>NA/EXISTING</u>
8. The location and types of all signs, including lighting and heights, with elevation drawings.	<u>NA</u>
9. Existing and/or proposed street names.	<u>✓</u>
10. Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	<u>NA/EXISTING</u>
11. Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	<u>UNKNOWN/TSD</u>
12. Trip generation data.	<u>NA</u>

NOTE: In accordance with §152.042 of the Zebulon Code of Ordinances, the Board of Commissioners may affix conditions to the Special Use Permit. Examples of conditions that might be imposed would be conditions affecting the following:

- a. Setbacks for buildings or structures
- b. Public street access
- c. Drainage
- d. Vehicular traffic, circulation, parking lots or spaces
- e. Hours of operation
- f. Activities and uses permitted
- g. Landscaping
- h. Pedestrian circulation
- i. Signs
- j. Mitigation of noise, fumes, odors, vibrations, or airborne particles
- k. Exterior lighting
- l. Exterior construction materials
- m. Screening or buffer zones
- n. Outside storage and display of merchandise
- o. Refuse and waste storage
- p. Lot sizes and dimensions
- q. Accessory buildings
- r. Other conditions or restrictions as shown on the site plan



OWNER'S CONSENT FORM

Name of Project: 715 SHEPARD SCHOOL RD. Submittal Date: 11/5/2019

OWNER'S AUTHORIZATION

I hereby give CONSENT to S.M. BURROWS (MANAGER) (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 §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. 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.

S.M. Burrows
Signature of Owner

S.M. BURROWS
Print Name

11/5/2019
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.

S.M. Burrows
Signature of Owner

S.M. BURROWS
Print Name

11/5/2019
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.**



QUASI-JUDICIAL HEARINGS

Explanation of Quasi-Judicial Hearings

Quasi-judicial decisions arise in a variety of local government settings. In Zebulon, members of the Town's Board of Commissioners and Planning Board jointly hold quasi-judicial hearings for special use permits, as required by state law. Zebulon's Board of Adjustment also holds quasi-judicial hearings for variance requests and appeals of staff decisions. During a quasi-judicial hearing, the Boards must hold an evidentiary hearing based solely on written and oral evidence presented by witnesses testifying under oath and subject to cross-examination. The quasi-judicial hearings do not involve setting new policies, but rather the application of previously adopted policies to the parties involved. Unlike legislative decisions (like rezonings), where the Board's actively seek the public's input and opinion concerning the advisability of the matter before the Boards, state law and constitutional considerations require that a quasi-judicial decision must be based solely on the evidence presented and cannot be based on the Board's or witnesses' unsubstantiated opinions. Put differently, a quasi-judicial decision is one that requires the Board members to find facts and apply the standards set forth in the Town's ordinance to a specific situation.

Evidence Required

There must be "substantial, competent, and material evidence" in the record to support each factual determination: the findings cannot be based on conjecture or assumptions. North Carolina General Statutes (NCGS) §160A-393 prohibits a person from giving opinions about scientific, technical or other specialized subjects unless the person, by knowledge, skill, experience, training or education, is in fact an expert on the subject. NCGS §160A-393 specially prohibits opinions that "the use of property in a particular way would affect the value of other properties" or opinions that "the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety" unless the witness is an expert on the subject.

Burden

The applicant will bear the burden of presenting evidence sufficient to enable the Board of Commissioners to make the findings of fact required the Zebulon Code of Ordinances. Those in opposition to the issuance of the special use permit bear the burden of presenting evidence that a required standard will not be met. The findings of fact required by the Zebulon Code of Ordinances are as follows:

1. The proposed special use will not materially endanger the public health, safety or welfare.
2. The proposed special use will not substantially injure the value of adjoining or abutting property.
3. The proposed special use will be in harmony with the area in which it is to be located.
4. The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

Ex-Parte Communication

In all quasi-judicial hearings, all rulings must be based only upon the evidence in the record. Any direct or indirect communication (verbal, written, electronic or graphic) between a Board member and a proponent, opponent, or other interested party received outside of the record is considered "ex-parte communication". Board members should not receive evidence or argument on a pending quasi-judicial matter outside of the official public hearing on the matter. Note that this is different from a legislative matter before the Board, in which case Board members are free to discuss legislative matters with citizens at any time. It is inappropriate for the Board member to discuss or read correspondence concerning the quasi-judicial matter outside of the public hearing. Please do not approach or attempt to communicate with a Board member about the pending special use permit outside the public hearing; doing so may provide legal grounds for a court to overturn the Board's decision.

Oaths

Those offering testimony are put under oath. If a witness has religious objections to taking an oath, he or she may affirm rather than swear an oath.



APPLICATION FOR Special Use Permit

Questions about Quasi-Judicial Proceedings

If you have any questions about the applicable procedures, please contact Assistant Planning Director Meade Bradshaw at (919) 823-1809 or at mbradshaw@TownOfZebulon.Org.



PL

PL

75'

RECEIVED

11/6/10

m.3

715 SHEPARD SCHOOL RD
ZEBULON, NC 27597

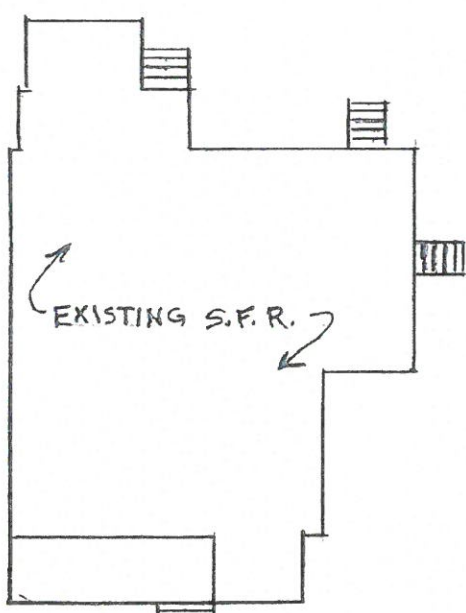
SITE PLAN
(SCALE: 1" = 20'-0")

SUP 2019-11
BOC 02/03/2020

200'

PL

PL



P1 P2 P3 P4 P5 P6

GRAVEL DRIVE

PB

PT

CONC. C&G

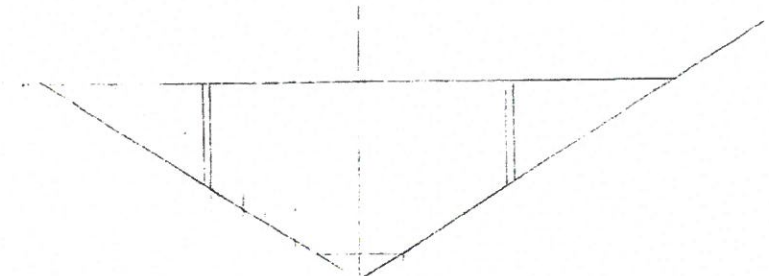
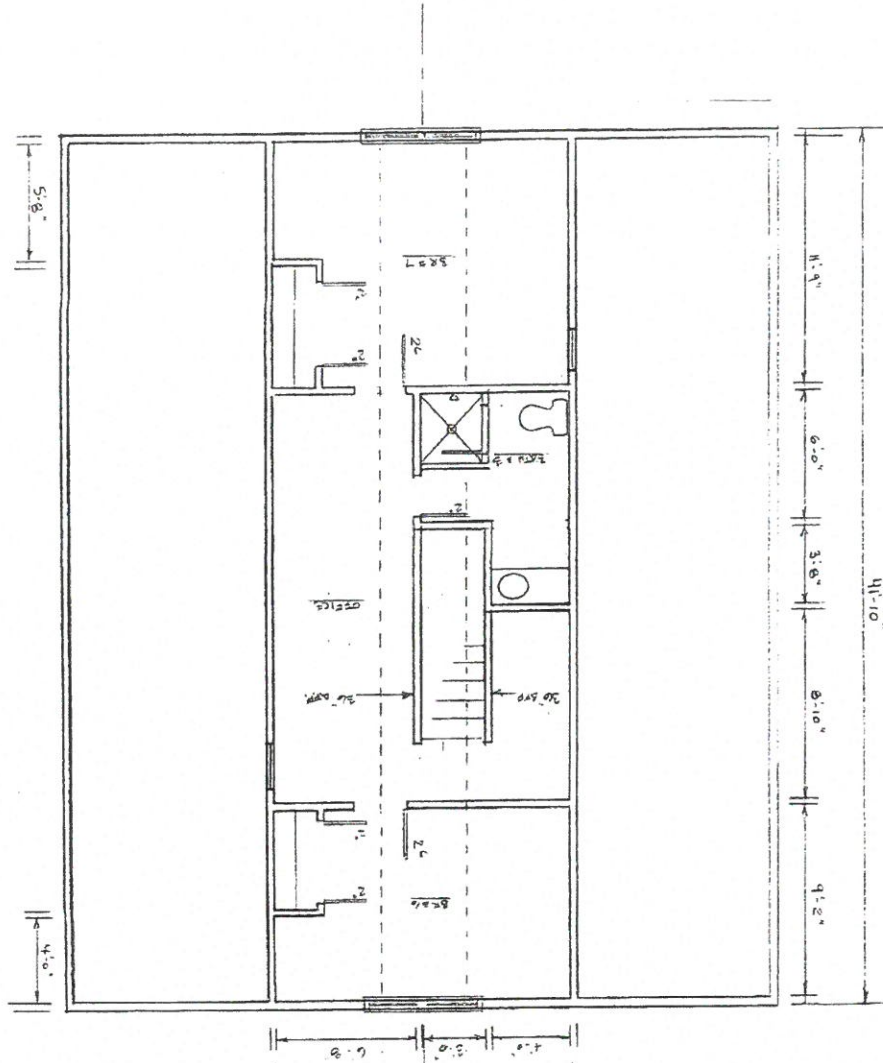
SHEPARD SCHOOL RD.

PL

PL

RECEIVED

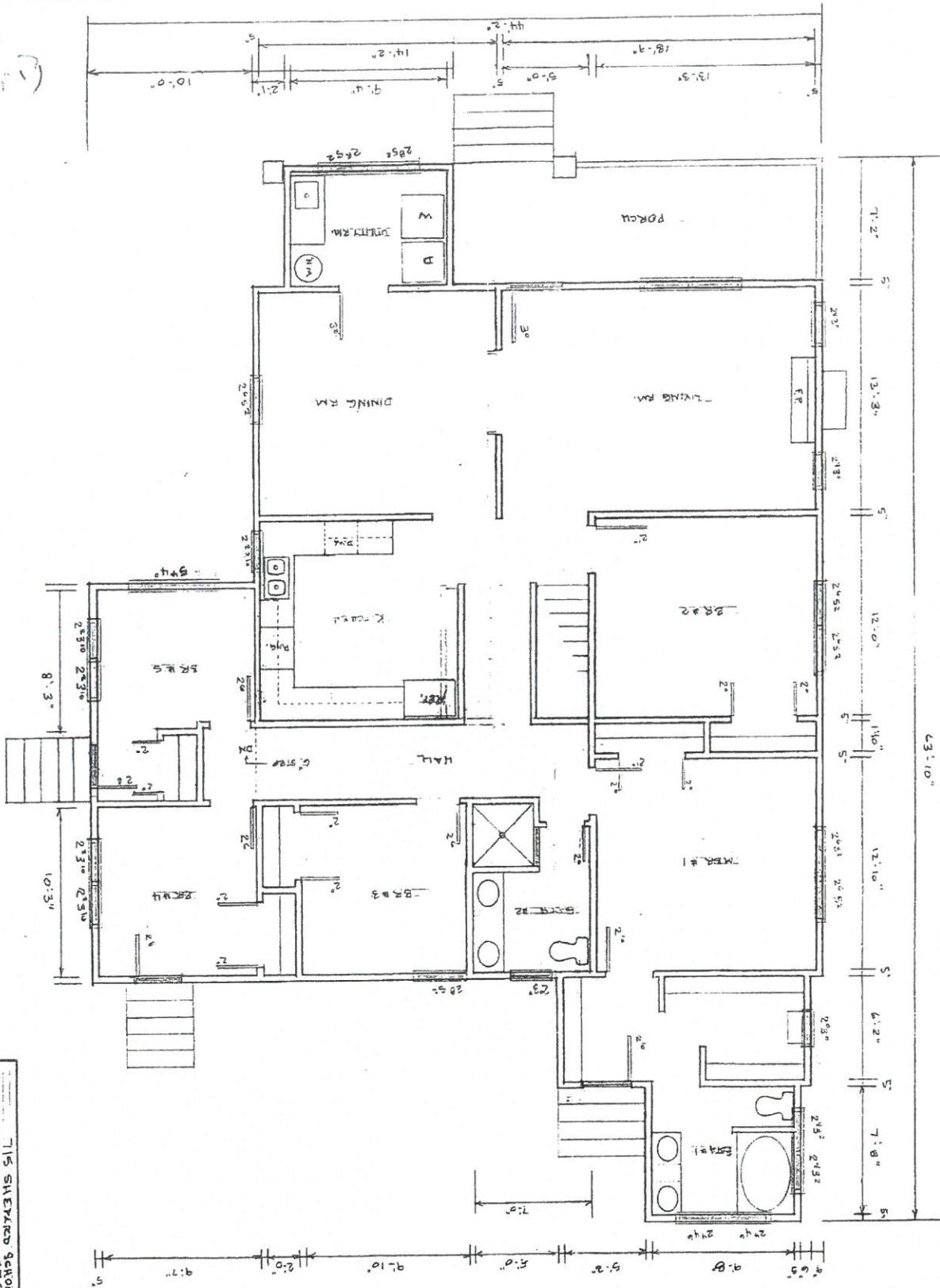
11/6/19 m.3



115 SHEPARD SCHOOL RD. 2 ELEVON, NC 27831		DATE	5-15-09
2nd FLOOR PLAN	1/4" = 1'-0"	APPROVED BY	A-2
ASSOCIATE BUILDERS, INC. DESIGN-BUILD 919.217.0447	DATE	QUANTITY NUMBER	

RECEIVED

11/2/10

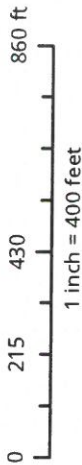


715 SHERIDAN SCHOOL RD. ELEUNON, NC 27547	
1ST FLOOR PLAN	DATE: 11/2/10
ASSOCIATE BUILDERS, INC. DESIGN BLDG 319-217-4417	SCALE: 1/4" = 1'-0"
DATE: 5/15/09	APPROVED BY: [Signature]
5/15/09	CONSTRUCTION: [Signature]

SUP 2019-11
BOC 02/03/2020



Attachment 3 - Aerial Map
SUP 2019-11
BOC 02/03/2020



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 iMaps makes 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.



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Attachment 4 - Zoning Map
SUP 2019-11
BOC 02/03/2020

Land Use

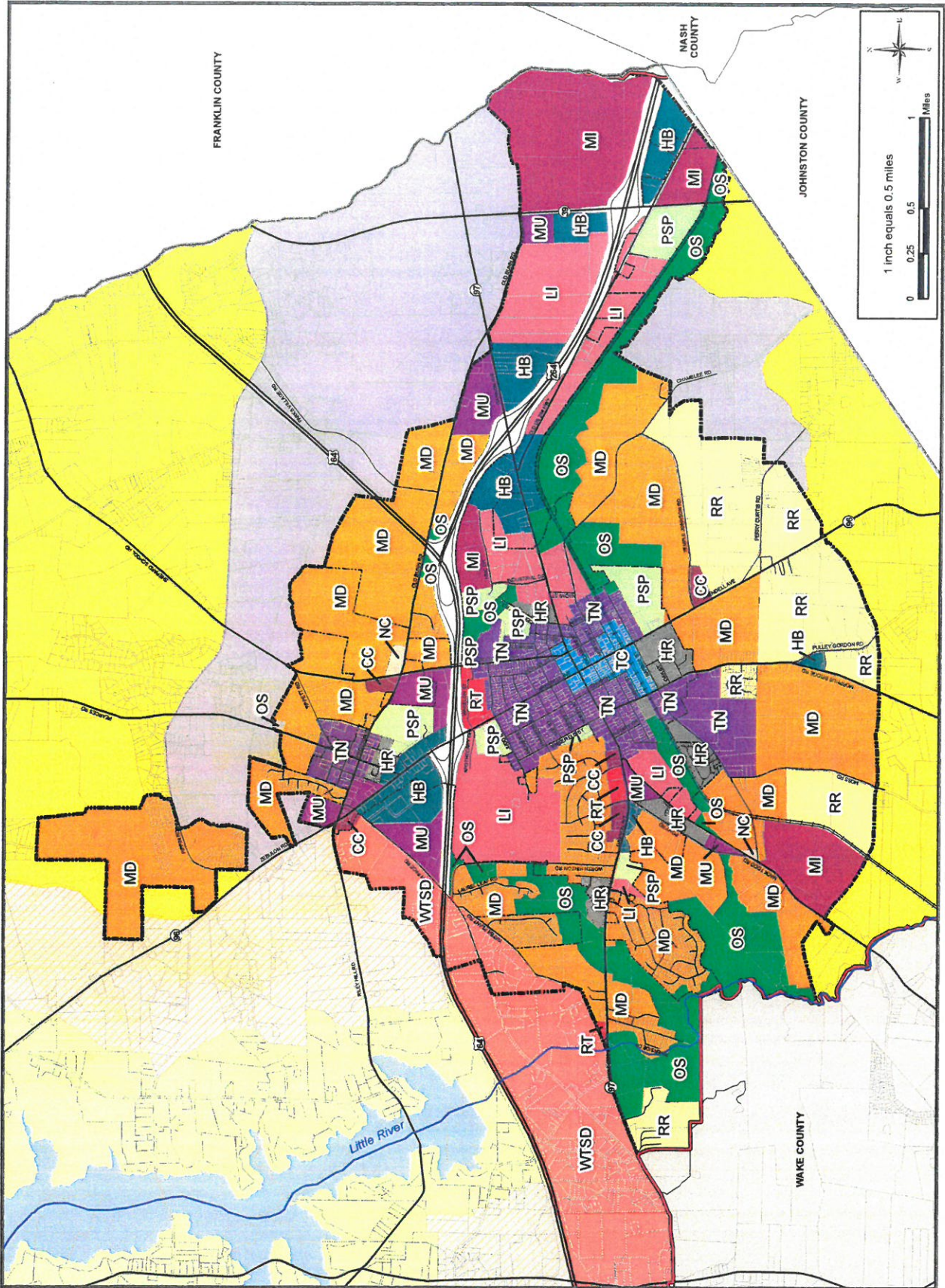
Town of Zebulon
Wake County, NC

Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Watershed
- Supply Watershed
- Annexation/Utility Boundary Agreement Line
- Zebulon Short Range Utility Service Area
- Zebulon Long Range Utility Service Area
- WTSD-Watershed
- Land Use**
- OS-Open Space
- PSP-Public/Semi-Public Open Space
- RR-Residential Rural
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/Downtown
- HB-Highway Business
- MU-Mixed Use
- CC-Community Commercial
- NC-Neighborhood Commercial
- RT-Retail
- LI-Light Industrial
- MI-Medium Industrial
- Parcels
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the Town of Zebulon
7/1/2011



§ 160A-58.1. Petition for annexation; standards.

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4; 1997-2, s. 1; 2001-37, s. 1; 2001-72, s. 1; 2001-438, s. 1; 2002-121, s. 1; 2003-30, s. 1; 2004-203, s. 13(a), (c); 2004-57, s. 1; 2004-99, s. 1; 2004-203, ss. 13(a)-(d); 2005-52, s. 1; 2005-71, s. 1; 2005-79, s. 1; 2005-173, s. 1; 2005-433, s. 9; 2006-62, s. 1; 2006-122, s. 1; 2006-130, s. 1; 2007-17, s. 1; 2007-26, ss. 1, 2(a); 2007-62, s. 1; 2007-225, s. 1; 2007-311, s. 1; 2007-342, s. 1; 2008-24, s. 1; 2008-30, s. 1; 2009-40, s. 2; 2009-53, s. 1; 2009-111, s. 1; 2009-156, s. 1; 2009-298, s. 1; 2009-323, s. 1; 2011-57, s. 1; 2012-96, s. 1; 2013-248, s. 1; 2014-30, s. 2(a); 2015-80, s. 1; 2015-81, s. 2(a); 2015-172, s. 2; 2016-48, s. 2.)



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715 Shepard School Road Conditions of Approval

1. The property must be brought up to current code compliance, meaning the plans will go through The Town of Zebulon Technical Review Committee Process if the Special Use Permit is approved.
2. At no time may a vehicle be parked on an unimproved portion of the front yard.

September 26, 2019

Associate Properties LLC
5025 Upchurch Lane
Wake Forest, NC 27587

715 Shepard School Road
Zebulon, NC 27597

Re: Notice of Illegal Use of Property; 7 Days to Remedy Violation

Dear Property Owner:

This letter serves as a Notice of Violation for *715 Shepard School Road, Zebulon (NC Pin # 2705373387)* in accordance with **§153.03 DEFINITIONS ROOMING HOUSE and ROOMING UNIT, §153.12 ROOMING HOUSES, §152.016 DEFINITIONS GROUP CARE HOME, §152.031 PERMIT REQUIRED** You are receiving this notice due to no current records existing for the approval of a group care home or rooming house.

ROOMING HOUSE. Any dwelling or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not members of the family of the owner or operator; or any part thereof.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes; or any part thereof.

§ 153.12 ROOMING HOUSES.

(A) *General compliance required.* No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter.

(B) *Water closet, lavatory and bath facilities.*

(1) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever these facilities are to be shared.

(2) All like facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities.

(C) *Water heater required.* Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(D) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space. Every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet for each occupant thereof.

(E) *Exit requirement.* Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by all applicable building codes.

(F) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house. He or she shall be further responsible for the sanitary

maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

GROUP CARE HOME.

(1) A dwelling with support and supervisory personnel operated by an organization exempt from federal income tax pursuant to 26 U.S.C. § 501, which provides room and board, personnel care and habitation services in a family environment for no more than six battered individuals, homeless individuals, abused children, pregnant teenagers or runaway children.

(2) These facilities shall not house the mentally ill, alcoholics, drug addicts or ex-offenders in transition between release from incarceration and return to freedom.

§ 152.031 PERMIT REQUIRED.

(A) Unless otherwise specifically provided, the use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to one of the following permits:

(1) A general use permit issued by the Land Use Administrator; or

(2) A special use permit issued by the Board of Commissioners.

(B) All permits are issued under this chapter only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this chapter if completed as proposed. These plans and applications as are finally approved are incorporated into any permit issued and all development shall occur strictly in accordance with the approved plans and applications.

§ 152.096 PENALTIES AND REMEDIES FOR VIOLATIONS.

(A) Violations of the provisions of this chapter or failure to comply with any of its requirement, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine and/or maximum imprisonment as follows:

(2) Compliance violation: \$200; 60 days;

(2) Compliance violation is a violation involving a failure to comply with development standards or standards associated with the use of property in the zoning district in which it is located.

(C) (1) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$50.

(2) If the offender fails to pay this penalty within 30 days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt.

(3) A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with § 152.095 and did not take an appeal to the Board of Adjustment within the prescribed time.

(D) This chapter may also be enforced by any appropriate equitable action.

(E) Each day that any violation continues after notification by the Administrator that the violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(G) (1) Failure to comply with the violation notification will result in authorization of the proper town department to correct the violation and/or fine the violator exacting punitive remedy as provided by law.

(2) The owner of the property on which the violation exists will be responsible for compensation of cost incurred by the town.

Forthcoming Corrective Actions:

In order to address the issues being raised by the town, please take the following corrective actions, which must be taken within the next **seven (7) days**:

- Cease and desist all activity associated with a rooming and boarding or group home on this property.
- To use this property as a group home facility or rooming house, you will need to obtain a special use permit.
- Contact the Planning Department with confirmation that all activity of a rooming and boarding home or group home has ceased and or the submittal of a special use permit.

In accordance with §152.072 *Appeals* of the Zebulon Code of Ordinances, an appeal from any final order or decision of the land use administrator may be taken to the Board of Adjustment by any person aggrieved within 30 days after the date of the decision or order.

If you have any questions regarding this property or the ordinances noted please feel free to call me at 919-823-1812 or email me at dmoore@townofzebulon.org .

Respectfully,

David Moore
Code Enforcement and Permitting Officer
Town of Zebulon
1003 N. Arendell Avenue
Zebulon, NC 27597
Office: 919-823-1812
Fax: 919-269-6200
dmoore@townofzebulon.org





Attachment 10 - Mailing Area 150'

SUP 2019-11

BOC 02/03/2020



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.

To Whom It May Concern:
Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on January 6, 2019 at 7:00 PM. The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon considering the following items:


SUP 2019-11 715 Shepard School - A request by Mike Burroughs to obtain a Special Use Permit for the purpose of operating a Rooming House at 715 Shepard School Rd. This Rooming House would provide 9 dwelling units. This parcel is currently zoned Residential-10 (R-10). [NC PIN: 2705373387].

Any person interested in or affected by this public hearing may appear and be heard at said public meeting. Additional information regarding this proposal may be obtained by visiting the Zebulon Planning Department.



STAFF REPORT
RELAY FOR LIFE EAST WAKE
ZEBULON MUNICIPAL COMPLEX FACILITY USE APPLICATION
FEBRUARY 3, 2020

Topic: Relay for Life East Wake Zebulon Municipal Complex Facility Use Application

Speaker: Chris Ray, Director of Public Works
From: Chris Ray, Director of Public Works
Prepared by: Chris Ray, Director of Public Works
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider Relay for Life East Wake's application modification to use the facilities at Zebulon Municipal Complex.

Background:

Zebulon Board of Commissioners adopted a facility use policy for the Municipal Complex on May 22, 2013 detailing the requirements for non-profit groups to utilize the grounds.

Since 2007, the Town has participated fully as a major sponsor of Relay For Life East Wake, providing resources to successfully host this event at Five County Stadium. In 2017, Relay For Life East Wake experienced a downturn in fundraising teams. The site at Five County Stadium was too large for the anticipated number of teams and attendees. Recognizing the need for a smaller space, Relay for Life East Wake requested the use of the grounds at Zebulon Municipal Complex. In May 2019, the Board of Commissioners approved Relay for Life East Wake's application for use of the facility every spring from 2019 – 2021.

In an effort to revitalize and modernize the Relay of Life event, the Relay for Life Executive Committee has developed the concept of "Battle of the Bands Benefit" with three local bands competing for top prize. The event will include multiple local food trucks with local breweries and wine groups. Vendors will donate a portion of their sales to the event. Relay teams will sell drinks, desserts, popcorn and cotton candy to attendees to raise additional funds. Relay for Life event will comply with town procedures with Town off duty officers and ID bracelets for the beer and wine sales within a limited area.

Discussion:

The discussion before the Board is whether to allow Relay for Life East Wake to modify their application for a "Battle of the Bands" event with beer and wine sales.

Policy Guidance:

Relay for Life East Wake's request to use Town Hall's facilities is consistent with the first four considerations in Exhibit D, Facility Use Policy for Zebulon Municipal Complex:



STAFF REPORT
RELAY FOR LIFE EAST WAKE
ZEBULON MUNICIPAL COMPLEX FACILITY USE APPLICATION
FEBRUARY 3, 2020

- Nonprofit status or public service
- Substantial presence in the community
- Proven track record over time of contributions to benefit of the Town, its institutions, and its citizens
- Stimulate or encourage community participation in nonprofit activities

The request is also consistent with Zebulon's Vision 2030 Strategic Plan. Specifically, the Small-Town Life goal of "promoting more community events and festivals" and the Growing Smart goal of "pursuing economic development opportunities with our community partners".

Fiscal Analysis:

The approximate cost for Town labor and other miscellaneous expenses is \$1,800.00 The cost of providing event labor is \$1,540.00 to assist with setup, coordination, and teardown. Zebulon Public Works staff also provides approximately 60 gallons of diesel fuel for light towers, dinner for staff, trash disposal and trash bags. The event goal is to raise \$10,000 on-site.

Staff Recommendation:

Staff recommends the Zebulon Board of Commissioners approve the modification to the application by Relay For Life East Wake to host the event at Zebulon Municipal Complex in Spring of 2020-2021.

Attachments:

1. Relay For Life East Wake Site Layout



- Relay Tents
- Stage/Bands
- Beer and Wine Garden
- Portal/Johns
- Food Trucks
- Light Towers

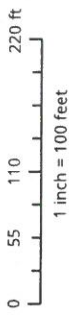
Parking with Attendants

Parking with Attendants

Parking with Attendants

Parking with Attendants

Parking with Attendants




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Relay For Life - May 15th



STAFF REPORT
ORDINANCE 2020-40
SUNDAY EARLY ALCOHOL SALES
FEBRUARY 3, 2020

Topic: Ordinance 2020-40 – Sunday Early Alcohol Sales

Speaker: Joseph M. Moore II, PE, Town Manager
From: Joseph M. Moore II, PE, Town Manager
Prepared by: Lisa Markland, HR Director/Town Clerk
Tim Hayworth, Police Chief
Bobby Fitts, Finance Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider whether to adopt an ordinance to allow for the sale of alcoholic beverages at 10am on Sundays.

Background:

Senate Bill 155 was signed by the Governor on June 30, 2017. This legislation allowed the sale of alcoholic beverages before noon on Sundays, subject to local government approval. Specifically, businesses with the proper state permit, could sell malt beverages, unfortified wine, fortified wine and mixed beverages starting at 10am on Sundays if approved by the local governing board.

Many municipalities and counties have adopted an ordinance allowing this across the state including Raleigh, Wendell, Wake Forest, Rolesville, and Garner.

There was a request by a local business owner for the Town to allow for the early alcohol sales. This request was discussed at the Board's December work session and there was support to consider an ordinance at a future regular meeting.

Discussion:

The discussion before the Board is whether they are interested in adopting an ordinance to allow the sale of alcoholic beverages at 10 am on Sundays.

Policy Analysis:

Adopting an ordinance allowing early alcohol sales may offer a means to address the Zebulon 2030 Strategic Plan's Vibrant Downtown Focus Area goal to "develop events, entertainment, and cultural attractions to draw people downtown".

Fiscal Analysis:

Adopting an ordinance allowing early alcohol sales on Sunday would increase revenues (beer/wine and ABC) minimally. Other municipalities who approved early alcohol sales on Sunday have seen increases in revenues but it is difficult to establish a connection with ordinance adoption.

There is no data to suggest adopting an ordinance would add to the current workload of police staff. Sunday mornings are traditionally a slow time for police activity and outside of church traffic the mentioned time frame requires very little in special patrols. Alcohol



STAFF REPORT
ORDINANCE 2020-40
SUNDAY EARLY ALCOHOL SALES
FEBRUARY 3, 2020

purchase and consumption related calls generally increase during weekday evenings and throughout the day on Saturday.

Staff Recommendation:

Staff recommends approval of the attached ordinance, if the Board wishes to establish early alcohol sales on Sunday.

Attachments:

1. Senate Bill 155
2. Ordinance 2020-40

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-87
SENATE BILL 155

AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE
CONTROL COMMISSION LAWS.

The General Assembly of North Carolina enacts:

DISTILLERY PERMIT AMENDMENTS

SECTION 1.(a) G.S. 18B-1105 reads as rewritten:

"§ 18B-1105. Authorization of distillery permit.

- (a) Authorized Acts. – The holder of a distillery permit may do any of the following:
- (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor.
 - (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations.
 - (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.
 - (4) Sell spirituous liquor distilled at the distillery in closed containers to visitors who tour the distillery for consumption off the premises. Sales under this subdivision are allowed only in a county where the establishment of a county or municipal ABC store has been approved pursuant to G.S. 18B-602(g) and are subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor sold under this subdivision shall (i) be listed as a code item for sale in the State, (ii) be sold at the price set by the Commission for the code item pursuant to G.S. 18B-804(b), and (iii) have affixed to its bottle a sticker that bears the words "North Carolina Distillery Tour Commemorative Spirit" in addition to any other labeling requirements set by law. Consumers purchasing spirituous liquor under this subdivision are limited to purchasing, and the selling distillery is limited to selling to each consumer, no more than ~~one bottle~~ five bottles of spirituous liquor per 12 month period. The distillery shall use a commonly adopted standard point of sale system to maintain searchable electronic records captured at the point of sale, to include the purchaser's name, drivers license number, and date of birth for at least 12 months from the date of purchase. The Commission shall adopt rules regulating the retail sale of spirituous liquor under this subdivision.
 - (5) Conduct consumer tastings in accordance with G.S. 18B-1114.7.

(b) Distilleries for Fuel Alcohol. – Any person in possession of a Federal Operating Permit pursuant to Title 27, Code of Federal Regulations, Part 19 (April 1, 2010 Edition), shall obtain a fuel alcohol permit before manufacturing any alcohol. The permit shall entitle the permittee to perform only those acts allowed by the Federal Operating Permit, and all conditions of the Federal Operating Permit shall apply to the State permit."

SECTION 1.(b) G.S. 18B-804 is amended by adding a new subsection to read:



"§ 18B-804. Alcoholic beverage pricing.

(a) Uniform Price of Spirituous Liquor. – The retail price of spirituous liquor sold in ABC stores and permitted distilleries shall be uniform throughout the State, unless otherwise provided by the ABC law.

(b) Sale Price of Spirituous Liquor. – The sale of spirituous liquor, including antique spirituous liquor, sold at the uniform State price shall consist of the following components:

- (1) The distiller's or the antique spirituous liquor seller's price.
- (2) The freight and bairment charges of the State warehouse as determined by the Commission.
- (3) A markup for local boards as determined by the Commission.
- (4) The tax levied under G.S. 105-113.80(c), which shall be levied on the sum of subdivisions (1), (2), and (3).
- (5) An additional markup for local boards equal to three and one-half percent (3 1/2%) of the sum of subdivisions (1), (2), and (3).
- (6) A bottle charge of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters.
- (6a) The bairment surcharge.
- (6b) An additional bottle charge for local boards of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters.
- (7) A rounding adjustment, the formula of which may be determined by the Commission, so that the sale price will be divisible by five.
- (8) If the spirituous liquor is sold to a mixed beverage permittee for resale in mixed beverages, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.
- (9) If the spirituous liquor is sold to a guest room cabinet permittee for resale, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.

(b1) Price of Spirituous Liquor Sold at Distillery. – When the holder of a distillery permit sells spirituous liquor distilled at the distillery pursuant to G.S. 18B-1105(a)(4), the retail price of the spirituous liquor shall be the uniform State price set by subsection (a) of this section. However, the holder of the distillery permit shall not be required to remit the components of the price set forth by subdivisions (2), (3), (5), (6), (6a), (6b), and (7) of subsection (b) of this section.

(c) Sale Price of Fortified Wine. – The sale price of fortified wine shall include the tax levied by G.S. 105-113.80(b), as well as State and local sales taxes.

(d) Repealed by Session Laws 1985, c. 59, s. 2."

SECTION 1.(c) G.S. 18B-800 reads as rewritten:

"§ 18B-800. Sale of alcoholic beverages in ABC stores.

(a) Spirituous Liquor. – Except as provided in ~~Article 10~~ Articles 10 and 11 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards.

...."

SECTION 1.(d) The Alcoholic Beverage Control Commission shall adopt temporary rules to amend its rules consistent with this section.

SECTION 1.(e) This section becomes effective July 1, 2017.

CREATE SPIRITUOUS LIQUOR SPECIAL EVENT PERMIT TO ALLOW DISTILLERIES TO GIVE FREE TASTINGS

SECTION 2.(a) G.S. 18B-301 reads as rewritten:

"§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.

...

(e) Incident to Sale. – It shall be lawful to possess fortified wine and spirituous liquor at any place, such as an ABC store, where possession is a necessary incident to lawful sale. Consumption at such a place shall be unlawful unless the establishment has a permit authorizing consumption on the premises as well as sale.

(f) Unlawful Possession or Use. – As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

- (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another ~~person~~person at any of the following places:
 - a. On the premises of an ABC ~~store, or store.~~
 - b. Upon any property used or occupied by a local ~~board, or board.~~
 - c. On any public road, street, highway, or ~~sidewalk~~sidewalk, unless a consumer tasting authorized by G.S. 18B-1114.7 is being conducted.

...."

SECTION 2.(b) G.S. 18B-902(d) is amended by adding new subdivisions to read:

"(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

- (1) On-premises malt beverage permit – \$400.00.
- (2) Off-premises malt beverage permit – \$400.00.
- (3) On-premises unfortified wine permit – \$400.00.
- (4) Off-premises unfortified wine permit – \$400.00.
- (5) On-premises fortified wine permit – \$400.00.
- (6) Off-premises fortified wine permit – \$400.00.
- (7) Brown-bagging permit – \$400.00, unless the application is for a restaurant seating less than 50, in which case the fee shall be \$200.00.
- (8) Special occasion permit – \$400.00.
- (9) Limited special occasion permit – \$50.00.
- (10) Mixed beverages permit – \$1,000.
- (11) Culinary permit – \$200.00.
- (12) Unfortified winery permit – \$300.00.
- (13) Fortified winery permit – \$300.00.
- (14) Limited winery permit – \$300.00.
- (15) Brewery permit – \$300.00.
- (16) Distillery permit – \$300.00.
- (17) Fuel alcohol permit – \$100.00.
- (18) Wine importer permit – \$300.00.
- (19) Wine wholesaler permit – \$300.00.
- (20) Malt beverage importer permit – \$300.00.
- (21) Malt beverage wholesaler permit – \$300.00.
- (22) Bottler permit – \$300.00.
- (23) Salesman permit – \$100.00.
- (24) Vendor representative permit – \$50.00.
- (25) Nonresident malt beverage vendor permit – \$100.00.
- (26) Nonresident wine vendor permit – \$100.00.
- (27) Any special one-time permit under G.S. 18B-1002 – \$50.00.
- (28) Winery special event permit – \$200.00.
- (29) Mixed beverages catering permit – \$200.00.
- (30) Guest room cabinet permit – \$1,000.
- (31) Liquor importer/bottler permit – \$500.00.
- (32) Cider and vinegar manufacturer permit – \$200.00.
- (33) Brew on premises permit – \$400.00.

- (34) Wine producer permit – \$300.00.
- (35) Wine tasting permit – \$100.00.
- (36) Repealed by Session Laws 2005-380, s. 1, effective September 8, 2005, and applicable to wine shipper permit applications submitted on or after that date.
- (37) Wine shop permit – \$100.00.
- (38) Winemaking on premises permit – \$400.00.
- (39) Wine shipper packager permit – \$100.00.
- (40) Malt beverage special event permit – \$200.00.
- (41) Malt beverage tasting permit – \$100.00.
- (42) Spirituous liquor tasting permit – \$100.00.
- (43) Antique spirituous liquor permit – \$100.00.
- (44) Spirituous liquor special event permit – \$200.00.
- (45) Special auction permit – \$750.00."

SECTION 2.(c) Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1114.7. Authorization of spirituous liquor special event permit.

(a) Authorization. – The holder of a supplier representative permit, brokerage representative permit, or distillery permit issued under G.S. 18B-1105 may obtain a spirituous liquor special event permit allowing the permittee to give free tastings of its spirituous liquors at trade shows, conventions, shopping malls, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission.

(b) Limitations. – Any consumer tasting is subject to the following limitations:

- (1) The permit holder or the permit holder's authorized agent shall conduct the consumer tasting and the permit holder shall be solely responsible for any violations of this Chapter occurring in connection with the consumer tasting.
- (2) The spirituous liquor shall be poured only by either (i) the permit holder conducting the consumer tasting or (ii) an employee or authorized agent of the permit holder conducting the consumer tasting who is at least 21 years of age.
- (3) Each consumer shall be limited to one 0.25 ounce tasting sample of any product made available for sampling at the consumer tasting, and the total amount of the tasting samples offered to and consumed by each consumer shall not exceed 1.0 ounce of spirituous liquor in any calendar day.
- (4) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer who is visibly intoxicated.
- (5) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer under the legal age for consuming spirituous liquor. The person pouring the spirituous liquor shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (6) The permit holder shall not charge a consumer for any tasting sample.
- (7) A venue allowing tastings shall designate a tasting area within the venue that enables the permit holder to ensure that the consumer tasting is being conducted in compliance with this section. Consumers shall only be allowed to consume tasting samples within the designated tasting area.
- (8) A consumer tasting shall not be allowed unless the venue is located in a jurisdiction that has approved the sale of mixed beverages.
- (9) The permit holder may provide point-of-sale advertising materials and advertising specialties to consumers at the consumer tasting.

- (10) The permit holder shall maintain for a period of at least one year a record of each consumer tasting conducted. The record shall include the date of the consumer tasting, the time of the consumer tasting, an identification of the venue at which the consumer tasting was held, an identification of the spirituous liquor that was provided for tasting at the consumer tasting, and the name of any person who poured spirituous liquor at the consumer tasting. The permit holder shall allow the ABC Commission to inspect those records at any time."

ALLOW SALE OF SPECIFIED ALCOHOLIC BEVERAGES AT AUCTION BY LICENSED AUCTIONEERS

SECTION 3.(a) G.S. 18B-603(f) reads as rewritten:

"§ 18B-603. Effect of alcoholic beverage elections on issuance of permits.

...
(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

- (1) Special occasion ~~permits;~~permits.
- (2) Limited special occasion ~~permits;~~permits.
- (3) Brown-bagging permits for private clubs and congressionally chartered veterans ~~organizations;~~organizations.
- (4) Culinary permits, except as restricted by ~~subdivision (d)(5);~~subdivision (d)(5).
- (5) Special one-time permits issued under ~~G.S. 18B-1002;~~G.S. 18B-1002.
- (6) All permits listed in ~~G.S. 18B-1100;~~G.S. 18B-1100.
- (7) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for tourism ABC ~~establishments;~~establishments.
- (8) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for tourism ~~resorts;~~resorts.
- (9) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for historic ABC establishments.
- (10) Special auction permits issued under G.S. 18B-1002.1."

SECTION 3.(b) G.S. 18B-1002(a)(4) reads as rewritten:

"(a) Kinds of Permits. – In addition to the other permits authorized by this Chapter, the Commission may issue permits for the following activities:

- ...
- (4) A permit may be issued to a collector of ~~wine or wine,~~ decorative decanters of spirituous ~~liquor–liquor,~~ or antique spirituous liquor authorizing that person to bring into the State, transport, or possess as a collector, a greater amount of those alcoholic beverages than is otherwise authorized by this Chapter, or to sell those alcoholic beverages in a manner prescribed by the Commission."

SECTION 3.(c) Article 10 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1002.1. Special auction permit.

(a) Permit Authorized. – A permit may be issued upon application to an auction firm or auctioneer licensed by the North Carolina Auctioneers Commission pursuant to Chapter 85B of the General Statutes to allow the licensed auction firm or auctioneer to sell at auction items described in G.S. 18B-1002(a)(4). An auction held under this section may receive competing bids that are in person or by telephone, fax, or online.

(b) Conditions of Permit. – A permit issued under this section is valid only for the auction specified in the permit. Any sales under this permit are subject to the purchase restrictions in G.S. 18B-303.

(c) Administrative Procedure. – Denial or revocation of a permit under this section does not entitle the applicant or permittee to a hearing under Chapter 150B of the General Statutes."

SECTION 3.(d) This section becomes effective October 1, 2017.

ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS, SUBJECT TO LOCAL GOVERNMENT APPROVAL

SECTION 4.(a) G.S. 18B-1004(c) reads as rewritten:

"§ 18B-1004. Hours for sale and consumption.

...

(c) Sunday Hours. – ~~Except as authorized pursuant to G.S. 18B-112(b1), 153A-145.7, or 160A-205.3, it shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day.~~"

SECTION 4.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-145.7. Hours of certain alcohol sales.

In accordance with G.S. 18B-1004(c), a county may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

SECTION 4.(c) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.3. Hours of certain alcohol sales.

In accordance with G.S. 18B-1004(c), a city may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

SECTION 4.(d) G.S. 18B-112 is amended by adding a new subsection to read:

"(b1) In accordance with G.S. 18B-1004(c), the Eastern Band of Cherokee Indians tribe may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under the authority of G.S. 18B-112(d)."

AUTHORIZE SALE OF CROWLERS BY RETAIL PERMITTEES

SECTION 5.(a) G.S. 18B-1001 reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

- (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

- a. ~~Restaurants;~~ Restaurants.
- b. ~~Hotels;~~ Hotels.

- c. Eating ~~establishments;~~establishments.
 - d. Food ~~businesses;~~businesses.
 - e. Retail ~~businesses;~~businesses.
 - f. Private ~~clubs;~~clubs.
 - g. Convention ~~centers;~~centers.
 - h. Community ~~theatres;~~theatres.
 - i. Breweries as authorized by G.S. 18B-1104(7) and (8).
- (2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
- a. Restaurants.
 - b. Hotels.
 - c. Eating establishments.
 - d. Food businesses.
 - e. Retail businesses.
 - f. The holder of a brewing, distillation, and fermentation course authorization under G.S. 18B-1114.6. A school obtaining a permit under this subdivision is authorized to sell malt beverages manufactured during its brewing, distillation, and fermentation program at one noncampus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee.
- (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items

transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. ~~Restaurants;~~Restaurants.
 - b. ~~Hotels;~~Hotels.
 - c. ~~Eating establishments;~~Eating establishments.
 - d. ~~Private clubs;~~Private clubs.
 - e. ~~Convention centers;~~Convention centers.
 - f. ~~Cooking schools;~~Cooking schools.
 - g. ~~Community theatres;~~Community theatres.
 - h. ~~Wineries;~~Wineries.
 - i. Wine producers.
- (4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another off-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by off-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The permit may also be issued to the holder of a viticulture/enology course authorization under G.S. 18B-1114.4. A school obtaining a permit under this subdivision is authorized to sell wines manufactured during its viticulture/enology program at one non-campus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee. The permit may also be issued for a winery or a wine producer for sale of its own unfortified wine during hours when the winery or wine producer's premises is open to the public, subject to any local ordinance adopted pursuant to G.S. 18B-1004(d) concerning hours for the retail sale of unfortified wine. A winery obtaining a permit under this subdivision is authorized to sell wine manufactured by the winery at one additional location in the county under the same conditions specified in

G.S. 18B-1101(5) for the sale of wine at the winery; provided, however, that no other alcohol sales shall be authorized at the additional location. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision.

- ...
- (16) Wine Shop Permit. – A wine shop permit authorizes (i) the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages or unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) wine tastings on the premises conducted and supervised by the permittee in accordance with subdivision (15) of this section. It also authorizes the holder of the permit to ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of wine. The holder of the permit is authorized to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The holder of a wine-tasting permit not engaged in the preparation or sale of food on the premises is not subject to Part 6 of Article 8 of Chapter 130A of the General Statutes.

...."

SECTION 5.(b) The Alcoholic Beverage Control (ABC) Commission shall adopt rules to implement the provisions of this section by no later than 120 days after this act becomes law. The ABC Commission may adopt temporary rules to comply with the deadline set in this subsection. Any temporary rules adopted in accordance with this subsection shall remain in effect until permanent rules that replace the temporary rules become effective.

AUTHORIZE OFF-SITE STORAGE LOCATION FOR BREWERIES, WINERIES, AND DISTILLERIES

SECTION 6. Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1120. Noncontiguous storage locations.

A brewery, winery, or distillery may store any alcoholic beverages it manufactures pursuant to a permit issued under this Article at a noncontiguous storage location approved by the Alcohol and Tobacco Tax and Trade Bureau. The permittee must notify the Commission of any storage location used pursuant to this section. Any storage location used pursuant to this section shall be considered part of the premises of the brewery, winery, or distillery manufacturing the alcoholic beverages."

AUTHORIZE SALE OF UNFORTIFIED WINE ON PREMISES BY RETAIL BUSINESSES

SECTION 7. G.S. 18B-1001(3), as amended by Section 5 of this act, reads as rewritten:

"(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

...
j. Retail businesses."

AUTHORIZE TASTINGS DURING BREWERY TOURS

SECTION 8. G.S. 18B-1104(6) reads as rewritten:

"§ 18B-1104. Authorization of brewery permit.

The holder of a brewery permit may:

- ...
- (6) Give its products to ~~its employees and guests~~ customers, visitors, and employees for consumption on its premises. Nothing in this subdivision shall be construed as excluding customers and visitors at the brewery as part of a paid or complimentary tour of the brewery."

AUTHORIZE CERTAIN PERSONS TO SAMPLE ALCOHOLIC BEVERAGES FOR PURPOSES OF SENSORY ANALYSIS, QUALITY CONTROL, OR EDUCATION

SECTION 9. Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1121. Authority to sample for sensory analysis, quality control, or educational purposes.

Except as otherwise prohibited under Article 3 of this Chapter, a commercial permittee licensed under this Article, or its agent or employee, may consume samples of alcoholic

beverages it is licensed to sell, free of charge, on its premises for purposes of sensory analysis, quality control, or education."

AMEND HOMEBREWING LAWS

SECTION 10. G.S. 18B-306 reads as rewritten:

"§ 18B-306. Making wines and malt beverages for private use.

(a) Authority. – An individual may make, possess, and transport ~~native wines and malt beverages for his the individual's own use and for use,~~ the use of ~~his the individual's~~ family and ~~guests.~~ Native wines shall be made principally from honey, grapes, or other fruit or grain grown in this State, or from wine kits containing honey, grapes, or other fruit or grain concentrates, and shall have only that alcoholic content produced by natural fermentation. Malt beverages may be made by use of malt beverage kits containing grain extracts or concentrates, guests, or the use at organized affairs, exhibitions, or competitions. For purposes of this section, the term "organized affairs, exhibitions, or competitions" includes homemaker's contests, tastings, and judgments.

(b) Selling Prohibited. – Wines and malt beverages made pursuant to this section may not be sold or offered for sale.

(c) Kits. – Wine kits and malt beverage kits may be sold in this State.

(d) Permit. – No ABC permit is required to make wines or malt beverages pursuant to this section."

CLARIFY LAW GOVERNING RELATIONSHIP BETWEEN BREWERIES AND AFFILIATED RETAILERS

SECTION 11. G.S. 18B-1116(a) reads as rewritten:

"(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

- (1) Require that an alcoholic beverage retailer purchase any alcoholic beverages from that person to the full or partial exclusion of any other alcoholic beverages offered for sale by other persons in this State; or
- (2) Have any direct or indirect financial interest in the business of any alcoholic beverage retailer in this State or in the premises where the business of any alcoholic beverage retailer in this State is conducted; or
- (3) Lend or give to any alcoholic beverage retailer in this State or his employee or to the owner of the premises where the business of any alcoholic beverage retailer in this State is conducted, any money, service, equipment, furniture, fixtures or any other thing of value.

A brewery qualifying under ~~G.S. 18B-1104(8) to act as a wholesaler or retailer of its own malt beverages~~ G.S. 18B-1104(7) or (8) is not subject to the provisions of this ~~subsection~~ section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery's transactions with the retail business on its ~~premises, premises or other retail locations allowed under G.S. 18B-1104(8).~~ The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers."

AUTHORIZE BREWERY TAPROOMS TO SELL OTHER ALCOHOLIC BEVERAGES UPON RECEIVING THE APPROPRIATE PERMIT

SECTION 12. G.S. 18B-1104(7) reads as rewritten:

"(7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell

the at the brewery, and any additional retail location authorized under subdivision (8) of this section, any or all of the following:

- a. The brewery's malt beverages or malt beverages that have been approved by the Commission for sale in North Carolina.
- b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1).Carolina.
- c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area."

AUTHORIZE BREWERIES WITH PRODUCTION FACILITIES IN OTHER STATES TO DISTRIBUTE TO WHOLESALERS

SECTION 13. G.S. 18B-1104(4) reads as rewritten:

- "(4) Receive malt beverages manufactured by the permittee in some other state for transshipment to (i) dealers in other states-states or (ii) wholesalers licensed under this Chapter as authorized by the ABC laws."

AUTHORIZE FARM BREWERIES

SECTION 14. G.S. 18B-1104 is amended by adding a new subdivision to read:

- "(7a) In an area where the sale of malt beverages has not been authorized, a brewery that produces agricultural products, including barley, other grains, hops, or fruit, used by the brewery in the manufacture of malt beverages may sell the malt beverages owned by the brewery and approved by the Commission for sale in North Carolina at the brewery for on- or off-premise consumption upon (i) obtaining the appropriate permit under G.S. 18B-1001 and (ii) receiving approval from the governing body of the city where the brewery is located or, if the brewery is not located in a city, the governing body of the county where the brewery is located. Approval may be granted only pursuant to a resolution of the governing body adopted at a regular meeting. Before adopting a resolution approving the sale of malt beverages under this subdivision, a governing board shall hold a public hearing. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice of the public hearing shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included."

AMEND LAW GOVERNING BREWERY SALES AT ADDITIONAL RETAIL LOCATIONS

SECTION 15. G.S. 18B-1104 reads as rewritten:

"§ 18B-1104. Authorization of brewery permit.

The holder of a brewery permit may:

- ...
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it

per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the ~~brewery~~ brewery, and malt beverages produced under subdivision (6a) of this section, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

TAX COMPLIANCE AND REPORTS

SECTION 16.(a) G.S. 18B-1104, as amended by this act, reads as rewritten:

"§ 18B-1104. Authorization of brewery permit.

(a) Authorized Acts. – The holder of a brewery permit may:

- ...
- (6a) Receive, in closed containers, and sell at the brewery, malt beverages produced inside or outside North Carolina under contract with a contract brewery. The contract brewery that manufactures the malt beverages shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. The contract malt beverages may be sold also at affiliated retail outlets of the brewery physically located on or adjacent to the brewery. Any malt beverages received from a contract brewery under this subdivision shall be made available for sale by the brewery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the malt beverages were being imported by the brewery. Contract brewing is authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to ~~G.S. 18B-1104(8)–subdivision (8) of this subsection~~ where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b).
- (7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell at the brewery, and any additional retail location authorized under subdivision (8) of this ~~section,subsection,~~ any or all of the following:
- a. The brewery's malt beverages that have been approved by the Commission for sale in North Carolina.
 - b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina.
 - c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area.
- ...
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The

authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, barrels of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under subdivision (6a) of this ~~section, subsection,~~ at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.

(b) Sales or Gifts. – A sale or gift under subdivision (5) or (6) of subsection (a) of this section shall not be considered a retail or wholesale sale under the ABC laws.

(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm that the holder of a brewery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's brewery permit until the Commission receives notice from the Department of Revenue that the person is in compliance.

(d) Sales Report Upon Commission Request. – Within 60 days of a request by the Commission, a holder of a brewery permit who obtains a malt beverage wholesaler permit pursuant to subdivision (8) of subsection (a) of this section shall provide a sales report to the Commission. The report shall list separately all of the following for the 12-month period preceding the date of the request:

- (1) The number of barrels of malt beverages sold by the permit holder that were produced by the permit holder.
- (2) The quantity and dollar amount of malt beverages sold by the permit holder under subdivision (7) of subsection (a) of this section.
- (3) The quantity and dollar amount of malt beverages sold on-premises under subdivision (8) of subsection (a) of this section.
- (4) The quantity and dollar amount of malt beverages sold off-premises under subdivision (8) of subsection (a) of this section.
- (5) The quantity and dollar amount of malt beverages sold under G.S. 18B-1114.5.
- (6) The quantity and dollar amount of malt beverages destroyed, spoiled, or otherwise rendered unsalable.

The Commission shall not request more than one sales report from a brewery within a 12-month period. The Commission shall keep all information provided pursuant to this subsection confidential except as required by law or requested by the Department of Revenue. The information shall not be a public record under Chapter 132 of the General Statutes.

(e) Definition. – For purposes of this section, the term "barrels" is as defined in G.S. 81A-9."

SECTION 16.(b) G.S. 18B-1105 is amended by adding a new subsection to read:

"(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm the holder of a distillery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's distillery permit until the Commission receives notice from the Department of Revenue that the person is in compliance."

SECTION 16.(c) G.S. 18B-903(c1) reads as rewritten:

"(c1) Construction of Change in Ownership. – Nothing in subsection (c) of this section shall be construed to limit alternating brewery proprietorships in which the holder of a brewery permit leases or otherwise makes available its facility to another holder of a brewery permit. In this arrangement, the tenant brewery shall maintain title to the malt beverages at all states of the brewing process and shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. Alternating brewery proprietorships are authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to ~~G.S. 18B-1104(8)~~ G.S. 18B-1104(a)(8) where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b)."

SECTION 16.(d) G.S. 18B-1001(1)i. reads as rewritten:

"i. Breweries as authorized by ~~G.S. 18B-1104(7) and (8)~~ subdivisions (7) and (8) of G.S. 18B-1104(a)."

SECTION 16.(e) G.S. 18B-1114.5(a) reads as rewritten:

"(a) Authorization. – The holder of a brewery permit, a malt beverages importer permit, a brewing, distillation, and fermentation course authorization, or a nonresident malt beverage vendor permit may obtain a malt beverage special event permit allowing the permittee to give free tastings of its malt beverages and to sell its malt beverages by the glass or in closed containers at trade shows, conventions, shopping malls, malt beverage festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission. Except for a brewery operating under the provisions of ~~G.S. 18B-1104(8)~~, G.S. 18B-1104(a)(8), all malt beverages sampled or sold pursuant to this section must be purchased from a licensed malt beverages wholesaler."

SECTION 16.(f) G.S. 18B-1116(a), as amended by this act, reads as rewritten:

"§ 18B-1116. Exclusive outlets prohibited.

(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

...

A brewery qualifying under ~~G.S. 18B-1104(7) or (8)~~ subdivision (7) or (8) of G.S. 18B-1104(a) is not subject to the provisions of this section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery's transactions with the retail business on its premises or other retail locations allowed under ~~G.S. 18B-1104(8)~~ G.S. 18B-1104(a)(8). The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers."

SECTION 16.(g) G.S. 18B-1305(a1) reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to ~~G.S. 18B-1104(8)~~ G.S. 18B-1104(a)(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction."

SIMPLIFY LOCAL LICENSING APPLICATIONS

SECTION 17. G.S. 105-113.70 reads as rewritten:

"§ 105-113.70. Issuance, duration, transfer of license.

(a) Issuance, Qualifications. – Each person who receives an ABC permit shall obtain the corresponding local license, if any, under this Article. All local licenses are issued by the city or county where the establishment for which the license is sought is located. ~~The information required to be provided and the qualifications for a local license are the same as the information and qualifications required for the corresponding ABC permit. Upon proper application and payment of the prescribed tax, issuance of a local license is mandatory if the applicant holds the corresponding ABC permit. No documentation shall be required of the applicant except as provided in this section. Issuance of a local license is mandatory if the applicant holds the corresponding ABC permit and provides all of the following: (i) a copy of the most recently completed State application form for an ABC permit exclusive of any attachments, (ii) the ABC permit for visual inspection, and (iii) payment of the prescribed tax.~~ No local license may be issued under this Article until the applicant has received from the ABC Commission the applicable permit for that activity, and no county license may be issued for an establishment located in a city in that county until the applicant has received from the city the applicable license for that activity.

(b) Duration. – All licenses issued under this section are annual licenses for the period from May 1 to April 30.

(c) Transfer. – A license may not be transferred from one person to another or from one location to another.

(d) License Exclusive. – A local government may not require a license for activities related to the manufacture or sale of alcoholic beverages other than the licenses stated in this Article."

CLARIFY WINERY SPECIAL EVENT LOCATIONS

SECTION 18. G.S. 18B-1114.1 reads as rewritten:

"§ 18B-1114.1. Authorization of winery special event permit.

(a) Authorization. – The holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may obtain a winery special permit allowing the winery or wine producer to give free tastings of its wine, and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, farmers markets, and other similar events approved by the Commission.

(b) Limitation. – A winery special event permit is valid only in a jurisdiction that has approved the establishment of ABC stores or has approved the sale of unfortified wine."

RULES

SECTION 19.(a) Except as otherwise provided, the Alcoholic Beverage Control (ABC) Commission shall adopt temporary rules to implement the provisions of this act. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 19.(b) Any rule or policy adopted by the ABC Commission that does not comply with the provisions of this act shall be null, void, and without effect.

EFFECT OF HEADINGS

SECTION 20. The headings to the sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

EFFECTIVE DATE

SECTION 21. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:17 p.m. this 30th day of June, 2017

ORDINANCE 2020-40

**An Ordinance to Allow the Sale of Alcoholic Beverages
Before Noon on Sundays at Licensed Premises**

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10am on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship;

NOW, THEREFORE, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of the Town of Zebulon and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10am on Sundays.

Section 2. All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

Adopted: February 3, 2020

Effective: February 3, 2020

Robert S. Matheny – Mayor

SEAL

Lisa M. Markland, CMC – Town Clerk