

**TOWN OF ZEBULON  
BOARD OF COMMISSIONERS  
MEETING MINUTES  
OCTOBER 3, 2022**

**York: Mayor Glenn York**  
**Miles: Mayor Pro Tem Quentin Miles**  
**Baxter: Commissioner Shannon Baxter**  
**Clark: Commissioner Beverly Clark**  
**Harrison: Commissioner Jessica Harrison**  
**Loucks: Commissioner Larry Loucks**  
**Paratore: Stacie Paratore, Deputy Town Clerk**  
**Slater: Sam Slater, Attorney**  
**Vernon: Eric Vernon, Town Attorney**  
**Long: Sheila Long, Parks & Recreation**  
**Moore: Joe Moore, Town Manager**  
**Michael C. Michael Clark, Planning Director**  
**Morris: Samuel Morris, Attorney for Applicant**  
**Spivey: Robert Spivey, CCCRE, Applicant**  
**West: Erik West, CCCRE, Applicant**  
**Petty: Andy Petty, Curry Engineering**  
**Fluitt: Travis Fluitt, Kimley-Horn & Associates**  
**Carlson: Kristofer Carlson, Carlson Environmental Consultants**  
**Zarzecki: Bob Zarzecki, Soil & Environmental Consultants**  
**Kirkland: Rick Kirkland, Kirkland Appraisals**  
**Fountain: James Fountain, Speaker**  
**Smith: Shaun Smith, Speaker**  
**Brooks: Reginal Brooks, Speaker**  
**Morais: Duarte Morais, People-First Tourism**  
**Freeze: Jonathan Freeze, Greater Raleigh Convention and Visitors Bureau**  
**M/F: Male/Female Speaker**

[INAUDIBLE]

York: Good afternoon, everyone. Welcome the Zebulon Board of Commissioners regular scheduled meeting for October the 3<sup>rd</sup>. I'll just like to mention that we are having some difficulty with our live stream and I apologize for that. Hopefully, we can get those corrected. If not, we'll be recording and maybe some folks will have the opportunity to see it later. But we're working on it. Thank you.

First, we'll have Pledge of Allegiance. Commissioner Clark?

[PLEDGE OF ALLEGIANCE]

York: Thank you. Next, we'll have the approval of the agenda.

Baxter: Mayor, I have several adjustments, if you please.

York: Okay.

Baxter: Okay. I would like to add the agenda portion of the rules of procedure to the agenda and I have that available for everyone. And I would like to also pull from consent the Rotary Club's Flags for Heroes, which is Cii.

York: Okay. Those will go under new business C and D.

Baxter: Thank you.

York: Anyone else? So now we are—need an approval of the agenda.

Baxter: I move to approve the agenda as amended.

Miles: I second.

York: And we have a second. All in favor?

Raise your hand.

Baxter: I'm in favor.

Miles: Favor.

Harrison: [RAISES HAND]

Loucks: [RAISES HAND]

York: Commissioner Clark?

Clark: Opposed.

York: Commissioner Harrison?

Harrison: Favor.

Loucks: In favor.

York: Motion passes 4 to 1

(NOTE: Commissioners Baxter, Miles, Harrison and Loucks voting in favor and Commissioner Clark voting against.)

Next, we'll have the proclamation Fire Prevention Week October 9<sup>th</sup> to the 15<sup>th</sup>. Here it is. Proclamation Fire Prevention Week October 9<sup>th</sup> through 15<sup>th</sup>, 2022, whereas the Town of Zebulon is committed to ensuring the safety and security of all living in the visiting—and visiting out community. And whereas fire is a serious public safety concern both locally and nationally and homes are located where people are at great risk from fire. And whereas smoke alarms senses smoke well before you can, alerting you, the danger of the event of the fire in which you may have as little as two minutes to escape safely. Whereas working smoke alarms cut the risk of dying in reported home fires in half.

And whereas residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire. Whereas informing the public about the importance of smoke alarm installation and maintenance serves as an essential step toward increasing the public safety and home fires. And whereas first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education. Whereas residents that are response to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes.

Whereas all residents are challenged to take responsibility for their fire

safety, check their homes to ensure that there working smoke detectors on every floor in the home and outside their sleeping areas. As well as at least one working carbon monoxide alarm, and have a plan, and practice their home escape plan.

Whereas this year is 100<sup>th</sup> anniversary of Fire Prevention Week and the 2022 Fire Prevention theme is “Fire won’t wait. Plan and escape—plan your escape.”

Now, therefore, the Zebulon Board of Commissioners does hereby proclaim October 9<sup>th</sup> through October 15<sup>th</sup>, 2022 as Fire Prevention Week on—and further encourage all residents to protect their homes and families by heeding the potential life-saving message of Fire Prevention Week 2022 and to support the public safety activities of the Zebulon Fire Department. Thank you.

Now we will open our public hearing. And our public hearing is a special use permit that’s requested by an asphalt plant and I will now turn the meeting over to our attorney, Sam Slater, to lead in this process.

Slater: Thank you, Mr. Mayor. Thank you everybody for being here this evening. I’m going to have a few comments, if you’ll listen closely, sort of set the table for this hearing and so you all know what to expect and the order of events and that sort of thing.

So this is an evidentiary hearing concerning—public hearing concerning quasi-judicial case SUP 2023-01, an application for a special use permit filed by Longleaf Law Partners on behalf of the property owner to secure a special use permit for an asphalt plant located at 1324, 1320, and 1310 Old U.S. Highway 64. I’ll provide some background and instructions to those in attendance on how this meeting will proceed in a moment. But first, I need to confirm with the members

of the Board two things.

As a reminder to the Boards—members shall not participate in or vote on any quasi-judicial matter in a manner that would violate the affected person's Constitutional rights to an impartial decision maker. Impermissible conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected party, or a financial interest in the outcome of the matter.

So, first, has any member of the Board had any undisclosed ex parte communications about this project?

Harrison: No.

Slater: Okay. And second, does any member of the Board have any conflict of interest regarding this matter?

Miles: No.

Clark: No.

Slater: Thank you. As a reminder to those in attendance, this is a quasi-judicial evidentiary hearing. And unlike a legislative hearing, it's not a forum for expressing personal opinions about a project. This Board is tasked with making findings of fact enumerated in the Unified Development Ordinance. And by law, these findings must be based on competent material and substantial evidence in the record.

Competent evidence—and this is not made up for the Town of Zebulon.

This is in North Carolina Statutes—excludes lay opinion testimony regarding the

effect of a particular use on property values in—that increase traffic, poses a danger to public safety, or matters about which only expert testimony would generally be admissible. So as a result, we ask that no one offer unsupported opinions or speculation and to limit your testimony to the evidence relevant to the findings. The testimony must be related to these required findings under the UDO.

So under 2.2.18.F of the UDO, the applicant must satisfy six required findings of fact and it's these required findings of fact that will inform the evidence to be received and that the Board can consider. So these required findings are that the proposed special use will not materially endanger the public health or safety if located where proposed; that it complies with all required standards, conditions, and specifications in the UDO; that it will not substantially injure the value of the abutting land or the special use as a public necessity; that it will be in harmony with the area in which it is to be located; that it's in general conformity with the Town's adopted policy guidance; and it includes a concept plan that accurately depicts the proposed use's configuration.

So to those citizens who wish to offer testimony tonight, you'll have the opportunity to do so. If you're part of a group or your neighbors have substantially similar interests, you can appoint a spokesperson. Again, by statute, those speaking must offer competent material and substantial evidence.

So to make the proceedings operate as smoothly as possible, we'll operate under the follow procedure: Anyone speaking at the proceedings must be sworn.

That means you raise your right hand, swear to tell the truth. So as you come to

the podium, Stacy will ask you to do that, to be sworn as a witness. And we'll do it one at a time for each person coming up so the record's clear on who's speaking and who's offering sworn testimony.

When you start, please state your name, your address, and identify any group that you represent or are affiliated with. If you do testify, I ask that you stay in the building until the public hearing is concluded so that any party withstanding has an opportunity to cross examine you if they so choose. If you testify in person and then leave, your testimony might not be considered if you're not available for cross examination.

So for order of events, we'll begin with the staff report. After the staff's testimony, the applicant will come forward to offer evidence it wishes to present in favor of the application. Following the applicant, we'll hear from anybody else here wishing to offer testimony in support of the application. Next, we'll hear from any party withstanding seeking to—or offering testimony opposing the application. And then anybody wishing to offer testimony opposing the application.

So with that, we will swear in Mike and proceed with the staff report.

[OATH ADMINISTERED]

Paratore: State your name and address please.

Michael C.: Michael Clark, Town of Zebulon. Good evening, Mayor. First and foremost, the Town would like to enter in the staff report attachments and the presentation tonight into the record for consideration of this quasi-judicial hearing. Once again, my name is Michael Clark. I serve currently as the planning director for

the Town of Zebulon with over 20 years of experience and degrees—bachelor's as well as master's degrees in urban and regional planning.

The request tonight is a quasi-judicial request, therefore for special-use standards, as previously noted, those standards must be determined as part of a findings of fact and can be found in section 2.2.18 subsection F our Unified Development Ordinance. They will—as noted previously, will not materially endanger the public health or safety if located where proposed; complies with all required standards, conditions, and specifications in the ordinance including Article 4, Uses; will not substantially injure the value of the abutting land or the special use as a public necessity; will be in harmony with the area in which it is to be located; is in general conformity with the Town's adopted policy guidance, which is the Comprehensive Land Use Plan, the Transportation Plan, the Parks and Recreation plan. And finally, it includes a concept plan that accurately depicts the proposed use's configuration.

The request before you tonight is for an asphalt plant which would be located at 1310 Old U.S. 264 Highway. It is in conjunction with activities that are currently in operation on two adjacent properties. Section 4.2.3 does list additional—or lists asphalt or concrete plant as a special use permit when located within the heavy industrial district, in which this case the—or the parcel's located there.

There's additional standards that are found in Section 4.3.6 Subsection A. Many uses have additional standards where a use might not be perfect in every location. So we provide additional standards to make sure that it's a good fit.



Standards 1 and 2 in this subsection is that the asphalt plant needs to be 50 feet back from the property line; that security fencing must be six feet in height around the proposed use.

Standard 3 deals with rehabilitation when the asphalt plant is removed. This is typically done as part of making sure that it's a minimal impact on the parcel as possible. Section 4 or Substandard 4 is dealing with vehicular access. The public hearing—or the public hearing was properly noticed in accordance with North Carolina General Statute as well as the Town of Zebulon Unified Development Ordinance. This included posting a sign on the parcel itself, mailed notices were mailed from the Town planning staff to all property owners within 150 feet of the subject development. Not only this parcel but all three parcels. And it was also posted in a paper of general circulation twice before the meeting.

To provide some basic information, the applicant is proposing to construct an asphalt plant on the largest of these three contiguous parcels located on Old U.S. 264 Highway. The attorneys are working for CCR—or CCCRE Holdings, which is the landowner for the two adjacent parcels, in cooperation with the property owner for the large parcel. The current zoning is heavy industrial and it shows up as industrial-heavy on the Town's Future Land Use Plan, which is part of our Comprehensive Land Use Plan.

To orient you a little better the sites, the parcels are highlighted. [INDISCERNIBLE] Are located approximately halfway between Walmart and Five County Stadium on Old 264. And this is the current view of the parcel that is subject in question tonight. The view across the street is the old 264 and then a

vegetated strip. And then on the other side of the vegetated strip is U.S. 264. It is worth noting that all of this, including the vegetated strip, is entirely public right of way and is owned and maintained by North Carolina Department of Transportation.

The adjacent parcels that are also part of the development are shown here. There's a parcel [ph] line. The applicant is proposing to combine this parcel with the adjacent tract as part of the request.

This is the adjacent parcel to the west. It is currently occupied by a single-residential structure and is zoned residential. As I noted, the parcels in question are zoned heavy commercial. There is a small—or there is another parcel that is also zone heavy commercial that is separate from the request. And the CZ is a conditional zoning light industrial for a self-storage facility that went before the Board for approval previously. And the parcel to the immediate west, as previously noted, is zoned R2 and is occupied by a single-family residential dwelling.

As I noted, the Future Land Use map does call for the entirety of this area to be industrial heavy, which is this darker shade of purple. And then adjacent to that is this lighter shade of purple which is industrial light.

As part of the request, the applicant does need to provide a concept plan. And the concept plan is shown here. These structures are currently in existence and the applicant is operating a business out of these structures. This is the location of the proposed asphalt plant. The applicant has provided the necessary buffers and improvements shown on this plan in accordance with the applicable

sections of the Unified Development Ordinance.

This is a closer view of the area that's in particular question tonight. As you can see, the proposed has two access drives, as well as an access drive onto the neighboring parcel. As well as the buffer and then the fence. And the applicant is proposing to keep the site in a dust-free condition in accordance with the applicable standards.

And this is the area that's going to be disturbed as part of the proposed request. Additionally, the applicant will be required to make all the necessary improvements in accordance with Chapter 6 of our Unified Development Ordinance to the Old U.S. 264 Highway, as well as in accordance with our Transportation Plan. Those requirements will be to construct 50% of a four-lane median-divided road, as well as curb, gutter, sidewalk. And this is a rendering of the proposed plant that the applicant is proposing to construct on the subject property.

The applicant has proposed additional conditions. The first of which is the applicant is willing to meet all the applicable requirements of our Unified Development Ordinance. Prior to the issuance of the certificate of occupancy, shall combined two of the parcels into a single parcel, as well as the material stockpiles will be limited to no higher than 30 feet in height to minimize the view from adjacent parcels as well as Old 264. And finally, that vehicular access driveway shall be constructed with concrete and shall be maintained in a dust-free condition.

Once again, the standards that you need to take in consideration for this

quasi-judicial request is, one, that the proposed request will not materially endanger the public health or safety if located where proposed; that the proposed request complies with all standards, conditions, and specifications of the ordinance, including Article 4; will not substantially injure the value of the abutting land or the special use is a public necessity; will be in harmony with the area in which it is to be located; is in general conformity with the Town's adopted policy guidance. Finally, it includes a concept plan that accurately depicts the proposed use's configuration.

For consideration, this is very binary in terms of a decision. There are six standards. If the Board finds that the applicant has proven that they're able to meet all six standards, the Board shall approve the proposed request. On the other hand, if the Board finds that the applicant has not proven that they meet all six standards, then the Board shall deny the special use.

In terms of options, tonight you've already started the quasi-judicial hearing. Following the hearing, you do have three options available to you. Later on in the agenda, this item is up for consideration. You could take action and part of that action isn't just a simple motion, but it's actual findings of fact on how the proposed request meets each of those six findings.

Alternatively, you can keep the quasi-judicial case open and table to a date certain, or you could close the quasi-judicial hearing and table to a date certain. Just for clarification, if you table this request regardless if you keep the hearing open or closed, there can be no deliberation between you outside the confines of a meeting. There can be no conversations with staff regarding the specifics of the

case. There can be no conversations with the applicant. There can be no conversations with the general public. You cannot poll constituents or ask neighbors how they feel about the particular request.

If after the evidence and testimony is provided tonight, staff recommends that you keep the quasi-judicial hearing open and ask specific questions of staff and the applicant in terms of additional information that you need. Once the quasi-judicial case is closed, no other information can be provided for your consideration.

Staff recommends accepting competent, material, and substantial evidence and testimony regarding the special use permit request for the asphalt plant at 1310, 1320, and 1324 Old 2—or Old 264 Highway subject to the standards listed in Section 2.2.18.F of the Unified Development Ordinance. And with that, I'm available if you have any questions.

Slater: Any questions for staff? Thank you, Mike. We hear from the applicant next.

Morris: Good evening and thank you.

Paratore: Sir, we're going to swear you in.

Slater: Stacie will swear you in first. Yeah.

Morris: Okay.

[OATH ADMINISTERED]

Paratore: Please state your name and address

Morris: Yes. I'm Samuel Morris. I'm a lawyer with Longleaf Law Partners, 4509 Creedmoor Road, Suite 302, Raleigh, N.C. 27612. Good evening and thank you members of the Board of Commissioners. Again, my name is Samuel Morris.

I'm a lawyer with Longleaf Law Partners. We represent the applicant CCCRE Holdings or as we'll call them Cardinal Civil Contracting. We represent them in this request.

I'm joined tonight, this evening, by our development team over here. My colleague Michael Birch, who is my fellow lawyer at Longleaf Law Partners. We've got Robert Spivey and Erik West, who are with the property owners and applicants, Cardinal Civil Contracting. We've got Andy Petty with Curry Engineering, who is our civil engineer on this project and who created the concept plan that was submitted as part of this application. We have Travis Fluitt with Kimley-Horn who is our traffic engineer and consultant in this case and who conducted the traffic analysis that was submitted as part of this application. We also have Kris Carlson with Carlson Environmental Consultants who is an environmental air quality consultant related to this request. We have Bob Zarzecki with Soil and Environmental Consultants who is our water quality and wildlife consultant on this project. And finally, we have Rich Kirkland from Kirkland Appraisals who is our property value consultant on this case.

I do have an exhibit packet of affidavits from our relevant consultants and engineers, as well as supporting documents which I request be admitted into the record along with our application, of course, the staff report, and our presentation materials. And I have a copy for the clerk here. It has originals of the affidavits and I've actually copies of the—to hand around to Board if you all would like.

[INAUDIBLE]

Morris: These are the copies for the Board. Thank you so much.

Paratore: Thank you.

Morris: As you all pass those around, I'll begin with a brief introduction and overview of our request. We're here today requesting a special use permit to allow an asphalt plant on a 9.53-acre tract of land located within a heavy industrial zoned area in Zebulon's extraterritorial planning jurisdiction. The current uses on the land are industrial, as well—you know, industrial on those two existing parcels and the larger parcel where the plant is located is currently vacant. It, of course, fronts along Old U.S. 264. Current zoning is heavy industrial and the future land use designation is industrial heavy. And, of course, we're requesting a special use permit for what the UDO calls an asphalt-slash-concrete plant. Our plant is, of course, for an asphalt plant here.

Overall, we believe and plan to show you this evening through competent material and substantial evidence that the request meets all applicable special use permit standards. It is reasonable and is in the public interest because it's been mindfully designed in accordance with the Zebulon UDO. It will be located in one of the few areas that the Town of Zebulon has designated for this type of industrial heavy use and one that is particularly well suited for the proposed plant. It will also have to meet all state and federal regulations and permitting requirements related to asphalt plants prior to its operation following this hearing.

And of course, and perhaps most importantly, it will provide an extremely valuable product and service to the Town of Zebulon, which is growing all the time. The Town of Zebulon and Wake County as a whole are continuing to develop, grow, and make improvements to their civil infrastructure. Convenient

but appropriately located asphalt plants allow for shorter hauls, fewer trucks on the road, which ultimately reduces the overall miles driven and amount of carbon emissions caused by these types of uses.

I'll now give you just a brief overview of the property and request. Mr. Clark did a fantastic job so I'll keep this brief and then we'll kick it over to our subject matter experts. So as you just saw, we're speaking of the three parcels located along Old U.S. 264. Here's a picture of the large, currently vacant parcel where the plant is to be located. Here's a picture of the two adjacent parcels where the current industrial uses are already ongoing. Here's a look at the current road conditions, one of them looking northwest towards 97 and the other one looking southeast towards Five County Stadium.

As you just saw as well, the current zoning is that HI, which stands heavy industrial, which is the only zoning district in the entire town where asphalt and concrete plants are allowed with a special use permit, of course. Here's just a quick overview of the types of uses that are allowed in the HI zoning district. Some of these are allowed by right. You know, so you have heavy manufacturing, helicopter landing pads, aircraft, automobile repair, wrecking yards, breweries, metal fabrication. All those types of the highest, heaviest, most intensive uses in the Town are supposed to be concentrated in these areas zoned HI.

Moving to the Future Land Use map, as you just saw, this entire side, kind of this entire section on the southern portion of Old U.S. 264 is envisioned by the future land use and character map, which was adopted by the Board of



Commissioners in the past, as envisioning this entire area as being developed in the future with those types of heavy industrial uses that we just saw.

Here's the corresponding policy guidance for the industrial heavy designation. I won't read all this to you but essentially, you know, it contemplates and seeks to concentrate the types of uses that come with some amount of noise, light, odor, truck traffic into these heavy industrially zoned areas. It envisions land uses including heavy manufacturing, retail-oriented industrial facilities, as well as associated offices and structures.

The typical characteristics. You're not going to see all of these, all the time but it's just the type of effects and uses that you would expect to see in heavy industrial, whether it's outdoor activity, including large structures, higher-volume truck traffic than you'd see in ordinary commercial districts, on-site large-scale moving construction equipment. You know, some amount of noise, odors, smells that are associated with heavy industrial uses, as well as varying hours of operation.

Just a quick agenda. So we'll try to keep this brief. We have a number of speakers that are going to come touch on some items. They'll try to be relatively brief and leave time for questioning from you all so that we're not here all night long. But just an overview. We'll have Cardinal Civil come up and give some background about the company. We'll have Andy Petty, who designed the concept plan, come and reiterate some of the points that Mr. Clark just made, basically saying that we worked with town staff throughout this application process to get that concept plan into conformity with the UDO, which as Mr.

Clark just mentioned, it now is.

Then we will have Mr. Travis Fluitt come up and say a few words about the traffic study he conducted and the traffic to be expected with this use. We'll have Kristofer Carlson come up and say just a few quick words about the air quality permitting process in North Carolina. We'll have Bob Zarzecki come and say a few words about the wetlands, wildlife, environmental types of approvals that are associated with this request. And we'll close out with Rich Kirkland giving an overview of his property analysis and conclusion that this will not negatively affect the property value of adjacent properties.

So with that, I'll call up the folks from Cardinal Civil Contracting to say just a few words about the company, what they do, and why they're requesting an asphalt plant.

Paratore: One at a time.

Morris: Can we do—

M: Why don't we do them both?

Paratore: One at a time.

[OATH ADMINISTERED]

Paratore: Please state your name and address.

Spivey: My name is Robert Spivey. I live at 3401 Lassiter Falls Circle in Raleigh, North Carolina and I am a partner with Cardinal Civil.

[OATH ADMINISTERED]

Paratore: State your name and address please.

West: Erik West, 7041 Meadow Gate Drive, Apex, North Carolina 27502. I'm a partner

with Robert and his son Jeremy at Cardinal Civil.

Spivey: Mr. Mayor, Commissioners, thanks for the opportunity. My name, like I said, is Robert Spivey. I am a partner, again, with Cardinal Civil. I've been in the consulting, engineering, and contracting business for 43 years in Raleigh. And we're here to answer any questions that you might want us to indicate to you.

West: Yeah. We operate locally out of Raleigh. We have over 400 employees—

Slater: Sir, if you could speak into the microphone—[OVERLAPPING]

West: Oh, sorry.

Slater: Thank you.

West: We have over 400 employees. We operate locally, in Raleigh based. We have an office, as the gentleman spoke, in Zebulon now, as well. And we're looking to further our business and our local representation with building a plant here in Zebulon to further our asphalt paving division and keep things locally owned and operated. We're asking for your permission to do so. And any questions, we're happy to answer.

York: Any questions for these witnesses, members of the Board?

Baxter: No.

Miles: I just have one quick question. You stated that they have 400 employees. In the documentation that I read, you would only have three to four employees on this. Is that correct?

West: Yes, sir. I believe that to be accurate for this operation itself. Yes.

Miles: Thank you.

West: Welcome.

Slater: Thank you, gentleman.

West: You're welcome. Thank you.

Morris: Next, I'd like to introduce the Board to Andy Petty with Curry Engineering. And to just in, Sam, we're going to have give qualifications and then I'll step in and ask to tender him as an expert and then we'll move forward with his testimony if that works.

Baxter: Is this your Exhibit 1, sir?

Morris: Yes, exactly. This corresponds with Exhibit 1 and Exhibit 2.

Petty: Left hand here, right hand here.

[OATH ADMINISTERED]

Paratore: Please state your name and address.

Petty: Andy Petty of Curry Engineering. The address of Curry Engineering is 205 South Fuquay Avenue, Fuquay-Varina, North Carolina 27526. As I said, my name is Andy Petty with Curry Engineering. I'm a licensed civil engineer and have been licensed through the State of North Carolina since 2010. I have approximately 17 years of experience doing civil engineering sites, civil engineering, and interpreting code and UDOs and LDOs throughout Wake County and the surrounding counties.

Morris: We'd ask that Mr. Curry be tendered as an expert in—I'm sorry—Mr. Petty be tendered as an expert in civil engineering.

Slater: Okay. Thank you.

Petty: Being called Mr. Curry happens a lot more than you would think. We laid this site plan out for Cardinal Civil and we did this with kind of three things in mind.

One, we tried to create a site plan that was—created an efficient, functional asphalt plan because, overall, that's what the main goal is for them, to be able to operate and conduct business. But we wanted to do that within the Town of Zebulon's ordinance with regards to building setbacks, perimeter buffers, roadway improvements, and fully comply with all those standards.

And then finally, we wanted to lay this out so that it didn't compromise anything with the public safety and welfare of our public. And I believe we've achieved that through this, the concept sketch that you see and has been presented before you. And with that, I'm happy to answer any questions that anybody may have.

Baxter: What road improvements do you have listed here?

Petty: If you look—can you zoom in on this? Is that possible?

Morris: [INDISCERNIBLE]

Petty: Okay. So we will doing—conducting half of the—let me see if I can zoom in on mine so I can talk to that. We will be conducting half of the improvements that's required in the section that's up there in the top. Which basically will include widening of—let me get an exact dimension for you—approximately 20 feet of pavement, curb, and gutter. And then also a 10-foot concrete multi-use path along the entire frontage of all three parcels. And then I believe we will wind up with a fee in lieu of half a median, as you can't really construct half a median. So we will pay a fee in lieu to the Town of Zebulon pending approval from staff on that amount, which we would submit an estimate of what that would be and would gain approval through the Town of Zebulon.

Miles: So with that widening half, the other half would be upon the Town to do that, correct?

Baxter: Or whoever.

Miles: [INDISCERNIBLE]

Petty: I couldn't say if it would be on the Town. It would be on whoever would be developing that property or improving that property. We would be required to do the improvements along our frontage of our property line.

Miles: Thank you.

Slater: All right. Any other questions for the civil engineer?

Petty: Thank you.

Slater: Thank you, sir.

Morris: Next, I'd like to introduce the Board to Travis Fluitt, a traffic engineer with Kimley-Horn.

[OATH ADMINISTERED]

Paratore: Please state your name and address.

Fluitt: Travis Fluitt with Kimley-Horn & Associates, 421 Fayetteville Street, Suite 600, Raleigh 27601. I'm a professional—professional engineer in the State of North Carolina. I have 18 years of experience performing traffic studies for both public and private-sector developments across the state and I have a master's degree in transportation engineering from the University of Texas at Austin.

Morris: We'd ask that Mr. Fluitt be tendered as an expert in traffic engineering.

Slater: Thank you.

Fluitt: This site is expected to generate less than 100 peak-hour trips per day. And as a

result of that, less than a hundred trips in any one peak hour. It is expected to have approximately three to four employees and service approximately 25 to 30 trucks per day. So about 25 to 30 entering and then 25 to 30 exiting. Most of the truck traffic would be occurring in the morning peak hour between about 6:30 a.m. and 9:00 a.m.

This graphic shows the projected truck routes. Most of the truck traffic would be expected to go either east or west on Old 64 and primarily going to the freeway to then service sites throughout the area. It would only be using going to the south or through town if they were servicing a site that needed asphalt in those areas.

And then this exhibit shows the nearest residential subdivisions and the nearest schools. And again, with most of the traffic going to and from the freeway, truck traffic would—not likely to impact any of these sites unless it was serving an asphalt need adjacent to those sites.

Slater: All right. Thank you. Any questions from the Board?

Baxter: What's the anticipated route that's going to be most frequently used by the trucks?

Fluitt: I don't know that one has been designated. It may depend on the truck driver, either coming, again, most likely off 264, whether they would come down and go by the stadium or come in on the west. Hard to say. It just depends on—you know, they may come in one just to make right turns. Generally easier coming off the freeway versus left turns. So it may just depend on where they're going to and from. But again, either—mostly to the freeway, either to—to or from the east

or to and from the west. Exact route is hard to say at this point.

Miles: One quick question from me. The numbers that—when I read the document, it was from your—information that you used was from 2017. As we grow, do you foresee that hundred—less than a hundred being kind of—growing more or how would you accommodate? Because the information that you used, as I stated, was from 2017. Just trying—

Fluitt: Well, the 2017 number is the daily volume on Old 264. That was the latest volume available from NCDOT.

Miles: Okay.

Fluitt: So it has a volume of less than 4,000 vehicles a day. That number certainly could grow with more development but I wouldn't expect it to crease—increase substantially. As for this development, you know, there may be some days that are busier than others. And I certainly hope they're successful in their venture but do not expect it to be more than a hundred peak-hour trips, even in the busiest days.

Miles: Okay. So there was a traffic analysis done, TIA done, traffic—

Fluitt: No, there was not a TA done.

Miles: There wasn't. Okay.

Fluitt: Just looking at trip generation because it fell below the hundred peak-hour thresholds for requiring a full TIA.

Miles: All right. Thank you.

Loucks: Yeah, three questions. You said peak truck travel time would be 6:00 a.m. to 9:00 a.m.



Fluitt: Yes, sir. That's my understanding.

Loucks: Okay. Would the trucks be maintained on site, over the evening, or would they be subcontracted dump trucks?

Fluitt: That's probably a better question for the—

Spivey: We have a subsidiary named Civil—Cardinal Civil Transports that owns 12 dump trucks that will be supporting that plant.

Loucks: And will they be stored on-site?

Spivey: Stored—yes, they will.

Loucks: Okay. And then the last question, what are the actual hours of operation of the plant?

Spivey: Six to six. Six to six.

Loucks: Six to six, 12 hours a day?

Spivey: The—yes, 12 hours a day. Sometimes, you know, weather dependent or job dependent.

Loucks: Okay. Thank you.

Spivey: Thank you.

Slater: Any other questions from the Board about traffic?

Fluitt: Thank you.

Slater: Thank you.

Morris: Okay. I would now like to introduce the Board to Kristofer Carlson with Carlson Environmental Consultants.

Baxter: Could you please speak up, sir?

Morris: Yes. I'm introducing Kristofer Carlson from Carlson Environmental Consultants.

Baxter: Thank you.

[OATH ADMINISTERED]

Paratore: Please state your name and address.

Carlson: Kristofer Carlson, 400 West Windsor Street, Monroe, North Carolina 28112. I'm here to talk about the air permits. We're going to be applying for a synthetic minor permit for this facility.

Morris: [INDISCERNIBLE]

Carlson: I'm sorry. So, let's see. A master's degree NC State University, 1999, in civil engineering. I've been a professional engineer in North Carolina for 19 years, working on air permits and civil engineering projects.

Morris: We'd like to tender Mr. Carlson as an expert in air quality.

Slater: Okay, thank you.

Carlson: I apologize. So we're applying for a synthetic minor permit for this facility. And we're working with the State of North Carolina Division of Air Quality to ensure that the permit process follows all regulations and—from both federal and state level. The primary issue with any industrial facility is air emissions leaving the property. And so we're looking at five criteria pollutants and 97 toxic air pollutants, comparing those with the federal and state regulations, doing air dispersion modeling, ensuring that those pollutants fall below the state and federal levels at the boundary of the property.

Permits should take four to six months to achieve within the state. These are fairly standard permits. Asphalts plants, as been said before, are fairly common. The State of North Carolina, to ensure the permit process is followed

properly, has developed several calculators, several emission forms, and permit forms to ensure that we're following the right procedure. Again, we don't see any issue complying with that based on what we're permitted [ph] in the past.

I guess are there any questions based on the air permit process?

Slater: Go ahead, Commissioner.

Baxter: Okay. So talk to me about what kind of pollutants would be found in the air with a plant like this.

Carlson: Probably the biggest one is particulate matter. As far as—let me back up. I'll say particulate matter is what's produced probably the most. Now, we don't see it in the air coming off the facility. The facility is designed with a baghouse. It's a control device that we put behind the main drum unit and that baghouse removes 99-point-almost-9 percent of all particulates that come from that operation. But that's definitely the biggest pollutant that would be generated.

Carbon monoxide is a big one that's produced. Carbon monoxide, nitrous oxides, those are produced just from the byproduct of natural gas, right? We burn natural gas in these units to make heat and those are very common. And both those pollutants fall below the levels of concern.

Toxic pollutants, the biggest ones are formaldehyde, benzene. Hexane is big. All of these though, however, modeled, once we model then on the property boundary, fall 10 to 15 times below what the thresholds are for the state.

Baxter: For the what?

Carlson: For—the state has a toxic dispersion limits that we have to fall below at the boundary. And these are pretty conservate, right? So, of course, we want to

make sure that we all, you know, are not breathing, you know, chemicals. And so we want to make sure those are very, very high. And so what these—modeling comes about [ph] and the modeling ensures that we well below those.

Baxter: So please entreat us to what types of health problems could occur with exposure to arsenic, hexane, benzene, formaldehyde, et cetera, et cetera.

Carlson: I'm not a health expert in that way.

Baxter: Okay. So the particulate matter could go about what type of range? How many kilometers out could we see that matter go?

Carlson: It depends on the modeling. We just have to model it at the boundary. We don't model it beyond that point. Again, it depends on the height of the stacks and the heights. But what we look at though is the comparison between the thresholds that the state provides and we look at what we are producing and we look at the boundary. And that boundary, as long as we're below what the state would require us to be at the boundary, the State of North Carolina then says, "Yes, you are okay."

So, unfortunately, we don't model it further.

Baxter: So you don't have an answer for me?

Carlson: I don't.

Baxter: Okay, okay. And you gave us a list of some of the pollutants. About how many in total are there?

Carlson: There's 97 toxic air pollutants that the State of North Carolina requires all air permits to compare themselves to. And there's about five or six criteria air pollutants that we have to do the same thing.

Baxter: Okay. Thank you.

Slater: Any other questions from the Board?

Morris: At this time, we'd like to introduce the Board to Bob Zarzecki with Soil & Environmental Consultants.

[OATH ADMINISTERED]

Paratore: Please state your name and address.

Zarzecki: My name is Bob Zarzecki. I'm with Soil & Environmental Consultants. Excuse me. We're located at 8412 Falls of Neuse Road, Raleigh, North Carolina. My background, I've been an environmental consultant and environmental professional for about 25 years. Of that, five years was with the North Carolina Division of Water Quality at the time. It's now the North Carolina Division of Water Resources. The other 20 years has been with an environmental consultant firm, Soil & Environmental Consultants.

Morris: At this time, we'd like to tender Mr. Zarzecki as an expert in environmental wetlands and wildlife.

Slater: Thank you.

Zarzecki: So this project, like any development project in North Carolina, has to identify any potential jurisdictional wetlands or waters on the property. These are streams, wetlands, ponds, anything that could be regulated under the Clean Water Act. We also have to identify any potential surface waters that would be subject to, in this case, the Neuse River riparian buffers. These are 50-foot mandated buffers by the State of North Carolina Division of Water Resources.

We've done that on this property. We've also obtained an on-site

determination from the Division of Water Resources where they met our staff on site and confirmed all surface water subject to the 50-foot Neuse River buffers.

We've also delineated all wetlands on the property and we've submitted a jurisdictional determination request to the U.S. Army Corp of Engineers, who's responsible to verify those wetlands and waters.

There is a stream—

Baxter: Could you repeat that last portion please? The jurisdictional—tell me again.

Zarzecki: Yeah. So the last thing we did there was a wetland delineation where we essentially flag the wetlands on the property. The boundary of where—what is regulated by the U.S. Army Corp of Engineers and Division of Water Resources. And then we submitted what's called a jurisdictional determination request. And that's a packet of information that goes to the U.S. Army Corp of Engineers. They review it and determine whether or not they need to come the site to field—verify our wetland delineation or if they decide to desktop it.

There is a jurisdictional intermittent stream that runs along the eastern boundary of the larger of the three parcels. That stream is—was determined to be subject to the 50-foot Neuse River buffers. And there is a jurisdictional wetland on the southern portion of the property adjacent to the railroad. The site plan that has been presented by Curry Engineering, I've reviewed it. Primarily, the—any impact would be resulting from that one drive connection between the properties, which would need to cross the intermittent stream and the Neuse River buffers. It most likely will fall under either a—what's called a deemed allowable use under the Neuse River buffers, which used to be called exempt, or could possibly fall

under what is called an allowable upon authorization use. Fairly simple to obtain a driveway crossing like that to gain access from upland area to upland area.

The wetlands would not be impacted by the proposed site plan. There is a stormwater control measure that Curry Engineering proposed on the property. That appears to be located in the location of a previously engineered silt basin, sediment basin from when the property was cleared years ago. So it's a good location for it.

Part of that permit that we'll need to obtain from the U.S. Army Corp of Engineers for the stream impact for that crossing will require compliance with the Endangered Species Act, which is regulated by the U.S. Army—I mean U.S. Fish and Wildlife Service. So we have gone ahead and completed an endangered and threatened species report for the property. In that you request a concurrence of the species of concern from the Fish and Wildlife Service, and then you evaluate the project for each one of those species, which we have done.

We will be submitting that report to the Fish and Wildlife Service for concurrence and it will be included as part of our permit application that we apply for that stream crossing.

So with that, if anybody has any questions?

Slater: Any questions?

Baxter: So currently there's not the permit from the Army Corp of Engineers in hand?

Zarzecki: Not in hand.

Baxter: Okay. What—the numbers of species of concern that you found on the property?

Zarzecki: Zero.

**Baxter:** Okay. Could you, from a diagram of the property, show us where the intermittent stream and some of the other wetlands are located in relationship to the proposed building site?

**Zarzecki:** Sure. Let me see if I—can you see my—the red pointer?

**Baxter:** Yes.

**Zarzecki:** So there is a culvert. Is this one better? Okay, great. Thank you. Green pointer. Yeah, looks better. So there is a culvert, you can see through this blue line, that comes here that opens to an open channel. And that open channel was determined to be an intermittent stream—excuse me—subject to the 50-foot Neuse River buffer. That stream flows down essentially along the property line. It appears to have been channelized years and years ago. You can see a berm and it's very straight. It's dry as a bone right now and today it's actually the easiest way to walk through there.

That stream comes down and then it actually ends right about this point where I have the pointer. And that stop point or stream stop point was verified by the North Carolina Division of Water Resources. And then it ends into a wetland that kind of runs along—kind of in that floodplain, orange area on that southern property boundary here.

**Baxter:** And the blue is a little creek?

**Zarzecki:** Yeah, the blue is the creek. It's hard to see. It's right essentially on the property line. It looks like it was channelized and moved to the property line years ago. The proposed crossing would be between the parcels that you can see on that one site plan.



**Baxter:** And so will any of the toxins and pollutants that are generated by the plant—is there a probability or possibility for those with any kind of runoff to effect either little creek or any of the streams that are located on the property including the wetlands?

**Zarzecki:** There's always that possibility which is why they have the stormwater control measures that are proposed on the site. We would work with Curry Engineering, which we do on a regular basis, to review the stormwater and accurately depict how the stormwater runoff from this property is managed and treated on the property. All that information will be included in that permit application that we send to the U.S. Army Corp of Engineers and the North Carolina Division of Water Resources. And they'll review that before they issue what's called the water quality certification.

**Baxter:** Okay, thank you.

**Zarzecki:** Uh-huh.

**Miles:** One quick question. Excuse me. As far as the residents their, their water quality, will that be affected? I mean that—there's a resident right next door to you guys.

**Zarzecki:** I believe we're talking about this residence to the west up here.

**Miles:** That is correct.

**Zarzecki:** Yeah. There is no jurisdictional stream or wetland or anything that seems to flow that direction and to the pond. The preliminary plans I saw from Curry Engineering, essentially everything would drain south, so not west towards that property, to that stormwater control measure. You can see that old sediment basin. It's in this location right here on the plans, on that aerial. That was a

sediment basin that was constructed when they did the original grading work on the property. That's approximately where they're proposing their permanent post construction stormwater control measure.

Miles: Thank you.

Zarzecki: Uh-huh.

Slater: Anything else? Thank you, sir.

Baxter: Sam—

M: [INDISCERNIBLE]

Baxter: I don't but I can just—no, that's okay. I just need to make a comment that I'm receiving texts from our constituents that say that while it—this meeting was streaming, it is no longer streaming. So can we make sure that that's being actively addressed so that we can try to get it back up and running please?

Morris: I'd now like to introduce the Board to Rich Kirkland with Kirkland Appraisals.

[OATH ADMINISTERED]

Paratore: State your name and address please.

Kirkland: Rich Kirkland. Address is 9408 Northfield Court, Raleigh, North Carolina. I'm a state-certified general appraiser. I've been appraising in North Carolina, in specifically the Triangle area, for about 26 years. I've also got an MAI designation through the Appraisal Institute, which is a national designations signifying additional coursework and peer review. I've been doing impact analysis for about 20 years and I was asked to look at this in regards to property values and whether or not this would impact adjoining property values.

Starting off—I'm sorry.

Morris: [INDISCERNIBLE] just get you in the record. We'd like qualify Ms. Kirkland as an expert in property valuation and appraisal.

Slater: Thank you.

Kirkland: So, starting off, we—just looking at whether or not impacts adjoining property values, the first thing we're looking at is what are the adjoining properties. Looking at the adjoining parcels, we identified all the adjoining parcels as being zoned for heavy industrial use except for two of them. The first one would have been to the north, actually north of Old U.S. 264, and then north of existing U.S. 264. So it's well separated by the highway as well as the other right of way and two strips of trees. So we weren't terribly concerned with looking at that one.

The other one that's zoned R2 right now is the one that, I guess, has been identified just recently, owned by the Medlins. It's about 54 acres with housing on that one. That property is currently surrounded by heavy industrial zoning and it also has heavy industrial—or industrial heavy as the future land use designation.

So looking at whether or not that property would be impacted, we started off with what is the highest, best use of that property that's next door. And highest, best use—if that property was going to go on the market today, it would be marketed as industrial land. It would not be marketed as residential because the existing residences on that site significantly underutilize that site. It's not a residential property despite the current use as residential. The highest, best use of that property, with would maximize the value of that site is actually as industrial land.

So, really, all the adjoining properties around this proposed project is industrial heavy, heavy industrial use. So from that starting point about what is around it and what it is, the adjoining uses, we went and looked at other asphalt plants around Wake County to see what's—what the mix of uses are around those, as well as looking for sales of properties around them.

You can see in the package, page five, you can see where I just start showing examples of asphalt plants around Wake County and what that—what the adjoining uses are. There are no unsurprisingly commonly found around quarries.

Baxter: [INDISCERNIBLE]

Kirkland: But moving onto page six, you can see that one that's right off Capital Boulevard. This one's of note because there's a number of residential uses in close proximity, as well as a church. And this is also where I was able to find a sale of an industrial property next door. I could look and compare that industrial building to other industrial buildings in the area. We weren't able to identify any kind of impact due to the proximity to the quarry or the asphalt plant. So that example right there provides market data showing that there's no impact to adjoining industrial uses from the asphalt plant itself.

Moving onto the next example, this is off Westgate Road in Raleigh. It shows a mix of office, commercial, and industrial uses around that. It's also next to a quarry. There were no sales to really look at. There was some condominium—office condominiums. I did not really dig into the office condominium so no sales there to look at.

The next example, example four, is off of U.S. Highway 401 south of Raleigh heading towards Fuquay and, say, Wake Technical College. That one's interesting because there is industrial uses around it, but more importantly, Pulte [ph] Homes is actually building townhomes right up adjoining to it right now. So they're building homes that are going to be in the \$345,000 starting range right across the street from this existing facility.

Again, I didn't really analyze the townhomes and what they're doing there but there was an industrial sale to the south of it that I analyzed and looked at. And it was, again, showing no impact on property value. It sold at a similar price per square foot that I'd expect regardless of that asphalt plant.

And the last example is another asphalt plant down in Holly Springs. There's some residential uses in close proximity. And again, there's new subdivision activity coming ever closer to that quarry and asphalt plant. And I guess there's another example. Example six is off Garner Road and it's in proximity to some other industrial properties entering Greenfield Technical Park, industrial park, and it's showing no impact out there. I've done appraisal work in that industrial park and, honestly, wasn't even aware there was an asphalt plant next to it while working on those prior assignments.

So based on the sales data that we looked at for industrial properties adjoining existing asphalt plants in Wake County, we identified no impact on property values. And we therefore anticipate no impact on the adjoining property values at this location here. I'd be happy to go into more detail or answer any questions.

Slater: Questions?

Miles: So just to make sure I understand, the residents next door, his property value would not go down. Basically, you just—it would be recommended that it be changed to heavy industrial, correct?

Kirkland: If was going to be put on the market today, it would be marketed as an industrial property. It's 54 acres with some old housing on it that it may still serve as an interim use but the long-term use of that property, and if it went on the market today, it would be marketed as industrial land. Yes, sir.

Miles: Thank you.

Kirkland: Thank you.

Slater: Thank you, sir.

Baxter: Stacie, is there the ability to turn up the volume on the microphone?

Paratore: Yes.

Baxter: Thank you.

Morris: I'll speak up, as well. I'd like to thank you all very much for your patience and attention to our various subject matter experts. I'd like to just walk through the special use permit standards quickly and overview briefly the evidence that you've heard in support.

The proposed use will not materially endanger the public health or safety. You just heard testimony and have been provided with affidavits from various expert witnesses in the field of civil engineering, environmental engineering, air quality, water quality, wildlife, all in consensus that this proposed use will not materially endanger the public health or safety if located where proposed.

It complies with all required standards, conditions, and specifications of the UDO. You heard from Mr. Clark and Mr. Petty that the concept plan that has been submitted as part of this application complies with all relevant aspects of the UDO. And we will run those use-specific standards on the next slide.

The proposed use will not substantially injure the value of abutting land. You just heard from Mr. Kirkland that the proposed use will not all injure the value of abutting land. The proposed use will be in harmony with the area in which it is located. We point out that there's a legal presumption in North Carolina that a use is in harmony in which it is located so long as it is designated as a special use in that district. Asphalt plants are, of course, designated as a special use in the heavy industrial district and so reap the benefits of that burden—I'm sorry—that presumption. But in addition to the legal presumption, we also heard from the staff report and from the testimony of the experts today explaining that this proposed use is existing in a heavy industrial area, as well as a larger industrial heavy future land use area such that it is not just—harmonious but highly compatible and actually one of the few areas in town where this use is even possible.

The proposed use is in conformity with the town's adopted policy guidance for the same reasons. This area of the adopted policy guidance is, of course, speaking to the future land use guidance that industrial heavy designation and corresponding guidance that we went through earlier contemplates the town's heaviest, most intensive industrial uses. And this is, of course, one of the few areas in town that have been so designated and therefore it is compatible with that

policy guidance.

And finally, we did, of course, include a concept plan that accurately depicts the proposed use configuration. We worked with town staff on a number of different versions of that to bring it into compliance with the UDO. And to make it absolutely clear, we also included a condition saying that ultimate development approval is conditioned on full, complete compliance with the UDO. We cannot get our permits if we do not meet all relevant provisions of the UDO.

And then quickly we'll run through—these are lengthy—but the use-specific standards. We've included the 50-foot buffer requirement on the concept plan. We've included the required security fencing that will be slatted and barbed wired to prevent anyone from getting into the plant that doesn't belong there. The site will be drained in order to prevent accumulation of standing water. As Mr. Zarzecki already explained, there's been some channelization. There's already a large stormwater control measure and silting pond that is designed to mitigate and prevent stormwater runoff or silting of adjacent properties.

As he explained, the property slopes backwards, includes—the plan, of course, also includes requires utility easements for stormwater improvement in the future but has already been channelized to some extent and includes that stormwater silting pond. And all of that's in addition to the required approvals that we'll get from the State of North Carolina, who is not in the business of approving plans that are going to harm the waters of North Carolina. I'm sorry.

Vehicular access will be provided on an all-weather surface and maintained in a dust-free condition. That's a specific requirement of the UDO.



That's difficult to prove or show so we—essentially, we've included as a condition of our request that we are going to construct the driveways out of all-weather concrete and then we'll maintain them in a dust-free condition. I believe that's typically done by spraying water on them, with trucks that spray water on the driveway, and prevent accumulation of dust and debris. So \_\_\_\_\_ trucks entering and exiting will not be bringing dust and debris onto the public right of way.

We, of course, went through the plan, showing the truck routes to and from the site via Old U.S. 264. We've included that as a narrative on our concept plan, as well as the visual plan that Mr. Fluitt walked you through. And finally, the very last standard, within one year of succession of the use, all equipment and stockpiles of the operation will be dismantled and removed.

This is a very unique special use permit condition that requires sort of future contingency. We assure the Board that we will remove all equipment and stockpiles incidental to the operation within one year of succession of the use. Cardinal Civil Contracting has no interest in owning and—owning a non-operational asphalt plant. We agree to do that here in open court. And to the extent that the Board would like, we're more than happy to include compliance with that condition or with that standard as a condition to this approval.

So with that, we believe we've met all the required special use permit standards and believe that this asphalt plant has the potential to provide a great public benefit to the citizens of Zebulon. And we're happy to answer any questions that you all have. Thank you.

Slater: Any further questions?

Miles: One from me. Your dismantling of the equipment, where does—what is the process for disposing of that equipment once it's dismantled? Just curious.

Morris: I believe that the folks at Cardinal Civil—

M: [INDISCERNIBLE]

Paratore: You'll have to go up.

Spivey: The plan is to run this plant for many, many years. And in case it has to be dismantled, it will be sold to buying party.

Miles: Thank you.

Slater: All right. Any other questions for the applicant or the applicant's witnesses? All right. We'll next hear from anybody present wishing to speak in favor of the application—wishing to offer testimony in favor of the application I should say. Okay. I don't see any hands or people standing up.

Anybody wishing to speak in opposition or offer testimony in opposition?

Yes, sir. I see one hand up. Actually, a show of hands, if you would. I saw you. Anybody else that we—so we know what to expect here? Okay. Come on up, sir. And just like everybody else, if you'll be sworn at the podium by Stacie and then tell us your name and address please.

Brooks: Thank you.

[OATH ADMINISTERED]

Paratore: Please state your name and address.

Brooks: My name is Reginald Brooks. I live 3448 Munsey Lane in Zebulon. I hope I do this right. First time I've been here. I'm not sure exactly what I can say or what I

can't say. I do have some facts to introduce. I feel like right this minute that I'm a little unqualified in the college area with everybody they brought. I was wondering if anyone on the Board knows what Brooks Machine & Design does? Ms. Clark, thank you.

For the rest of you, we build pharmaceutical and food packaging equipment. Okay. I own the building the right of the mini-storage, to the left of the mini-storage. I'm certainly not against progress. I'm not against asphalt. But those five or six things that you said, harmony, health of the community, I'm responsible for the health of 40-employees. And by their own admission, we're going to smell the asphalt plant. They said that. I didn't. What is smell? Smell is particulate [ph] in the air. Okay. That's how you get smell. Something has to come and you have to breathe in a particulate to smell. Smoke is a heavy particulate. You can see it. These type of particulates, you probably cannot see.

So it's concerned for me that they're only concerned about the toxants— toxins at the property line when we all know they extend far past the property line. I've looked at lot of information, thousands of pages, and it seems to me that the most relevant page that I came across was from the State of North Carolina Environmental Quality. Right at the front it says, "What TAPs do asphalt plants emit," straight from the website of the State of North Carolina. It says TAPs are toxic air pollutant compounds emitted from asphalt plants include polycyclic aromatic compounds, volatile organic compounds, metals, hydrogen sulfide. It didn't say "may produce." It didn't say "sometimes produce." It says that they are emitted from asphalt plants. And then it gives you a list of pollutants that are

emitted from the driers and the things as such. I didn't write this. The State of North Carolina wrote this.

It concerns me that they are willing to let us breathe any amount of toxins in my facility. I am a severe asthmatic. I had an experimental surgery done to save my life. And I refuse to breathe what they put out their smokestacks. It's not going to happen. I can't. I can't afford it. I can't afford it for the 40 employees that I have. I have to look out after their health. We work for Fortune 500 companies. We work for Hershey Foods, GSK in your backyard, Pfizer. You name it, we work for it. Every Almond Joy that you eat, the robotic sell that I produced and installed puts that almond on that coconut patty. We do complex vision systems for all these people.

What do you think when I call the CEO of Hershey Foods of North America and they come to my facility here—most of you probably never knew they're here in Zebulon. And he walks in my plant and he smells the asphalt plant. This is food products. These are injectables. There are COVID vaccines. There are sterile syringes. Whether you know it or not, if you can smell it, it is there. It is a molecule that you can look at. Maybe you have to look at it under the microscope but it is there. According to what he said—how many did he say, 97? Wasn't that number that he used? That's exactly the number he used.

For them to not even be concerned across the property line is concerning to me. And how in the world—I realize her property value should be heavy industrial when she sells it. Who's to say she wants to sell it? Who's to say her children might want the piece of property? And if she goes to the bank to get a

loan and they say, "We can't give you a loan," does that constitute her property values going down? Her needs, needs to be addressed. Our needs need to be addressed.

I will say this. In order for you to grant a special use permit, no matter what, whoever you grant it to should be good stewards of the community. And if that's the type of industry that you want in the community, I guess that's what it will be. But the health of me, my family, my employees comes first for me. And for them to openly admit that they are producing TAPs concerns me. I've learned a lot about asphalt. I have literally copied thousands of pages and was thinking about bringing them in here but it would have taken a hand truck.

And the only good things that I find about asphalt plants comes from the asphalt producers. Nobody else. There's pages and pages and pages and pages of chemicals and pollutants and things that need to be addressed. I'm not so sure they're willing to address them. And they talk about the State of North Carolina would not allow things to happen. We all know that's a fallacy. What's happening in Wilmington with the chemicals that's leached into the Cape Fear River and North Carolina granted the permits for them to things. So it's not always that cut and dried. And, yes, the State of North Carolina does have permits and allows things to happen that's not in the best interest of their people.

So I just hope you actually take into account all of it. Not just the—what's in the borderline. We're a community. We have to live there. We have to work there. We have to be safe where we live. And I have to have that CEO of Hershey Food group of North America coming in my shop and be happy with

what he sees so I can still employ those 40 people who live in the community, work in the community, spend money in the community, thrive in the community.

I only see two things that I consider good about an asphalt plant. One is the tax revenue. I'm sure you look at that to some degree because you're going to get tax revenue. And the other thing good about an asphalt plant is just asphalt. It can be put anywhere.

And I want to know if I can challenge their numbers or ask a question because they talked about their trucking numbers. They gave you numbers on the board. To me, that was loads of asphalt. I hope—I think that's maybe what y'all took it to be. They don't make anything. So if they truck in 25 loads of asphalt, they've got to truck in 25 loads of product. It's double what they say it's going to be.

I just want to make sure you truly get the facts. I didn't bring all my lawyers with me. I didn't bring a whole lot of experts. I'm just a simple man. I make packaging equipment. I look after my employees. Please just make sure that you are looking after us. Thank you.

[INAUDIBLE]

Slater: Well, let me confirm. Well, actually while he's—go ahead, Sam. Yeah.

Morris: Just for the purposes of preservation, we'd like to object to all of Mr. Brook's testimony relating to environmental impact, traffic, and other areas of scientific expertise pursuant to NCGS 160D-1402, which Mr. Slater highlighted at the beginning of the hearing. Opinions about vehicular traffic and other areas of scientific expertise are unfortunately not allowed to be considered from lay

witnesses who do not education or professional experience in those areas.

So for the purposes of preserving that objection, we're just going to make it right now. Regarding the—we're only looking at the property line, the reason that North Carolina look—essentially, you're measuring at the property line. So it can only hit a threshold leaving the property line. So that's—it acts as essentially a proxy. So if only a certain amount is allowed leaving the property line, there's no reason to continue to go further and further and further away which are inevitably going to reduce the number. You go to the property line where the number is going to be highest and that is measured at.

So measuring at the property line is certainly not the way to get out of additional testing or numbers. It is a highly calculated measure that is used by the North Carolina Department of Environmental Quality as a legitimate and respectable measure of particulate matter in the air. Also, the 96 chemicals is—all the 96 chemicals that are looked at by the State of North Carolina in the air quality permitting process.

And as you heard, too, there's a bag system that is used to remove over 99% of physical particulate at the plant. And that's just reiterating the testimony that you've already heard.

Finally, we'd just make the point that—remind you all that the standard is that whether not the use will materially endanger the public health and safety. And that detectable odor is not the same thing as materially endangering the health of public and safety. Commercial areas have all sorts of odors. And so, again, to the extent that odor is equivalent to—we'd object to any suggestion that

the near detectable odor is equivalent to materially endangering the health and safety of people around you.

And finally, yeah, regarding traffic generation, we'd object to, you know, any rebuttal regarding our numbers. We—those were conducted by a professional traffic engineer and they are accurate in all respects. Thank you.

Slater: Thank you. Anybody else wishing to speak on this application this evening? All right. Any final questions from the Board?

Loucks: I actually have two questions for the Planning Director Mike Clark and this may require some research. But number one is, are you aware of any studies that have been done on surrounding property of an asphalt plant, including like air quality studies that are done maybe annually?

Michael C.: I am not.

Loucks: Okay. And number two, are—I guess this would be legal. Under the use-specific standards that we could impose a Phase I study be done of the property if it's ever—the operations are ever ceased, paid for by the owner. If that is possible legally? In other words, so the site's not left in a contaminated state without the town knowing.

Michael C.: I believe that I correct but it would be subject to the applicant agreeing to that particular condition.

Loucks: Thank you.

Michael C.: Yeah.

Slater: Mr. Mayor.

York: Thank you, Sam. I just want to reinforce that this is for a special use permit and



the standards that have been issued before, I'm going to issue them again. Under Section 2.2.18.F, will not materially endanger the public health or safety if located where proposed; compiles [ph] with all the required standards, conditions, and specifications of this ordinance, including Article 4 uses; will not substantially injure the value of the abutting land or the special use in the public—is a public necessity. Four, will be in harmony with the area in which it is to be located. Five is in general conformity with the Town's adopted policies and guidance. And six, includes a concept plan that accurately depicts the proposed use and configurations.

Slater: So, Mr. Mayor, if you like, we can—if you don't want to close the public hearing right now so that if something pops in your mind before you deliberate or as you deliberate, we can do that. Everybody's here. But then we can close it and you get to deliberate later in the agenda if you like.

York: Yeah.

Slater: Okay.

Baxter: Mr. Mayor, may I please request a five minute—

York: I can't hear.

Baxter: May I request a five-minute recess please?

York: Yeah, I'm going to do one—

Baxter: Okay.

York: —in just a—as soon as we finish this. Thank you. So we will keep it open until we do the discussion when we come to that phase. Thank you, Sam. Thank you for all those who came to speak concerning the special use permit. Right now,

we're going to take a 10-minute recess. Thank you.

[RECESS]

York: Resume. Next, we have a presentation.

Michael C.: Thank you, Mr. Mayor. Tonight, we have a presentation from the folks at People-First Tourism, when I say folks, it's really an all-star cast. We have Johnathan Freeze, who's the director of marketing communications for the Greater Raleigh Convention and Visitors Bureau. [INDISCERNABLE] to Visit Raleigh's Destination 2028 Strategic Plan and he serves on numerous state, national, and international committees for the destination management industry.

We also have Dr. Gene Brothers, who is the chief analytics officer at People-First Tourism, Incorporated. He's a retired tourism professor from NC State University and more than 40 years of experience as a researcher, teacher, extension [ph] specialist, consultant, and entrepreneur in the tourism industry.

You also have Craig Prince, who is the People-First Tourism community engagement lead, which—with a responsibility to collaborate with the partners in Zebulon, as well as other Wake County municipalities. And he took over the marketing efforts to promote local experiences in coordination with Visit Raleigh. Craig leverages his engineering degree and social entrepreneurship experience from NC State to put technology to serve—or service the local people.

Finally—I apologize if I slaughter this name—Duarte Morales is a tourism professor and extension specialist at NC State and the CEO of People-First Tourism. He leads various research projects [INDISCERNIBLE] to application and partnership with destinations across North Carolina. He and his colleagues'

goals [ph] are to help people become involved tourism business so that they can tap into the economic force and make their destinations more competitive.

So welcome gentleman come on up.

[INAUDIBLE]

[BEGIN VIDEO]

York: I'm Mayor York, Glenn York, and I am reaching out to you from Olde Raleigh Distillery in our thriving Downtown of Zebulon, North Carolina. Our community includes long-time residents and newcomers. Some with deep roots and many with even deep passions. It takes all of us to make the Town of Zebulon special. Communities which celebrate the diverse skills, culture, and projects of our neighborhoods are desirable places to live. Vibrant communities become desirable places to visit. When tourism is planned, it helps sustain the local entrepreneurs, farmers, makers, and creatives that we cherish.

The Town of Zebulon is partnering with People-First Tourism to develop genuine tourism experiences. Local people offer these rich experiences to visitors curious about our community and to residents interested in rediscovering their surroundings. Participants immerse themselves in our community's unique stories and emerge inspired by the journeys that our entrepreneurs take to pursue their passions.

[VIDEO ENDS]

Morales: All right. So good evening, everyone. My name is Duarte. I'm from NC State. I'm a tourism professor and also the lead instigator of People-First Tourism. And it's a privilege to be here speaking with you and a privilege to be now working in

Zebulon. This video was—we stopped it because then next I would come along and explain what People-First Tourism is. But I'll introduce it very briefly and then we'll open it up for questions. That might be a little bit better. And it's on social media, so if you're curious, it'll be nice to watch it there.

So I've been a tourism professor for a long time and I grew up in the north of Portugal, a town about the size of Zebulon. And we kind of depended on tourism, for our economy. And so I was kind of raised by tourism and I feel like from a early age that tourism—a saying we use is that it's like fire. It can be harnessed to take care of your home and family but if left unattended, it can be destructive, as well.

And so 20 years ago or so doing research, we found that the way to make tourism beneficial to the local community is if local people are involved. And that was through research. And then 10 years ago at NC State, we started trying this out, developing local involvement in tourism in North Carolina and primarily in Wake County. And so gradually we developed a really productive partnership with Visit Raleigh, that, as you know, promotes the development [ph] of tourism in the whole county. And we work [ph] in Raleigh but also work with a few municipalities in the county. And Jonathan Freeze is here. You may have some questions. And may have some questions he may also address those.

And so with their support and the support of Zebulon, we now are working in this area. We already have—we're working very closely with three people in the municipality. Brandon from the distillery, but also farmers and artists. And we've been organizing experiences here in Zebulon, two or three of these events

per month all of this summer. And according to Craig's notes, about 20% of the people that buy tickets for these events here in Zebulon aren't from Zebulon. So these are local neighbors that are, you know, rediscovering their environment, their community. They're coming to Main Street. They're going to the nearby farms to see what your community is all about.

About 50% of the tickets are from people from elsewhere in the Triangle and in Wake County. So they're from Raleigh. They are people that moved in recently to the area, perhaps, and are trying to get to know these communities around the Triangle. And then about 30% are tourists from out of town. They may be visiting to see where—if they would like to live here or visiting friends that are now living here, and they're discovering what this whole area has to do.

So with that, I think I'll stop it here and open up for questions. And again thanks again for allowing us to collaborate with you to develop this kind of grassroots tourism entrepreneurship. Thank you.

York: Any questions, comments? Commissioner Baxter?

Baxter: I have a couple comments because I—for disclosure, I work with People-First Tourism. They actually helped coordinate apiary tours for my business. And I have to tell you, guys, it's been awesome for our community. It's been great for my business. But the number of people that come in from out of town who have never experienced all the wonderful things that Zebulon to offer is just so they are coming for one reason but they're staying because they're already in the area. And so they are involving themselves in the activities Downtown, visiting other establishments.

So I don't really have a question but my comment is just that I have absolutely appreciated the relationship that I have had with the folks with People-First Tourism and I'm excited that they have kind of committed to looking for opportunities in our area because not just me, like Duarte said, it's other—you know, they're working with many different businesses to try to bring folks to experience the kind of the cool and unique [ph] things that we've got here in town.

York: Thank you. Any other comments? Questions? Well, I'm very grateful to have you guys. You really do a great job. You made me look very well. I thought I [INDISCERNABLE]. So keep doing that. We really want you around. Thank you.

Morales: May I add two—just two brief notes? One is that our success will be more attainable if you help us find the people that make Zebulon a special place to live. And this video is on Facebook. If you would forward it to your friends, at the end of the video we make a call to action and say if you're interested, email us at [info@peoplefirsttourism](mailto:info@peoplefirsttourism). So that should be a really easy way to get the word out among your community.

And then lastly, I don't know if—Jonathan, if I can put you on the spot for a second—helped me [ph], also really propelled the wind our sails, is from Visit Raleigh who promotes these experiences broadly outside of the Triangle. Would you mind saying a word or two?

Freeze: So I'm at the Convention and Visitors Bureau. We're committed to this project for many years to come. It is part of Destination Strategic Plan for Wake County

through the year 2028 and it's been a pleasure to work with the tourism professors and this company to bring it to more and more parts of Wake County outside of the city limits of Raleigh. And I really commend also, the town staff, Michael and Teresa [ph] and Sheila Long with Parks and Rec, as well, for working for us. I think really this municipal government and in terms of this program has been one of the most active in the county, so I really commend you for working with us on that. We appreciate your partnership.

Thank you.

York: Thank you.

The Board have comments, questions? John [ph], I see you back there. Are you itching to say something?

M: I would just say ditto [ph].

York: Thank you. I'm glad that you guys chose Zebulon because, you know, we wanted to be a destination that folks come from all around. And I think that's good, very good. No more questions or comments?

Now we'll open the public comment. And the public comment cannot be on our special use, correct?

Slater: Yeah

York: Okay. I think we had a couple here. James Fountain. Come to the podium. State your name and address.

Fountain: Okay. So my name is James Fountain. My address is 10405 Perry Ridge Court in Zebulon. So all of y'all are very aware, I've been in contact with y'all, the Mayor and all the Commissioners about a proposed housing development but that's not

even on the books yet. So I'm just going to talk about housing development in general. While I'm not opposed to growth, it needs to be done more smart because the local infrastructure is—it is stretched thin lately between roads, traffic. Anytime I had to go into the office, it's just a bad day. Because some of my friends, when they come over, they're like, "Hey, what's on, on 264," I'm like, "Hey, it's Tuesday." I mean, it is what it is.

There's no rhyme or reason why it happens. It's just because there's a lot influx population. And all [ph]—and law enforcement, they're not stretched thin yet but they will be if the population goes too quickly. And also, it goes the same for fire and rescue because that can create life-threatening situations if their response time is too high.

And also, the schools, too, because the schools are overcrowded locally. I know that's a county issue but it can be [ph] controlled locally with the way the population growth is going. And then there's other issues that y'all can't control, like trash pickup. That's—y'all can't control that. Sometimes they miss trash. It is what it is. They're just stretched thin. That's a private entity. They just—just another day at the office for them.

But the population can be grown smartly. And is—if anybody's every tried to go to the trash dump on Wendell Boulevard on Saturday, have fun with that one because it's usually crazy over there on Saturday if you have to take trash over there.

And also with not even the way—with the way growth [ph]—the way land goes, if it's near a body of water, it needs to be looked at a whole lot more, even if



it's not near a watershed or drinking supply because that can have a whole bigger effect on downstream, even if flooding. If you tear out a lot of trees, it's going to take out what's going [ph] to absorb moisture out of the ground and it's going to create a whole lot more issues with flooding that we are not seeing yet but will be if—depending on if there's a study done.

That's all I got.

Harrison: Thank you.

York: Thank you.

Baxter: Thank you so much.

Loucks: Thank you.

York: Next we'll hear Shaun Smith. State your name and your address please.

Smith: Good evening. My name is Shaun Smith. I reside at 4030 [ph] Wake Forest Road in Raleigh, North Carolina. And I'm here this evening to speak about the annexation case for Ordinance [ph] 2023-07 for the properties located at 0, 400, and 413 East Barbee Street.

First of all, thank you very much for hearing our annexation for the properties that I just mentioned. We're very excited to be landowners in Zebulon and active members of this community. We're grateful and thankful for the town, its citizens, and the council. I'd like to apologize for not previously addressing the council and those in attendance at the September 12<sup>th</sup> meeting. We have just completed a pre-application meeting with the town staff and felt confident in their [ph] feedback that we met or exceeded the requirements in rezoning in the Town of Zebulon.

To re—reiterate these requirements, the annexation petition bears the signatures by landowners within the area to be annexed will be provides. The area to be annexed can be adequately served by the same municipal services provided within the Town’s primary corporate limits and as discussed [ph], all utilities will literally run across our property. The debt obligation from serving the town lands do not exceed the anticipated revenue to the Town. As we’ve discussed, an annexation will increase the Town’s tax base [ph].

The public health, safety and welfare of Town residents and the residents and lands proposed for annexation will be served by the [ph] annexation. Our simple [ph] annexation does not impact health, safety, or welfare of any of the residents. We simply desire to have the same municipal services currently available to other residents in the Town of Zebulon.

Just a couple of other facts that I would like address about this property specifically. The Town of Zebulon Future Land Use map shows this property as part of the urban, Downtown mixed-use and being served by Town services as so. Thirty-eight-point-five percent of the perimeter of the property being requested to be annexed is already surrounded by annexed properties. Literally the entire area around is already annexed. If we—my partners and I do decide to do anything else with this land after our annexation, the very next step would be a neighborhood meeting where we would then hear feedback from the local community and residents near our property.

I’d like to reiterate that with this property falling within the ETJ, as of today, I cannot even pull a septic permit to build a single residence. In closing,

we would like to encourage you to vote in favor of this annexation request and thank you again for your time this evening.

York: Thank you.

Clark: Thank you.

Miles: Thank you.

York: Did we have anyone [ph] that submitted comments for public comment?

Paratore: No, sir.

York: On live stream?

Paratore: No, sir.

York: Thank you. Now we will close the public comment. And ask for approval of the consent.

Baxter: I move to approve the consent agenda as amended.

Loucks: Second.

York: There's a motion and a second. All in favor? Roll vote. Commissioner Loucks?

Loucks: Favor.

Harrison: Favor.

Clark: In favor.

Miles: Favor.

Baxter: Favor.

York: Motion passes. New [ph] business.

[INAUDIBLE]

York: I'm sorry.

Paratore: [INDISCERNIBLE]

York: I skipped something.

[INAUDIBLE]

Paratore: Mayor, we are at old business. East Barbee Street annexation.

York: Okay. Michael Clark.

Michael C.: Good evening Mr.—again, Mr. Mayor, members of the Board. Once again, we're taking in consideration Ordinance 2023-07 for the annexation of three parcels located at the end of Barbee Street. Addressed [ph] 0, 400, and 413 East Barbee Street. As previously noted, the applicant is Meridian Properties Group, LLC. These parcels are each under independent ownership but I believe that the applicant has them all under contract. The current zoning is DTP, Downtown Periphery, and as noted, the Future Land Use map is Downtown mixed-use.

The public hearing notification went out in accordance with out Unified Development Ordinance and included a public hearing sign to be located on the property, mailed notices from the planning department to all parcels within 150 feet of the subject properties. As well as putting it in a paper of general circulation twice in the Wake Weekly before the hearing. It is worth noting that the public hearing notification is Attachment 9 and those properties within 150 feet are included as Attachment 10 in the packet. There was some question about that previously.

The—as noted, the parcel is currently within the ETJ and it's for the most part surrounded by corporate limits. Without question, it is contiguous to our existing corporate limits. The utilities, as described during public comment, are shown here with the sewer that goes through the parcel entirely. Furthermore,

we've checked with the City of Raleigh and discovered that the water also goes through the property. Raleigh doesn't publish their water maps in accordance with the Department of Homeland Security's recommendations.

The owner cannot connect into the municipal water or sewer system unless the parcel is annexed. Furthermore, we do have provisions in the Unified Development Ordinance. They note that if they are within a particular distance of the utility system, they're required to connect. So right now, this parcel, until it is annexed in, is undevelopable.

This is a view of the parcel taken at the end of Barbee Street looking along the clear utility portal [ph]. This is a view looking opposite from that same vantage point, looking west on Barbee Street. And then a view of the vegetated area adjacent to.

The standards as noted in Section 2.2.2.G of our Unified Development require the owners' approval. This is determined by signatures and a sufficiency review done by a Town Clerk. That sufficiency review is included as one of your attachments. That services can be provided—and I'm summarizing these based on the language of the UDO. As previously noted, the services actually, in terms of utilities, go through this subject property. Furthermore, it is in immediate proximity to other annexed parcels. So other services such as police, fire, and trash pickup would not be greatly adverse—or would not be adversely impacted by this annexation.

Currently, the parcel is vacant. Bringing this into our corporate limits would result in us incurring an additional tax revenue. Any future development

which would come at a later time would be taxed based on the improvements done to the property as opposed to the current value.

Finally, that public health and—public health, safety, and welfare would be addressed—or would not be compromised as part of this annexation request. And based on the documents provided, staff can acknowledge that, yes, the owner has given approval. Yes, the services can be provided. Yes, the cost-to-return ration has been studied and evaluated. And annexation in and of itself will not adversely impact the public health, safety, or welfare of the surrounding area.

Other considerations, as I previously noted, annexation is not development. Any future development, such as a conditional zoning, site plan in this context, or planned development will require additional steps and procedures. If it is a conditional zoning or planned development, it will actually have to come before the Board of Commissioners for review. All three of those situations—site plan, conditional zoning, or planned development—will require a neighborhood meeting to be held before they can submit their application for development. And the developer is responsible for the connection into any of the utility of the structure.

Staff does recommend approval of the proposed annexation and adoption of 2023-07, finding that the standards of Section 2.2.2 Subsection G have been met. And I'm available for any question—I'm sorry—options for the Board.

The options for the Board are, as the slide shows, you can approve the annexation, which has three components. You can either approve it effective immediately. One of the questions that came up at the work session was the

deferred approval. You could have it effective on June 30<sup>th</sup>, 2023, which is the end of this fiscal year, or the end of the following fiscal year, which would be June 2024. You could table to a date certain. And with this, we would ask for specific information and details on what information is lacking for you to render a decision. Or you could deny the request as submitted.

And with that, I am available if you have any questions.

York: Questions?

Miles: I do.

York: Commissioner Miles.

Miles: Correct [ph]. Just for clarification for the citizens who ask me questions, in the financial analysis it states the only infrastructure extensions, connections cost will be paid by developer when the property's developed. Some of Barbee Street residents and business owners are concerned their streets, their lawn [ph], their sidewalks, thier services will be torn up, effected, and interrupted for these extensions and connections. If this annexation is approved and developed, could you explain what's included in the infrastructure extension and connection?

Michael C.: As part of an annexation in and of itself, none. Until they submit a development request through either a site plan, planned development, or conditional zoning, there's no purpose to connect into that infrastructure. When they do connect into the infrastructure after going through those reviews which will be reviewed by a technical review committee, the prop—or the developer will be responsible for any adverse impacts to the surrounding properties done through that construction. Hopefully, that answered your question.

Miles: What's being paid by the developer? Can you give me kind of like a—break it down a little bit? To get a better understanding [INDISCERNIBLE] developer potentially could pay for X, Y, or Z. Just give me some scenarios if you could please.

Michael C.: The developer's responsible for 100% and that actual figure is going to be dependent upon what they develop. So if they want to develop a high rise, that's going to have a different connection cost associated with it compared to three single-family residential dwelling units. So it's all going to be development specific. And until that development is proposed, it would be premature for me to speculate.

Miles: Thank you. Second question from a citizen: Can you also explain what is meant by the Town service responsibilities will be subject to the nature of the proposed development?

Michael C.: That the Town would be responsible for police, fire, trash pickup, leaf pickup, brush. The same services that all other citizens within the corporate limits currently receive.

Miles: Thank you. Third question from a citizen: So the Town would or would not be responsible for financing any or some of the infrastructure extensions and connection if the land is annexed and developed?

Michael C.: The Town would not be responsible for any cost incurred with the extension of the utilities for the infrastructure, so with any potential development by the applicant.

Miles: Thank you. And the follow-up to that is, where is this codified so we'll know



who is paying for what? Where can we find that at?

Michael C.: That would be in Chapter 6. I apologize. I don't have the exact reference memorized. But Chapter 6 of our Unified Developed Ordinance has particular requirements that offset that cost specifically to the developer and note that they are responsible for the constructure thereof.

Miles: Thank you. And the last thing from a citizen. A few citizens asked—have asked me about \$800 about tax increase to the Town revenue. They wondered how it was determined and if an \$800 increase is enough of a reason for the planning department to recommend annexing right now.

Michael C.: The \$800 is based on a current tax rate times the existing assessed value as determined by Wake County. As a vacant parcel that requires no additional services or activities, there's no expenditure on the Town's part at this time. So \$800 would not be—would not necessarily offset anything that the Town would have to do.

Miles: Thank you.

York: Questions, comments?

Miles: I have a comment. [INDISCERNIBLE] table this in our last monthly meeting. We appreciate my fellow Commissioners for allowing us all more [ph] time to analyze this proposal. All the residents, business owners, and homeowners who have spoken with me [ph] throughout the process, who have spoken in meetings and have reached out to the Town and other Commissioners and to the town manager and planning director and in turn helped us navigate this—through this process.

I, like my fellow Commissioners, takes every [ph]—each and every proposal placed in front of us seriously and go over everything with a fine-toothed comb. I do so with the intentions of being able to confidently vote [ph] to ensure every proposal, policy, resolution, ordinance, document we approve not only meets the criteria listed in the UDO as well as the standard [ph] State Statutes, but it's also in alignment with at least one of our Town goals: growing smart, vibrant Downtown, small-town life.

I wish I could say this annexation checks all those boxes based on the feedback provided by the residents, homeowners, business owners on Barbee Street, Main Street, Horton Street, and members of the First Baptist Church. I do not feel comfortable [ph] that the fourth standard as set forth by the UDO Section 2.2.2.G that states public health, safety, and welfare of the Town residents and the residents near the proposed for annexation will be best served by the annexation has been fully satisfied. And although it is not a criteria for—we can use to render a decision on this annexation, I do not believe this annexation lines up with our growing smart, a small-town-life values at this time.

To that end, if we approve this annexation tonight, I propose we set forth an effective [ph] date not as of September 12<sup>th</sup>, 2022 as indicated in the ordinance presented tonight but deferred to June 30<sup>th</sup> of 2023 in an effort to allow the Town to grow smart and address the concerns and mitigate any effects of this annexation on the residents, homeowners, businesses, other potential development. Thank you.

York: Any other questions or comments before we make a motion? I just want to make

sure the options of the Board are to approve annexation effective upon adoption of ordinance—effective on June 30<sup>th</sup> after the adoption, the ordinance, June 30<sup>th</sup>, 2023; effective on June 30<sup>th</sup>, 2024 after the adoption; table to future date at a certain time, ask for specific information pertaining to annexation; or deny. These are the options. Any more comments, questions?

Loucks: I'm basically in favor of annexation and don't know if we really need to delay it because we still won't know how the property's going to be used until a plan's submitted. So I'm kind of [ph] in favor of annexing it now and let's see what kind of plan gets brought forward.

York: Any other comments? Commissioner Clark?

Clark: I—I'm in favor of annexing it now. So are we ready for a motion?

York: Any more comments

Baxter: Sorry [ph].

York: Commissioner Harrison?

Harrison: Thank you. I have a comment in regards to the annexation. And I'm torn a bit because while I understand the importance in the first steps and everything about the annexation in itself, and understanding that annexation does not necessarily mean development, in the paperwork that we have received, the annexation does seem to be the first step in the process of the development. And while I am still in support and in favor of the annexation, I just want to make sure that the citizens are clear in that, as well as myself, that we have an understanding that the annexation would likely, likely, be the first step of a development. And should that development take place in the Town of Zebulon, there will be—there could

be a situation where it comes back before us to make a decision based upon the development that may go in this area. Am I understanding that correctly?

Michael C.: That is correct. If the applicant proposes anything that would require a conditional zoning request or a planning development, in both of those situations, that's a legislative process that will come before you for joint public hearing or a hearing depending upon the future tax [ph] limits. And then ultimately, the Board of Commissioners would have the final say on that.

If it is a minor site plan, such that they're able to meet all the applicable requirements of the UDO, and given the configuration of this sites, that's a pretty high burden. And it would be very low density at that point. That would be the only situation that it would not go back before the Board of Commissioners.

Harrison: And—thank you, Mike. Those were a lot of words. So could you give me a more definitive example of what would not have to come back before the Board?

Michael C.: If they were able to construct residential dwellings that were either wide enough, 70 feet width, if they wanted a front-loaded driveway, or have alley loaded in addition to front streets for narrow lots, those would be the only situations that would not—or those would be the primary situations that would not go before you. In both of those situations, in order to accommodate the necessary road infrastructure, it would result in a very low-density development.

If they requested deviations from either of those, that would automatically trigger either a conditional zoning or a planned development request.

Harrison: Thank you. Last question. Thank you for that answer. So just to be clear, if there were to have—if there were to be a development on this property, would the

entrance and exit to this development be Barbee Street or is there a possibility for the—if there's a development to come, is there a possibility there will be another entry and exit points outside of Barbee Street?

Michael C.: [INDISCERNIBLE]

Harrison: Is that [ph] possible?

Michael C.: It is unlikely, okay. It could be possible. The—it would be very difficult for the applicant to get permission to cross the railroad tracks.

Harrison: Okay, thank you

York: Commissioner Miles?

Miles: If I may speak on that a little bit, kind of what it is [INDISCERNIBLE] they're pretty much a landmark [ph]. They bought the two acres behind the two properties [INDISCERNIBLE] the citizens have [ph]. So they pretty much bought three acres of land that they can't use. If you look at the map, the way it's zoned is the Town of Zebulon owns public works to their left, the community center, the community park is here to the right [ph]. There's more land potentially [ph] [INDISCERNIBLE] back [ph]. He has informed me he is not going to sell. So they're pretty much landlocked.

The only way into it [ph] is through Barbee Street. So they pretty much had to get—seek the approval [ph] of the two residents [ph] prior to. To my understanding, what they have is a contingency on the land the two properties that—in front of the property that they bought they wanted to access the land that they're looking to develop. So potentially they will—they currently don't if I'm not mistaken, they don't own the land in front of the property that Meridian

currently has, correct? Am I [ph] correct?

Michael C.: Based on the current tax records, that's correct. But I would suggest that you ask the applicant directly.

Miles: Okay, please, if we [ph] could that, we'd really [ph] appreciate it. Thank you.

Smith: We do not currently own that property at this time, sir.

Miles: Thank you. So that is owned—by two citizens, correct? Two different citizens, correct in Zebulon, correct?

Smith: Yes, sir. And just speaking open and honest we have one of the other properties under contract and the other property, we have no intention to purchase.

Miles: Okay. Thank you.

Smith: Thank you.

York: Any more questions? Comments?

Miles: My last comment is this. I took into consideration all the efforts [ph] to my fellow Commissioners, and I think this is an area that has kind of been kind of like a—I guess [INDISCERNIBLE] for the Town of Zebulon. And I [INDISCERNIBLE] as I stated to my fellow Commissioners [ph] here. It seems as if sometimes a move by a developer. I know. I am progressive about change. But the low hanging fruit kind of just grab it and kind of [ph] develop it. When these people are ready to now [ph], say develop it now, I believe we owe it to the citizens that have been on that street for a while to give a little common courtesy and grace to kind of prep. Even if you guys decide to annex it in, that we give them a little grace to kind of get that mindset ready. This is an area that hasn't been touched in a while.

So it is fair [ph] so the low hanging fruit, fresh fruit, for a developer to come in, snatch up, as we see. Pretty much buying land—a plot of land that is landlocked, that has no use [ph], they can't use it for anything [ph]. If we were to deny that, I would \_\_\_\_\_ be kind of curious to see what they would do with that property. Because pretty much as I stated, they are landlocked. I just want to bring attention [ph], like I said, for me, as a change takes place for that community is happening.

When I go to Barbee Street now—I watched two families be evicted yesterday. If you drive on Barbee Street right now, there's piles of trash where they've already been—the residents have been—they've been evicted. So we really need to [INDISCERNABLE] this community. So just and taking them [ph] and put them in a new tax break—bracket or just kind of like just in that area where a developer can go and just grab it all up and do what they want to with it. We're in the position now, residential we're fine in tax base [ph]. Eight hundred dollars, will that make [ph] a difference, I don't think so.

But with that said, I just, I just ask that we have a little more grace and mercy on these people on Barbee Street, that we know that this is low-hanging fruit for a developer to come in, buy land still [ph] at a reasonable price, and develop a \$300,000 [ph] home here. I compare it to Vance Street, which is over [INDISCERNABLE]. The new residents [ph], they're going for 225,000. We have many houses for rent and [ph] valued at \$69,000.

So we really have to take a look at that, that we're going to put these people in different tax brackets and things of that nature. These people that we

know [ph] pretty much are living paycheck to paycheck, trying to figure out what they can do [ph] to pay their bills. The [INDISCERNABLE] see it [ph], I guarantee [INDISCERNABLE] through to the [INDISCERNABLE]. That's not saying anything negative. That's speaking the truth for that community.

So I ask that we really take an assessment of what we could do and ask Commissioners for grace at least to the 23<sup>rd</sup> [ph]—that 2023 where we give this community a chance to kind of get their mind right and maybe assess what's going on. And then we can go from there [ph]. And then town meetings will happen [ph] and they will have more say-so [ph]. But I ask for that grace for 2023, the development [ph], and we go from there. Thank you.

York: Any [ph] more comments?

Clark: Make a motion.

York: Motions [ph]?

F: [INDISCERNIBLE]

York: Okay.

Clark: I would—okay.

Miles: I make a motion that we approve the annexation effective [ph] on June 30<sup>th</sup> of 2023.

York: Is there a second?

Baxter: Second.

York: We have a motion and a second. Do we have any discussion on effective June 20—June 30 of 2023? Hearing none. Roll vote starting with Commissioner Baxter.



Baxter: Aye.

York: Commissioner Miles?

Miles: Favor.

York: Favor. Commissioner Clark?

Clark: Opposed.

York: Commissioner Harrison?

Harrison: Favor.

York: Commissioner Loucks?

Loucks: Opposed.

York: Passes 3 to 2. Thank you. New business. Asphalt. Zebulon Asphalt Plan SUP  
2023-01.

Slater: I'll speak to y'all from here, if that's okay, instead of dragging the chair back  
around.

[OVERLAPPING—INDISCERNIBLE]

Slater: Move that chair out of the way. So the way I recommend we do this, members of  
the Board, is to discuss. And we left it open because I know sometimes there's  
questions. So while the hearing is open, I recommend that you all take these  
individually, in discussion form [ph]. Talk about the evidence you heard. Talk  
about the six elements that you need to consider. And at the end of that, Mayor, I  
would image [ph], but let's close the public hearing after that discussion and then  
you all make a motion and proceed that way.

Does everybody understand? Any questions of me right now?

York: Questions?

Clark: But we can still leave the public—we can leave the public hearing open until if we change it for a later date, correct?

Slater: Yes. So I would—if that's the decision during this discussion of these six, then I would express that in this discussion. But if you get to the end of discussion of the evidence and the six criteria and you're ready to make a motion, then we'll close the public hearing before the motion is made. I can try it again. I don't know if

[OVERLAPPING—INDISCERNIBLE]

Clark: No. I'm just thinking it might be—my idea is to—you know, would be to postpone it until a later day so we can get—I could use some more information.

Slater: Sure. I will add that, as you all know, there's no discussion of this, so that—you're not going to benefit from discussion or anything in the time that would pass to make a decision. And if at all possible, the people that are here came from all over the state. So if you leave it open now, they'll have to come back to another time, which is something to consider as you're weighing that decision.

York: So we're ready for a discussion on each one of these six standards. Who would like to start? Commissioner Loucks?

Loucks: I do have some experience early in my career doing industrial hygienic studies and it was particularly around asbestos. And in our studies, we worked—we studied the area where people worked but we also studied the cumulative effect in the area, the accumulation of asbestos fibers, et cetera. And I'm not an expert on asphalt processing by any means, but I am kind of interested in the effects outside of the land and if there's an accumulation impact or if it would adversely affect

any existing businesses there. So I just have some questions around those items.

York: Commissioner Baxter?

Baxter: I honestly don't feel like the burden of the proof has been met for number one, they will not materially endanger the public health or safety if located where proposed. Just being that there was not an answer given to the distance that these particulates could be found, what the radius is. I feel like we need to have a very clear burden of proof in order for us to accept this.

In addition, they do not currently have their permit from the Army Corp of Engineers. I feel like that is lacking and just exhibits that, again, they don't have everything that they need to support the burden of proof.

York: Commissioner Harrison?

Harrison: Thank you. Thank you, Mr. Mayor. I have a few concerns as it relates to number four, about being in harmony with the area in which it is located. In addition to the other businesses in the area, I do have some concerns about the—and again, I am not an expert—the air quality. The traffic plan is—I have questions regarding that as it relates to the trucks that will be entering and exiting the property. As that relates to the road—the roads and the corrosion, just the different wear and tear.

In the package that we received, it did say that developers would be responsible for the improvements in the roads and everything at the beginning of this stage. But my concern is what happens after that with the amount of weight that is on the roads and just the different things that will actually be coming from that plant. And I'm not sold on the fact that it would be, in fact, in harmony in—

with the area in which it will be in.

And so those are some of my concerns.

Baxter: Mr. Mayor.

York: Commissioner Clark?

Clark: I just would like to go over it a little more. I think it is in harmony but I am still—  
about the—employees and the particulates, I'm—would like to look into that one  
further.

York: Commissioner Baxter?

Baxter: So just so that the Board is made aware, because of my background in biology, I  
don't know that all of the chemicals, all of the toxic chemicals will cause cancer  
but a lot of them do. I don't know that all of the toxic chemicals will cause river  
problems but a lot of them do. And as far as looking to harmony in the area,  
we're talking an awful lot about our Future Land Use Plan and not our current—  
what is currently zoned. And the abutting property is currently zoned as  
residential and I think that it is very important for us to honor that.

York: Commissioner Miles?

Miles: I'd kind of [ph] piggyback off of what Commissioner Baxter just said. That's my  
biggest concern. Can we [INDISCERNABLE] that there's a residence right next  
door. And then also, we heard [ph] the gentleman who gave the speech earlier  
about his factory there, I personally didn't know that. I must admit, I didn't know  
that was there. So I try to take into consideration that. So the harmony aspect  
[ph] of the air really concerns me a lot. I'm just, that number [ph] 97 resonates  
[ph], kind of keeps rolling in my head [ph], that 97. That's a lot of toxins into the

air. And we really must consider, just as Commissioner Baxter put it, there again, the number of that really concerns me. Thank you.

Slater: And as we're discussing, I've heard one and four. Let's touch on all of them in this discussion, if you would please.

Thank you.

A bit of a [ph] tedious exercise but I'd like—discussion I need to know. And you can just go down to number two next as you consider the evidence.

M: [INDISCERNIBLE]

Baxter: That is—my understanding is that if they don't satisfy all six. Is that correct?

Slater: Correct. The requirement is to satisfy the six but for purposes of best practices, that I'm encouraging in this part of the meeting a discussion of all six.

Baxter: So we—

Slater: Not necessarily a vote.

Baxter: Okay. So we're currently discussed one and four. And you would like us to discuss two, three, five, and six?

Slater: Yes.

Baxter: Okay. Thank you.

York: Do you want to start?

Baxter: Sure. We can discuss—

York: Number two?

Baxter: —number two. I don't feel that I've been given information that says that it doesn't comply with Article 4.

York: Commissioner Miles?

Miles: I'll talk [ph] on number three. I guess \_\_\_\_\_—

York: We're on two [ph].

Miles: Two.

Miles: [INDISCERNIBLE]

Miles: I'm definitely with Commissioner Baxter. Not enough information has been given to me to satisfy my decision on that for the \_\_\_\_\_.

York: Commissioner Clark, number two?

Clark: I think it complies with it, with the required standards.

York: Commissioner Harrison? Number two?

Harrison: I don't have a comment for number two.

York: Go ahead. You said—

Harrison: I don't have a comment.

York: You don't have a comment for number two. Commissioner Loucks—  
[OVERLAPPING]

Loucks: It appears that it meets all of our ordinances. Some of my [ph] questions are the state permits, the Corp of Engineers study, et cetera. But those are outside of our ordinances.

York: Any more discussion, comments on number two? Number three. Commissioner Baxter?

Baxter: So I will defer to the subject matter expert as far as the land property values because we haven't been given any information contrary to that.

York: Number three, Commissioner Miles?

Miles: I [INDISCERNIBLE] the gentleman did give examples about—looking at other

properties. I found it kind of like [ph] interesting though [ph] that people would buy townhomes right next to a facility built [ph] [INDISCREENABLE]. I mean, thousand-dollar townhomes but I bring it back home [ph]. And right here, there again, the abutting property, I was told that basically that residence don't look at the values that I received of that resident, just kind of know that it's going to change. But as you stated, with our current, it's zoned residential so I have to look at that [ph], where it's currently zoned. So that's where I stand on that.

York: And did we discuss number four?

Baxter: Yes.

[OVERLAPPING—INDISCERNIBLE]

York: So number five. Commissioner Loucks?

Loucks: Based upon the UDO, it sounds like it's in conformity as far, as the use.

York: Commissioner Harrison?

[OVERLAPPING—INDISCERNIBLE]

York: Commissioner Clark?

Clark: I agree.

York: Commissioner Miles?

Miles: I find it in conformity. I do.

York: Commissioner Baxter?

Baxter: I don't have a comment.

York: Number six. Includes the concept plan. It accurately depicts the proposed use and configuration. Commissioner Baxter?

Baxter: I don't have a comment [ph].

York: Commissioner Miles?

Miles: I say yes that the proposed configuration.

York: Commissioner Clark?

Clark: It was included.

York: Harrison?

Harrison: Yes, I agree.

York: Commissioner Loucks?

Loucks: Yes, I agree.

York: Okay.

Slater: Thank you. That was diligent as I asked. So I know there's discussion. I— everybody's here. I'll give you guys an opportunity to respond to some of that stuff if—while you're here and the public hearing is open. And then turn it back to you all.

Morris: Thank you all very much for you comments. I will address them in turn, kind of moving through the standards. I tried to get down everything that was said. So I'll start, standard number one. It sounds like there's, you know, three general concerns regarding the public health and safety. One is air quality. One is the sort of contingency of the Army Corp of Engineers consensus. And the third is not traffic volume but sort of traffic impact from Commissioner Harrison.

So, first, regarding air quality, there's not specific air quality regulations in the Town of Zebulon's UDO. It's the purview of the States of North Carolina generally and the federal government to regulate air quality through directly on highly scientific regulatory systems that exist on the state and federal level that do



not exist on the local level. Essentially, air quality regulation is a state issue. And the requirement for all asphalt plants to receive an air quality permit from the State of North Carolina is designed as a stopgap between local development approval and ultimate operation of the plant.

And theoretical concerns about air quality that—we just ask you to trust the State of North Carolina and the air quality regulations that they have put in place. The inability to tell an exact location, an exact distance of which theoretical particulate might reach is nearly impossible to meet. I don't think that's the burden here. You have analysis, testimony, and an expert affidavit from an air quality expert stating that the proposed use will not harm the public health and safety from an air quality perspective. And there has been no evidence, no competent material and substantial evidence to the contrary provided to you.

And again, I'll just touch on the measurements. I'm not an expert but I'll reiterate what—and to the extent that you would like some further clarification from Mr. Carlson about the process and idea and scientific justification behind measuring particulate from the property line as opposed to broader, town-wide studies. Essentially, by measuring at the property line, you don't need to go any further out. It's—that's the highest level at which it will be.

So if you meet the required threshold at the location in which particulate matter is going to be the highest it would possibly be, you can—in the State of North Carolina and the scientists that design the air quality regulations understand that that measurement serves as a proxy for further distances. If that makes sense? And if it doesn't, I'll be happy to have Mr. Carlson come explain the

measuring from the property line rule, again [ph].

We have presented expert testimony that air quality and—you know, the public health and safety will not be materially endangered. We understand there might be smells. We understand that there is a non-zero amount of particulate that could possibly escape but we do believe that the expert testimony that has been presented to you today sufficiently addresses the fact that the property will not harm the public health and safety—materially harm the public health and safety from an air quality perspective.

And we will not get our permits if we are going to harm the public—like, from a health and safety perspective through air quality. That's what those regulations are designed to do.

Next, we'll just address the Army Corp of Engineers certification. We understand. We apologize that we don't have that right now. It's pretty standard, as I understand, to wait until you have your zoning in place before you move forward with a lot of those actual—you know, start making expenditures and the site plan, all those types of things. Like, that's not uncommon for that to come at this stage of this process. But to the extent that you all [ph] would like a little bit more information in that perspective, we would be happy to provide it at a later date to the extent that you're not satisfied with that.

Traffic impacts. Like you said, there's potential of traffic—you know, dust and debris leaving the site and impacting the roads themselves. We believe that's why there's that specific standard in Chapter 4 that says that all access drives have to be constructed with an all-weather surface and maintained in a

dust-free condition. That is specifically designed to reduce the amount of dust and debris being taken by the trucks onto the road. We have [ph] a specific condition addressing that.

We're not really—to the extent you have any other questions, we believe that's sufficiently meeting that standard that's specifically designed to address that impact. We believe that that meets our burden of—you know, will not materially harm the public health and safety through dust and debris on the trucks' tires. So we—I believe there were three comments that were made on public health and safety.

Regarding standard number two, I don't think there was much issue [INDISCREENABLE] and I walked through the site plan and believe there's consensus in the room that we do meet the required standards of the UDO. Of course, I don't believe there's too much concern about standard number three.

Regarding harmony in which the property is located, I remind the Board that under state law there's a legal presumption of harmony in the area in which the use is located by designating as a special use in that zone. Asphalt plants are designated as a special use in the heavy industrial zone. Therefore, they're legally considered to be in harmony with the area unless there is competent material and substantial evidence to the contrary. We don't believe there has been. The UDO in this case and the Future Land Use maps speak for themselves. And that legal presumption, we believe, holds in this case.

General conformity with the Town's adopted policy guidance, we believe for the similar reasons, the policy guidance is specifically speaking to the Future

Land Use Plan. And for the reasons stated by myself, Mr. Kirkland, and the other witnesses that we do believe we are in conformity with the adopted policy guidance.

And then, of course, number six, it doesn't appear that there's any issues on that. So to the extent that any outstanding questions or concerns about whether it's air quality or other environmental permitting [ph] processes or traffic impacts, we have all our witnesses here and should you have any other questions, they can take them while the public hearing is open. Thank you.

Slater: Mike?

Michael C.: Mr. Mayor, the town attorney asked me to speak a little bit to standard number two. There was some question about that. While there are provisions within our Unified Development Ordinance that do require the—or the acquisition of other state and federal permits, those are done at a later stage of the development process. The development is not permitted to move forward until those permits are actually provided to the Town as part of a development request. Until that occurs or until that development period occurs, it is presumptive for those request—those to be requested by the applicant.

In terms of what is being proposed, staff did find that it met the applicable sections of Unified Development Ordinance, including Chapter 4 for this stage. As—once again, additional stages of development, including construction drawings, will require the assemblance of other applicable permits, including from the state.

Thank you.

York: Questions? Did that answer your question about the Corp [ph], Army Engineers?

Baxter: I didn't have a question.

York: Your comment?

Baxter: Well [ph], I didn't have a question, so—I mean. Thank you.

Loucks: And I do have a question for Mike. Once they get the state permit and they meet the requirements as far as air quality, is there an annual reassessment or how often do studies occur after they get the initial permit? Do you know?

Michael C.: I do not know how often, but there is further evaluations that are determined. If there's a situation where somebody files a complaint or a violation with the State, that automatically triggers a re-evaluation.

Slater: Any other [ph] questions from the Board? So, Commissioner Clark, I know you raised this. You know, you all can decide to close and take a vote now. You can keep it open. I did just ask the applicant if you were to decide to keep it open, or if you were to decide to table, to keep it open, or close it, and they would agree to keep it open so that if that's your choice, there could be further testimony the next time you get together versus—again, you can't talk about it in the interim, like said. But that will allow further questions and answers at a later date if that's what the Board desires.

York: So what's the pleasure of the Board? Is there a motion—[OVERLAPPING]

Baxter: I—

York: —the findings?

Baxter: —would like to make a motion to deny the Special Use Permit 2023-01 because it did not meet all the material findings of fact, most specifically number one.

Miles: Second.

York: We have a motion and a second. Any discussion? Roll vote. Commissioner Baxter?

Baxter: Yes.

York: Yes what?

Baxter: I'm voting yes on my motion.

York: Okay. Commissioner Miles?

Miles: Second. I mean yes. Sorry about that. Yeah.

York: Commissioner Clark?

Clark: I oppose.

York: Commissioner Harrison?

Harrison: To approve.

Loucks: Opposed.

York: So it appears [ph] it's 3 to 2.

(NOTE: Commissioner Baxter, Miles and Harrison voting in favor and Commissioners Loucks and Clark voting against.)

Baxter: Three to 2.

York: It's [ph] denial of the application, correct?

Loucks: Just a quick point of order, since it was denied, do we not have to have specific reasons? This is a question for Sam.

F: [INDISCERNIBLE]

Slater: Yeah. The motion to deny was—the motion included the reason being failure to satisfy the first of the six requirements. That was the motion and the second.

Hand on a second. Yeah?

[INAUDIBLE]

Slater: Yeah. Sorry. It, yeah. The motion of the applicants failed to satisfy the burden of proof on number one. Yeah. And I believe that's what it was. Yeah.

Baxter: Do we vote?

York: Do I close the public hearing, Sam?

Slater: Yeah, I was attempting to be nimble there. But let's make it clear for the record to close the public hearing on that just because we've collected all the testimony and the votes occurred. So the public hearing's closed.

York: Public hearing is closed.

Miles: So we can talk about it now, correct [ph]?

York: It's done [ph].

Miles: Okay.

York: [INDISCERNIBLE]

Miles: Okay. I just—thank you.

[INAUDIBLE]

York: Next, dissemination of information. Manager Moore?

Moore: Good evening, Mayor and members of the Board. The Board has introduced dissemination of information as an agenda item. They introduced it at their last meeting retreat. As we mentioned, we would not be able to do analysis but I thought this would be a good opportunity to share with the Board as well as the community the avenues and tools of information that we provide to the board. I also share this because we are changing a couple of those and I wanted to give

you the heads up on that. But also, as with anything related to information, specifically communication, it's a two-way street. We want you informed. We need you informed. As witnessed tonight, you have a lot of heavy policy issues coming your way. More information is not a bad thing.

So I'm going to, once again, go through a quick summary of the ways we get you information, provide you some changes that we are making, as well as open up to any feedback or comments that you have on how we can get you information better.

So as far as the information types, I put them into a few categories. So one is queries and I'll put queries into two subcategories. So direct is like a, "Hey, we need some information because we've got a pending decision. We've got the annexation coming up or we've got a rezoning coming up and we need some information on that." The indirect, that's what I would put—or define more as data, like, "I'm interested in getting some information on—I don't have a particular reason behind it. We don't have a pending decision. I'm just curious for some information."

Ideas. We're welcome and open to ideas. Ideas examples, "I saw this," or, "I heard a commissioner from another community," or, "I saw this as an idea of—maybe you should look into that." During the monthly meetings, I get a lot of ideas. We don't necessarily move forward on those ideas as far as implementing. If there is something that they are implemented, we'll come back and bring back before you as far as initiatives for you as a full [ph] Board to consider. They're just like small operational things. We'll [ph] utilize our



network either through myself or the other managers or department directors reaching out to other department directors, saying, “Hey, someone has made us aware of something you all doing. Tell us a little bit more about it.”

The bigger thing that we’re trying to get more conscientious on and you are doing a really good job on is—using your mini retreats on is initiatives. So initiatives are things that you are interested in the Town moving forward on. These are our programs. These are policies. And again, you’ve done a really good job at the last mini retreat, identifying a lot of initiatives but then boiling it down to what are those priorities. All of you were generating a lot of initiatives. If we chased after every one of them, we would never be able to complete any of them. And so it’s really important and valuable for us to get feedback from you on which of those initiatives that you put forth have the greatest support from a majority of the Board members.

So those are types, how we would get you that information. So direct, if you call us, we’re going to call you back. And I’m going to give you some clarifications on what I’m going to give to the staff because I’ve seen some things where we can be of better service to each other if we get some clarification on some of these direct requests.

You get your bimonthly updates. So for the audience at home, that’s an email that comes out twice a month from me. That’s probably going to have the most operation information in it but it’s not meant to be an operational, detailed, blow-by-blow type of thing with what happened in the town. It’s more so to give you operational examples of how they are connected to policy issues that you are

discussing or will be discussing.

We'll also take this as an opportunity, especially at the first bimonthly update of every month to make you aware of the site plan submittals that we receive. So in that section of that email, you'll see in there the first bimonthly update is where we will highlight, "You have received these plans that have come in and if you want greater detail, then you can take a look at the interactive development map by looking at the link on our webpage."

We have monthly meetings and those are meetings to prepare you for the meetings that are coming your way. Again, as I've mentioned before, this is just an opportunity to give you the heads up. That's also an opportunity to give you the time and space to dig in and get a better understanding of some of the details of the things that are coming your way not only in the month ahead but we give you some foreshadowing of things that will be coming to you in the months ahead.

You have your work sessions which is an opportunity to really dig down on policy documents that we put before you. You have your mini retreats which is a much broader conversation. So we get some dialogue, some feedback from you from those mini retreats before [ph] we bring you a draft document at the work sessions.

And then the quarterly reports which we're bringing to you and we're including in your agenda packet and this is going to be much like the direct tool [ph]. This is going to be changing a little bit and I'll give you more details on that. So, again, those are the types of information requests we get and those are

the tools that we use to get you that information.

And then the very big [ph] topics that you have, that you take more time, they're longer policy developing issues is your annual retreat. And you haven't had—been able to do that for the past couple years but you've got one scheduled for the month of February in 2023.

So real quick, monthly meeting. Again, it's an opportunity to—for you to have time and space to think on an issue. It's also individualized learning [ph]. So on the right, as an example, while I'll always start from an agenda, you all process information differently. And so while that's a starting place, that's just a starting place. Some of you will have to go back and think and then you come back and revisit, or you—we have to draw on board or whatever. But it is not only time and space to think but it's a way to get you the information in the way that you best process the information.

So you can see on the right, an example of the agenda from this month. In fact, we'll [ph] talk about the topics that were coming your way tonight. So a regular meeting as an example. Special use permit. We can't talk about the details of a special use permit but we can talk about the process. So the meetings this [ph] month were really just to go over the process, as well as October work session, as well as your October mini retreat.

Okay. This is where I think that we can help each other out more. So sometimes we get queries and for those queries that are related to pending action, we can absolutely and will make that happen. Some of the queries, however, can get pretty detailed. So an example on the right is an example of a request for

information we received. Wanted to know all the vendors that we use within the Town of Zebulon. Now, we have this information but it took a lot to pull it together. So there is several hundred vendors that we pay this year. In order to pull that out, we had to go through thousands of lines of information.

So when queries are made, it's not necessarily that we have it readily available. And there are cases where requests are made and we don't even have the information so we have to create it.

So one of the things that I'm [ph] going to be working with staff on is when you send a direct query, the very first thing is that they acknowledge that they have received your request. Just so you know that it's just not lost in the ether. The other thing that I'll ask them to do is to provide you a scope of the response. So to give you an idea of, "Is this information available?" In the case of the vendor list, it's available but I'm going to be spending a lot of time going through a lot of lines of code. If it's something like demographics, like breakdowns of race by department, we don't have that information so we have to create it. So the second phase that I'll ask staff to do is to let you know is it available and how long it's going to take for them to get you that information. So that's the estimate.

And then the final is to make it deliverable to you. We're not necessarily doing anything different but we're trying to open up lines of communication between both sides so that we can get you the information and you have an expectation when you get it.

The other thing that I'm thinking about adding for when you're asking for

data is to ask for the reason behind the request. And you don't have to provide that but if you're—as an example, if you're asking for a list of the vendors because you're concerned about that we're not—our purchasing process is not inclusive, then I'd like to know that. Because we can get you the vendor list but if it represents a bigger problem, let's start to have a discussion about the bigger problem.

There's the [ph] quarterly reports. So right now, we are providing you workload indicators. When I first got here, we were doing it. It was really more so workload indicators as far as we were doing a bunch of busy work but we weren't really connecting to why we were doing the work that we were doing. And after we developed the strategic plan, I've pushed upon staff that their quarterly reports be connected to the strategic plan.

So there's an example of a quarterly report from the parks and rec department. And so you'll see in there not only the work that they're doing but how it's connected to the strategic plan. So how does a particular program meet the small-town-life goal.

So that's something that you're getting already. Another thing that you're getting is more so related to performance measurement. It's not just that we're doing work, like you see on the workload indicators. And it's not just that we're doing work that's connected to your strategic plan but it's how good of a job that we're doing. So this is an example of something that you get in our police [ph] quarterly reports where it talks about response times. And so we are giving you information about how our response times in this department are changing in

different months.

The two things that you're going to see—actually, three things that you're going to see different is—two are related to what's going to be in the reports itself and the third thing is going to be how it's delivered. So as far as one of [ph] the things that's going to be in the report is I want us to push a little bit further and don't just talk about performance measurement, talk about what does this mean.

So using the example on the right with the response times from the police department, it's not enough to say what our performance measurement is. We need to be giving you an indication of what that means in the future so you can start to prepare for when you see a budget, let's say the FY24 budget, and you see a request for personnel related to patrol officers, that will the connection. So we want to get more into offering trend analysis to you in these quarterly reports.

Another thing, as you've seen in the mini retreats, we are doing a lot more projects and we are spending those project—spreading those projects around to a lot of different departments. And this is just a natural transition where you're a quickly growing town. A lot of people have to wear a lot of different hats until the revenue from that growth starts to come in and you can start to specialize duties to things like project management.

In the meantime—especially because they're capital projects and the have a very long time to get to completion because capital projects take a long time, as well as they work and deal with a lot of other agencies. So on a road project, we're beholden to dealing with NCDOT who takes a significant amount of time to review the plans that we create, in addition to the amount of time it takes for us to

create those plans.

So those are two things that we're going to be adding to your quarterly reports. The thing—the third thing that is—that we're going to do different is these reports get attached right now to your agenda packet. And it just gets listed under consent. That doesn't really afford you the opportunity to question staff on details that you may have uncovered or just clarifications that you may have. And so we're going to start delivering these quarterly reports to you during your work sessions. We'll continue to do it on a quarterly basis but at least give you an opportunity to get a more robust report and give you the opportunity for some back-and-forth communication.

And then over—I think was—hopefully, it's helpful—is to talk to you about how all these different tools factor into developing policy. So when we start with [ph] quarterly reports that tell you the work that we're doing, and that the work that we're doing is connected to the strategic plan, and how good of a job we're doing, and what are the trends that we're seeing coming out of that work performance, and giving you an update on where we are in particular projects. We can use that to roll into mini retreats.

Mini retreats, as an example, you had conversations. You'll have more conversations that you'll use where we're getting input from you on how to develop your procedure manual. We're getting input from you on how to prioritize all these initiatives that you've got into what are the major, most important initiatives.

So we can use the quarterly reports to give you a heads of the issues that

are coming your way. You can use the mini retreats to give us feedback on where you stand on particular policies. We can deliver you draft policies at those work sessions. So we take the feedback from the mini retreats, we put some things in front of you, it gives you the opportunity to actually have something in front of you where you can comment upon. And then ideally, bring you back a finished product where you can vote up or down or table if you think you've got some more information.

And then we circle back to the quarterly reports, that after you've adopted a policy, and let's say, as an example—we'll stick with the patrol officers, with the quarterly report—or the section of the quarterly report where the police department shows response times. Circling back on the quarterly reports, we can let you know, "Okay, we gave you an analysis that this is our response times. And we showed you how this is changing over time. And we made the recommendation that you probably have to increase the number of patrol officers. Is that making a difference [ph]?"

So that's how it circles back where things that started with the quarterly reports, that initiated a new policy or a new budget of a program or a policy, circles back so we can check on that again.

And with that, I'll just make an overarching comment. And this applies to—I shared this with staff, as well, on other projects that they've got. We are always willing to assess and adapt. And so this is what we're putting before you. At the end of the day, we need you to have this information. We want you to have this information. You're a quickly growing town, dealing with a lot of



issues. And so information is something we have to get in front of you. And so we'll continue to assess and adapt as we go on, whether this is or is not working for you.

And with that, I'll open up for any comments or questions that you may have.

Baxter: I'd like to thank—

York: Commissioner Baxter?

Baxter: Thank you. I'd like to thank Manager Moore for these commitments that he has made publicly to the Board. And I would like to say that over the past three years, getting information from staff and from the town manager has been a struggle and it has been exhausting. And we have been continually denied access to information that we have requested, whether it is the level of the education of the employees, whether it's a large-picture view of what the developments are doing, or things that the Town has coming online in the future. It has been a struggle.

And so I do believe that you have made enough commitments that adopting this resolution should be a no-brainer. Because you have told us—a lot of the things that are already in here, you have committed to publicly. So I feel like we should just go ahead and, you know, make sure that it's in this document that we vote on.

And I do understand that Commissioner Clark would prefer to see it in policy form and I think that going forward we can absolutely have it tailored to policy form that we can vote on. But I think in the immediate here and now, we

just need to approve the resolution so that we can move forward and start getting the information that we need on a more consistent, reliable basis.

York: Commissioner Clark?

Clark: Yes. I don't think—I think the resolution—I don't like the resolution. I do think it should be in a policy and I think the staff should be doing that. Not a commissioner. Yeah.

York: Commissioner Loucks?

Loucks: I will say things are getting better but things need to speed up.

York: Commissioner Harrison?

Harrison: [INDISCERNIBLE]

York: Commissioner Miles?

Miles: I would [ph] make a request Commissioner Clark. Can you explain to me, you see the resolution and you prefer that staff does it. Can we [INDISCERNIBLE]?

Clark: I think it needs to come from the staff. I mean, I think you can also talk to the staff but I think resolutions, policies, they need to come from our staff. And I think we need to trust our staff enough to—you know, that they will do the right thing.

Miles: So with Commissioner Baxter's concerns that staff is not producing what she needs [ph]. We need to be an effective Board. I mean, is that not a concern at all? Like, okay, [INDISCERNIBLE] so we can be more effective. And the reason why I ask that [INDISCERNIBLE} but it's just that now, like we're at this point now where the citizens are looking at us. [INDISCERNIBLE] and when they come to us personally, they're looking at [ph] commissioners. Everything's

coming back to the commissioners. So I feel \_\_\_\_\_ a move [ph] that we take and put something in place where we do have that, where we're not \_\_\_\_\_ the information that we can [ph] get.

I'm not saying staff is not [ph] doing what they're doing [ph]. I don't want to seem like we're pinpointing [ph] or point out [ph]. I'm just saying we need something in place. We currently don't have policy in place for that.

Clark: Correct.

M: [INDISCERNIBLE]

Clark: We do [ph] need a policy and we need to let staff do it. I don't think all of us feel that we don't get all the information. It may come at us at different times. But, I mean, not all of us have as—I know some of you want it immediately but—I mean, I think the staff's doing a great job.

Baxter: I'd just like a time out [ph].

Clark: What?

Baxter: I want a time out [ph]. This is a problem. You—maybe don't you ask questions that require a—you know, I don't sit in meetings with you [ph]. Maybe you don't ask questions. I don't know. I feel happy that you feel confident that you're getting the information that you need. I feel very unhappy that for three years I have not felt confident that I'm getting the information that I have needed and have asked for.

As far as staff-initiated policy changes, yes, that can absolutely happen. But we're legislators here. This is kind of what we do. And as far as me [ph] writing this on my own, our attorney Eric Vernon, actually this is his draft. So it

was not something that I have just cobbled together out of the blue but I am willing to do that when I think that a policy needs to be put in place. For example, a much stronger non-fraternization policy. We have work to do here and there are things are inhibiting us and part of that is how we receive information and how sometimes we are promised information that's never revisited again.

So I do think that it is our responsibly to legislate.

York: You did mention the town attorney. I'd like to hear from him.

Vernon: Thank you, Mayor. Commissioner Baxter is right. I took a draft that Commission Baxter provided and I prepared it in a way that tied the need for information to the statutory responsibilities that the Board has to govern the town. I also tied it to the statutory responsibilities that the town manager has to provide such reports as the Board may require.

I also recommended that the implementation of the policy be deferred until such time that we get staff input on it. Especially in light of the rules of procedure that are being developed right now in the imminent adoption of the rules of procedure. In fact, I'll read from my email to Commissioner Baxter and a copy that I sent to Mayor York.

"Commissioner Baxter, we discussed the possibility of deferring implementation of the information policy until the Board adopts it procedure manual. The Board could vote to adopt the information policy at its next meeting and at the same time defer implementation until it has adopted the more comprehensive Board procedures manual. This addition time and the discussion

about the Board procedures may provide the Board with context and information that could be used to amend and include the information policy.

“This limited deferral will also allow the staff to weigh in on the information policy and develop internal procedures on how best to comply. The most important part about the information policy is that there is a systematic compilation [ph] in recording of the questions that the Board’s asks for these many avenues of requesting information. The second most important—well, equally important is after the questions have been complied and systematically presented to the Board, it’s up to the Board then to decide when ones the priorities are. It’s not one commissioner’s decision as to what is the highest priority. It’s the Board’s decision as to what the priorities are.”

So my point in this and I think Commissioner Baxter’s point is that the system that we have right now isn’t working well and that it needs to be improved. And my proposal in this draft that I put together is, one, let’s have a systematic way to compile and present the questions to the Board. Two, let the Board decide which ones are the priorities are help put them in order. Then, finally, a follow-up mechanism that the staff would have to tell the Board where they are on the priorities that they have identified.

So that’s the three-part process here. I don’t think that this was delivered to you, this resolution as the final work product. And I think it is something that could be implemented as a statement of the Board’s intent with the idea that it would deferred until it is reviewed, additional information provided, and these proposals that Commissioner Baxter has made are fleshed out. I think on the

whole, if something's broken, you need to fix it. And I think that's all that Commissioner Baxter's trying to do here.

I know that Commissioner Clark has—is satisfied and I suspect that the rest of the Board members have different issues that they consider to be very, very important. But the individual Board member isn't what makes the government work. It's the Board as a whole. And that's my proposal to you, is to adopt this if you'd like because I think it does set out a reasonable approach to information dissemination.

The one thing I learned tonight that I had no idea until we got the manager's report is how many different avenues of information you have. To use the old expression, it's like drinking from a firehose. There's just so much that's coming at you that the method that you use to compile all those questions and compile all that information and set the priorities is extremely important, in my opinion. And I mean, I'm just a staff person. I'm just here to serve you.

So I think there's a lot of merit adopting the policy but deferring it until there's time to flesh it out and to get the rules of procedure so we can incorporate this policy into the rules of procedure. And just because I thought it made sense doesn't mean it works for this Board. The Board may have other ideas. I learn [ph] from the staff all the time. They might tell me tomorrow that, you know, you really overlooked something important here. Thanks for the effort but you missed something. And that gives us all a chance to better informed. That's my explanation. Thank you.

Clark: Thank you.

York: Commissioner Clark?

Clark: I would say put it with the procedures and let's pull it all together at one time.

Baxter: I'm not willing to do that. I'd like us to vote on it now and then we can proceed as Eric has suggested. And that is pulling it together in the, you know, final rules and procedure when it's—when it is ready for us to discuss and adopt.

York: Could you kind of shorten it?

Baxter: I—that was not a motion.

[OVERLAPPING—INDISCERNIBLE]

Baxter: That was just a response to a comment. I'm willing to make a motion when you're ready, when we're ready.

York: Commissioner Miles?

Miles: I think [INDISCERNIBLE]. I think we need to go ahead. At least we'll have something in place and we can always change it and go from there. I mean, that's what I'm getting from what you said. At least we'll have something, a foundation, something to get us started. And then we can adjust accordingly. That also gives us some procedure [ph] to put to the [ph] staff and things of that nature.

York: Commissioner Loucks?

Loucks: No comment.

York: Commissioner Harrison?

Harrison: I had a comment but I have no idea what it was in this moment. I do [ph] think that this is a good information tool for us to use. My question was, do we have a date, an estimated date for the rules and procedure? It may have slipped my mind at this point.

Moore: Yeah. So what we are doing is we're rolling it out to you in piecemeal. So the—  
your next—[OVERLAPPING]

Harrison: I'm sorry, Joe. Let me be more specific with my question. Do we have a date for  
the completed policies and procedures manual? I know we're doing it in steps but  
do we have a—like a completion date?

Moore: We don't because the completion date will be dependent upon when the  
procedure manual has all the things in it that you want. And so what we're  
focusing on right now, the thing that will come before you on the 20<sup>th</sup>, is setting  
the agenda. Now, we need to—if we need to speed some other things up, then we  
can do that.

Harrison: All right. Thank you.

Moore: But the procedure manual—really, no Board uses the same procedure manual.  
Some have some things in it that they think are important to them. Some have—  
leave stuff out that others think are important.

Harrison: Okay. Thank you.

Clark: Well, my [ph]—

York: Commissioner Clark?

Clark: I would like to have it just in the procedures manual and we approve everything at  
once. But that's my opinion.

York: Anymore questions, comments?

Miles: [INDISCERNIBLE] not anything [ph] directly. It's just what the citizens [ph]  
are expecting us to do and it's just [ph]—I think this is a good start for us right  
here. As—you know, go back to [INDISCERNIBLE] say that [ph] this is a great



opportunity to give us a—little bit [ph] of small foundation, a little foundation to get us started.

York: Commissioner Baxter?

Baxter: I'm ready to make a motion.

York: Manager Moore.

Moore: Thank you. So let me mention two things. This resolution that's been created, we haven't vetted [ph] it yet. I can't make a promise on something that we have or have not seen. And the other thing I'll bring up is, as was evident at your mini retreat, you produce a lot of ideas. And during these monthly meetings, all those ideas come at us and it's very hard to process information about all these things that are coming from six individuals.

And so I would like to be able to give you some staff feedback on what you're proposing. And right now we can't do that because we haven't even seen what you have drafted.

Baxter: You didn't receive a copy of this?

Moore: I did not receive a copy of this. And as I mentioned at the mini retreat, even if we had received a copy, even at the mini retreat, we would not have had time to do a fiscal or a policy analysis on it.

Baxter: Well, this is a living document. So after we pass it, staff can review it and then you can come back with proposed changes.

York: Questions, comments? Commissioner Harrison? Commissioner Miles?

Miles: No, sir.

York: Clark, Loucks? I'm sorry. Clark?

Clark: Nothing [ph].

York: Loucks?

Loucks: I don't see any problems passing a resolution as an attempt to increase the information flow and then get feedback from staff. Because I don't think I've asked for anything in the last three years that was out of the question. They're actually pretty simple questions on operations that every operation should have, whether it be HR educational information, race of employees. That is stuff that's gathered at the point of hiring and it's in a database and you just keep it [ph].

York: Commissioner Baxter?

Baxter: I believe that the questions that we've asked, even the question about the vendor list, which I know seemed daunting, has led to process improvement.

Miles: [INDISCERNIBLE]

York: Commissioner Miles?

Miles: For me [ph] this is a learning process. This is new to—for me personally. Some of the questions that I asked [ph]. I take full disclosure [ph] for that vendors list. That was me, to get a better understanding. And in order for me to an effective leader [ph] and do what the citizens have placed upon me [ph] to do, there's some information that I'm going to have to have that may seem farfetched, I guess, but in some eyes. But for me, there's a reason. I'm not just going to ask for anything out of the blue that won't—I mean, that a citizen [ph] hasn't either come to me for and something that I feel would be a useful tool for me to be an effective leader that the citizens placed upon me.

York: Comments? Commissioner Harrison?

Harrison: I just want to say I definitely agree with dissemination of information. I think that we should receive information and I think that it's important, that we need to get the information that we need to make the decisions that we're making. However, I respect the staff enough to understand that all the information that we may be requiring may not be as easy and as urgent for the staff at the time when we are requesting it because there are other things that are on the staff's plate that doesn't include what may be urgent to us at that moment, to any individual council member.

I think that it's important to understand as a Board, not just as individuals requesting information, that as a Board that we have a staff of people that are working. And I understand that we've had people three years, 20 years, 10 [ph] years. But understanding that we have a staff of people that are working tirelessly to give us in this Town of Zebulon the information that we need to be productive and to be impactful. But in order to do that, we have to prioritize and we have to understand that because it's urgent to us doesn't—may not always move the needle on how fast or how, you know, detailed that they may can give us at that time.

And I think that, you know, as we continue to have this conversation, it's important for us to understand that they don't stop when we request information. But I appreciate the resolution as it—well, the resolution.

York: Anymore discussion? Comments?

Miles: I just understand what you're saying. I definitely know that staff isn't just going to drop what they're doing when I ask. Thanks for putting it out there [ph]. And I

definitely would like [ph] to say in the public forum [ph] to staff that I do understand that you guys are working hard and to give us what we need. We just need that policy in place to start us [ph] moving. That's it.

York: Commissioner Harrison?

Harrison: Thank you, Commissioner Miles. Since I've been on the Board, I don't feel that way as a Board member. It seems to me as a Board member that when we are requesting things, it needs to be now. That we need what we need when we need it, how we need it, in this moment. And from a Board member that has looked from different – as in this resolution and wanting to immediately be urgent [ph] about it when our town manager has told us that they haven't had a chance to go through it, look at it. And whether it passes—the resolution passes tonight or not, I think that it further goes to the point of the urgency now instead of careful, smart growth that we are proclaiming to want for our town.

So I just wanted to make sure that I am speaking not only as a citizen but as a council member and also as someone that has a vested interest in the town and the town employees and staff.

York: Other comments?

Baxter: I was going to put forth a motion but I've got some rebuttal comments. This does not say that information has to be given to us right away. What it says is that we will make an agreement between the Board and staff when that information is going to be disseminated to us. But that it will be disseminated to us within the time period that we've agreed upon. So it is not saying that we are asking for it immediately or—because staff does work hard and the staff is diligent. But I still

have information from time to time that I would like to receive. And if they can't get it to me tomorrow—I mean, some of these—some of the things that I have mentioned were point and click printouts that just never happened.

However, if something is going to take time, I don't mind waiting as long as I understand how long I will have to wait before I get the information. You've made good points. I'm not disagreeing with you. I'm just—you know, want to give you the lens that I'm looking at it through.

Harrison: Thank you.

York: Comments? Questions? Manager Moore?

Moore: I would just be repeating myself. That vendor list as an example, it came at a time when the finance director was right in the middle of budget and he dropped everything. And if it wasn't until me discovering [ph] him and doing that, I think we—I mean, it just came—while it was good information and we want you to have information, I think we—it needs to be a two-way street; that there needs to be a recognition that we've got a lot going on with a small staff. And some of this information, it would be helpful if it was prioritized. It'd be helpful if we knew the origin behind it so we could have a bigger, broader, more effective conversation. Above and beyond the fact that staff is doing a lot right now.

Baxter: May I make a motion? I'd like to move to adopt the resolution regarding the dissemination of information.

Miles: Second.

York: We have a motion and a second. Discussion? Roll vote. Commissioner Baxter?

Baxter: Aye.

York: Commissioner Miles?

Miles: Favor.

York: Commissioner Clark?

Clark: Opposed.

York: Commissioner Harrison?

Harrison: opposed.

Loucks: In favor.

York: Motion passes 3 to 2.

(NOTE: Commissioners Baxter, Miles and Loucks voting in favor and  
Commissioner Harrison and Clark voting against.)

Baxter: Thank you.

York: Next rules of procedure on agenda. Commissioner Baxter?

Baxter: So I have brought this forth with the understanding that some of the—some of this  
has been slated for discussion in the not-too-distant future. I have copies. Could  
you just take one and pass them down? There's also extra copies if staff needs a  
copy.

This portion of the rules of procedure and, really, I would like to see this  
rules and procedure document move forward posthaste. I think that it is important  
for us to get all of these in place for us. While we've been operating without one  
and doing all right for many, many years, if we are going to commit to creating a  
document that encompasses, you know, the Board's responsibility, as well as the  
manager's responsibility the rules of procedure, I'd like to get started sooner  
rather than later.

This is just the agenda portion. In the past, I have handed out to you in the entirety the rules of procedure that was cobbled together mainly using what Wake County [ph] Board of Commissioners uses. The difference from what Manager Moore has floated [ph] to us in the past is that this agenda-setting procedure gives more, I guess, power over the agenda back to the commissioners. In the past, things have been forced upon us, even when we have not been in agreement that we wanted it on an agenda at a certain time.

This just kind of states that we will be given the agenda ahead of time. We will approve the agenda before it gets published to the community. And that will give us the opportunity to move things from consent that we don't feel should necessarily be on consent. As well as just to make sure that any agenda items that we want are on there at the time that we want it on there. Thoughts [ph]?

Loucks: And just to be clear, this would be a Board of Commissioner meeting, a work session, a joint-public hearing, mini retreat, annual retreat, and the work session, as well as closed session? It would—

Baxter: Just agendas in general. If there's anything that we have an agenda.

Clark: I think your mini retreats and your big retreat, I mean, we'd have some input into it but I don't see how we would need to approve that agenda before that's done.

Baxter: Would you prefer it to just be the Board meetings then?

Clark: Board meeting.

Baxter: Okay [ph].

Clark: I mean, start off with the—[OVERLAPPING]

Baxter: I'm willing to start off with it there

Clark: Okay. Okay. I think 10 days before may be a little—

Baxter: That is what Cary does. That is their standard, 10 days. I have spoken to Commissioner Maria Cervania about this at length.

York: Commissioner Miles?

Miles: I—with [ph] the 10 days, I think it gives us enough time to kind of really, kind of like we have the opportunity to do research on certain things, it gives me the opportunity. What we're currently getting now, have been [ph] getting probably a few days [ph] Thursday prior to the meeting or something like that. So if [ph] we really want to be able to do a true assessment—

Clark: I understand what you're saying.

Miles: I mean, I just—[OVERLAPPING]

Clark: But 10 days, I just don't know if our staff can do it. Excuse me. I'm sorry.

[OVERLAPPING—INDISCERNIBLE]

Miles: I just wanted to know it's just that I feel I need a bit [ph] more time personally to make sure I do my due diligence on what come before us and what we've got to discuss in the public forum so I can be the voice of the people and get their [ph] input if I feel that there's [INDISCERNABLE]. It just gives a little bit more time.

York: Commissioner Clark?

Clark: No comment.

York: Commissioner Harrison? Commissioner Loucks?

Loucks: I like the 10 days but I also would like to hear from staff if that's doable based upon when some things submitted for consideration. That means that it [ph] wouldn't be in at the end of the month. It'd have to be in about 22<sup>nd</sup> or 23<sup>rd</sup> when



we have to revise some of our own language. So maybe some staff feedback on the 10 days?

Miles: But it would just roll over to the next month or whatever it may be [ph]. If it's something [ph] you said that you wanted [ph], they would [ph] get it in a timely manner. I mean, to staff to get it on that [ph] agenda. I mean, I think that's just part of the process, it's kind of where we're at, to make sure—

Loucks: Well, you still have the process where we can add things to the agenda but you like to have them on there when it goes out to the public so it's not a last-minute surprise item. Plus, I have to recognize staff has to be prepared. I don't want to come in here and drop three new agenda items and no ones' ready to talk about them. It's really to make sure we're all on the same page, so to speak.

Miles: So currently without this policy in place, that's what we're doing now, which is not fair to staff. Because we're doing—what we did tonight, Commissioner Baxter had to add on. So staff really, as we said, hasn't had time to kind of take and assess what's going on [ph]. We see that now. But with this in place, I believe that's going to give that time frame so they will have 10 days out what's going to be on that agenda. I mean, it's going to give us time, as well as staff. So I think it's a win-win [ph] for both parties.

York: I'd like to hear from the town attorney.

Vernon: The only issue that I see with this is that there is—there doesn't seem to be any way to achieve any consensus on what should be on the agenda in this manner [ph]. It gets sent to the Board. The Board comments and sends it back to the staff. But there's no vote on what should be on the agenda or not. It's technically

[ph] the Commissioners' agenda. You can do it. But what happens if staff gets a comment back from one commissioner, it says, "I want this on the agenda," and the manager has no authority to remove any agenda item.

Loucks: But can that—

Vernon: there's no priority. There's no consensus. It's just one.

Loucks: Right. I don't think consensus is required to add something to an agenda.

Vernon: It is.

Loucks: I think any commissioner—

Vernon: A commissioner can but if any other commissioner objects, then it gets put to a vote.

Loucks: At the meeting.

Vernon: At the meeting.

Loucks: right. But they can add it to the agenda before the meeting and then if the Board decides to vote to take it off, that can happen here at the meeting.

Vernon: Well, doesn't that defeat the purpose that we're trying to accomplish, of having something that's established before the meeting date so the public knows what to expect? Aren't we building in conflict and aren't [ph] we building in a possible dispute over what's going to be on the agenda or not?

Loucks: We could. But I think part of the problem is have not had input in adding to the agenda. In other words, the agenda was prepared by others, not us.

Vernon: I understand that. And what we're looking at, I think, is something that's going to take longer than 10 days. I think if there's an agenda item that needs to be placed on the agenda, that there has to be an opportunity to put in on the agenda for each

Board member. There has to be another opportunity for the Board members to decide whether that is something that they want to have on the agenda. And it may be that it gets pushed to another agenda date, that you don't have it on the date of the current agenda. It just—I think it's going to take more than 10 days and one meeting to get everybody's agenda items vetted and properly staffed [ph].

The town staff is responsible for taking all of the initiatives and all of the priorities that the Board has already asked for. It's up to them to deliver it in a systematic way so that the Board can address it. So I agree that there needs to be a method for the agenda to be set. And I agree that 10 days ahead of time is a great goal. I think those are all really good things. But in terms of when an agenda item appears for the first time, the staff is going to set out the initial agenda. They're going to get more information back. I think there ought to be an action item at the meeting to say we've got these different agenda item suggestions. Which ones do you want us to deal with?

Because they've got a full agenda every week. I mean, it's quarter to 11:00 now, right? This is a full agenda. And the staff delivered it. So I'm saying that you're going to get a staff agenda. You'll have the chance to talk about it. But it should be prioritized at the meeting what happens next. And if it doesn't happen at that meeting, that's not a bad thing because the key [ph] is that it gets heard eventually, right? But [ph] the Board has the right to put it in there.

Guys, I'm just telling what you think as a due process kind of person. That's what I am. I believe in due process. And I believe that if you don't have a good progress then success is just good luck. That's all it is. And I believe that

this would be a better process to get it out there as soon as possible, have comments to come in from the Board, as many agenda items as you want, and then it put it on staff to return it back to you, say, "We gave you a full agenda 10 days ago. This much more came back," or, "These things, said no. I want this off and I want this on. What do you want us to do [ph]?"

I don't think the staff is working to and giving you a full agenda for every meeting—[OVERLAPPING]

Miles: It's the same question [ph] \_\_\_\_\_—I'm sorry about that.

York: Commissioner Loucks?

Loucks: Yeah. You know, assuming we meet twice a month, the first for the Board of Commissioner meeting and then a work session, clearly that's two times we can add things to the upcoming agenda. In other words, during Board comments, I could very well look at my list because I've done my homework and I have eight items I would like added to the agenda, to the next work session, or the next Board of Commissioner meeting. That would kind of help make sure we do the 10 days and allow some discussion.

Vernon: I think your—I think the 10 days, as much advanced time as is feasible for the staff, I think that's good. I just think it's going to push things out a little bit longer for you and it will give you a way to come back and decide what is a priority for the next meeting.

York: Commissioner Miles?

Miles: Nothing

York: Commissioner Baxter?

Baxter: I am absolutely willing to allow staff to take this and analyze it and reach out to Wake County because their process works very well. And then [ph] to information gather since this is on our October work session plan already, that that way we can actually have some more meaningful discussion about what a good agenda policy would be. Does that sound acceptable to the rest of the Board?

Clark: Yes.

York: Commissioner Clark?

Clark: Yes. I think [ph]—everybody gets to look at it first, no passing it.

Baxter: So we can direct staff then to take this and use Wake County—Wake County's procedure—

[OVERLAPPING—INDISCERNIBLE]

York: Commissioner Clark?

Clark: Yeah, I agree. That's fine. However, we need to think about the staff. We can't compare our staff to the staff of Wake County government. And they have more people working and pulling it all together and everything, whatever. I just think we need to take that into consideration when we think about adding more and how we do it. And if you add more after the 10 days then are we going to get the information we need? So, I mean, there's just lots of things for us to think about.

York: Commissioner Loucks?

Loucks: I'm for staff feedback. Pass it town manager and department heads and see what the comments and feedback is.

York: Commissioner Miles?

- Miles: I am in for that [ph], too, as well. Passing to staff, get that input, and get them to come back [ph], and discuss from there [ph].
- York: Commissioner Harrison?
- Harrison: I agree.
- York: So it is consensus to get feedback from the staff and have that on the next work session or—
- Baxter: Well, it already is mentioned [ph]—
- York: [INDISCERNIBLE]
- Baxter: —for the next work session. But I think that, like, the takeaway from this is that the majority of the Board wants a little bit more control over agenda setting and the timeliness of when the agenda is presented to us.
- York: So we're all in agreement?
- Miles: Yes.
- York: Yes, yes? Okay.
- Harrison: Okay.
- Baxter: Thank you.
- York: Next was Rotary Club.
- Ray: Here to answer any questions about the event that is scheduled for November the 11<sup>th</sup>. That what we've done in the past [ph]. We're putting up 125 flags from November 7<sup>th</sup> through the 14<sup>th</sup>. In addition, just for planning purposes for the Rotary Club and for staff, we are asking that you include it in [ph] your approval [ph] that we go from Memorial Day on May 21<sup>st</sup> to Flag Day June 14<sup>th</sup>. I'll be here to answer any questions.

York: Commissioner Baxter?

Baxter: My request is actually just that instead of putting on consent and assuming that we're going to approve an event just because it's been approved in the past, to please put it on the regular agenda, especially since this comes with a price tag of \$2,000. I'd like to make sure that we have the time to consider whether or not our priorities have changed or whether or not that event is even relevant to the community anymore. I fully support the Flags for Heroes. I think it's a great event. But I would just like to see that—those types of agenda items not put on consent in the future.

Ray: So noted

Baxter: Okay, awesome. And so unless anyone else has comments, I would like to make a motion to approve the municipal complex facility use application.

Miles: I second that.

York: Discussion on what Commissioner Baxter had proposed? Commissioner Loucks?

Loucks: In favor.

York: Commissioner Harrison?

Harrison: Favor.

York: Commissioner Clark?

Clark: Favor.

York: Commissioner Miles?

Miles: Favor.

York: Okay. Now the motion.

Baxter: I move to approve the municipal complex facility use application for the Flags for

Heroes event through the Rotary Club.

York: There's a motion. We need a second.

M: Second.

York: Commissioner Miles. Discussion? Roll vote. Commissioner Baxter?

Baxter: Aye

M: [INDISCERNIBLE]

York: Commissioner Clark?

Clark: Approve [ph].

York: Harrison?

Harrison: yes

York: Loucks?

Loucks: In favor.

M: Thank you, guys.

Baxter: Thank you so much.

M: Thank you.

York: Before we go to manager's—Board comments. I'd like to hear from Sam.

Slater: Yes, thanks. So to advise the Board on that special use hearing. So the next step would be a written decision that this Board will adopt. I believe it will be at the meeting. After that, there's a period of time through which the applicant can appeal. And this is all to say that this could in certain scenarios come back before you. And so until the decision is final, I ask that you not engage in ex parte communications or—well, really, ex parte communications. You've made your—rendered your decision so I can't say don't have a fixed opinion, but no ex parte



communications because—

M: [INDISCERNIBLE]

Slater: —it could come before you.

Baxter: Is—

Vernon: meet in closed session.

Slater: Yes, we can meet in closed session. Yeah.

Baxter: Is there a time frame for this, like when the—you know, does it expire? Do they have a time frame to where they have to appeal?

Slater: Yes.

Baxter: And you know, are we [ph]—is this just like a gag order for the rest of our lives?

Slater: No, that's a good question. It's—the Town has to render its written decision. After that, the decision has to be served on the applicant and the owner and other interested parties. Then the applicant and anybody with standing [ph] would have 30 days to appeal that. If they appeal it, then that request to refrain from ex parte communications would continue pending that appeal because of the result of that potentially, you know, could be that it's back here at a future date. Maybe, maybe not.

Baxter: Okay.

Slater: But that's what I'm aiming to prevent by asking you this, is that we don't get back here in the chance that happens and have had a whole lot of ex parte communications.

Baxter: Thank you for that clarification.

Slater: Thank you.

York: Thank you. So the case is not closed.

Miles: No.

York: Board comments? Commissioner Loucks?

Loucks: A couple quick items. A reminder that the Faith & Blue is tomorrow night here at Town Hall 5:00 to 8:00. Free hot dogs, drinks, a lot of activities. Come out and meet the police department. A big thanks to Parks and Rec for Gill Street Park coat giveaway, and especially the anonymous citizen that gave 30 brand-new coats towards that project.

Miles: Yeah.

Loucks: It was fantastic. And not to—or not to forget Fire Prevention Week, that clearly [ph] means prepare for a fire. Check your detectors. Check your fire extinguishers. Review an escape plan because fires are never planned but you can plan in advance in case one happens.

And the fourth item I have is for Mike Clark. I'm going to ask that he do at our next meeting a development update, much like you do for the Planning Board. You did a phenomenal, like, five-minute ceremony of all the great things going on in this town. So maybe we can add that to the November meeting. We really appreciate it. Thank you.

York: Commissioner Harrison?

Harrison: Ditto. Everything that Commissioner Loucks said and also, I wanted to remind everyone of the awareness walk [ph] that will be happening at Town Hall on October 15<sup>th</sup> for the Angel Prints organization. They will have their remembrance walk in remembrance of infant and pregnancy loss, so—or child loss. So if you

all could come out, that would be amazing. The time is 10:00 a.m. to noon. That is all I have. Thank you for everyone that came out tonight and those of you that stayed the entire time. You get a gold star.

York: Commissioner Clark?

Clark: I'll have to ditto. I think I've talked enough tonight.

York: Commissioner Baxter?

Baxter: Hey, you know what? He's shaking it up a little bit [ph].

[OVERLAPPING—INDISCERNIBLE]

Baxter: Shaking it up.

Clark: Yeah, mixing it up.

Baxter: All right. So I'd like to thank parks and rec for putting together their wreath-making class. I made quite possibly the ugliest wreath of all fall wreaths which is predominantly displayed on my door right now, just so that—I'm going to just be the spokesperson that it is okay to suck at something new. So don't be afraid, Zebulon, to join us at any of the wonderful events that we have going on just because you haven't done it before. Also, I've done it before. And even the last time was terrible, too.

There is a pumpkin painting coming up. What is it tomorrow, Sheila, at the community center. And so if you want to do that awesome thing, then, you know, do that. We have—October 14<sup>th</sup> is our next and final Rock the Block of the year and I'm excited to see what that holds. The last two have been really fantastic and I don't expect anything less from this one.

Let's see what else. I would like to put out there for consideration—and I

don't know if this is something that staff is going to have to consider as a group or if it's just going to be amongst the fire department, or it's the fire department and the police department—but I would really love to see some more enforcement for vehicles that are parked in fire lanes throughout town. I rode around in the not-too-distant past with our fire inspector, Chris Bissette, and the number of folks that are just parking and leaving their cars in fire lanes is concerning because our fire department needs that space if ever there is a fire in buildings around town. So I don't know what it would take. If we can give the authority to maybe even Chris Bissette if he wants it.

[AUDIO DROP 04:11:38 TO 04:12:02]

[OVERLAPPING—INDISCERNIBLE]

York: Okay.

M: [INDISCERNIBLE]

York: Commissioner Clark, Baxter.

Baxter: No, I'll just be done. I'm done. Thank you. Thank you everyone.

York: Commissioner Clark?

Clark: This is just an announcement that the Miss Zebulon pageant is on October the 15<sup>th</sup>. It is at the Zebulon Middle School.

Loucks: [INDISCERNIBLE]

Clark: And it is also combining [ph] Miss Wendell with that, too. So it'll be—two Misses will be crowned that night. And if you want tickets or anything, you can contact me or check around time.

York: What time?

Clark: I'm sure it starts at—7:00, I would think.

Baxter: P.m.?

Clark: Yes.

M: [INDISCERNIBLE]

Baxter: Or they could just get there at, like, 3:00 p.m., just to be on the safe side.

Baxter: at 3:00, will start eventually [ph].

York: Commissioner Loucks?

Miles: in the commissioner comments for a second. Yesterday marked my three-year [ph] as commissioner. And as many of you know, my mantra [ph], unity through community, I'm here to do good and my willingness and desire to be a voice of the people were two reasons why I ran [ph]. As I look back on the first 300 [ph] days, I can honestly say I'm blown away [ph] at how much unity through community has grown. And I honestly think I am being a voice of the people.

I also see the town growing and hear citizens' concerns about that growth. whether new [ph] and existing developments have been developed [ph] and exploded now and never before in Zebulon history [ph].

For example, Weavers Pond with 708 [ph] lots proposed; Barrington with 837 proposed; Sidney Creek with 659 proposed; Cadence Meadows with 406 proposed; Autumn Lakes with 466 [ph] proposed; and more like Shepards Park, Jasper Place, and The Carrington.

Our unity matters more now than ever before. I've had some sleepless nights trying to find the balance of smart growth for the town and smart growth for the people because sometimes those are not the same things. And I realize it's

going to take us all—citizens, business owners, elected officials, and town staff—to ensure we’re fighting for not against Zebulon to grow smart. And that starts with getting involved.

I humbly thank everyone who came out tonight and all of you who [ph] are watching and invite everyone to get involved. And right now we have the opportunity to serve a variety of Town boards, including Planning Board, Board of Adjustment, and the Park & Rec Advisory Board, as well as get involved in and support the many [ph] town organizations and events [ph]: Rotary Club, Chamber of Commerce, Women’s Club, church clubs. There’s so many ways to be part of creating the Zebulon we want. We can grow smart, create an inclusive vibrant Downtown, and maintain our small town of friendly people feel as long as we work together. Unity through community.

York: I’ll just add [ph] there is a ribbon cutting Functional Fitness at 1:00 p.m. on Wednesday. I thank everyone that came out tonight. It shows that we have a lot of things that we’re trying to do and we can't do it without your help. Manager report.

Moore: Thank you, Mayor. So just a quick preview for the citizens on the 27<sup>th</sup>. You will have your last mini retreat of the fall. We’ll be discussing what we’ve discussed before. You’ve got a lot of projects and not enough funds to move them forward. So as a part of that conversation, you’ll start a conversation about bond referendum and associate tax increases to support that bond referendum.

On the 20<sup>th</sup>, you’ve got a work session. In addition to the procedure manual that we had planned for you and what you’ve provided some additional

information tonight, we'll also have some information for you on Little River Park Master Plan. And six years to the month later, we have some information from FEMA that we'll share with you.

And with that, let me recognize Sheila Long, our parks and rec director, to give you a quick preview about the Little River Park Master Plan. And upon the conclusion of her presentation, that will conclude the manager's report. Thank you.

Long: Good evening, Mayor and members of the Board. I might have been lucky that the screen went up and the mikes went off because I thought you were about to quiz me on all of our programs for a second.

But I just wanted to take this opportunity. I talked with Manager Moore about the special events standards and policy that we've been talking about. We held a work session in August. It was—I provided you with a very early draft just to kind of get some—something in front of you, to get some feedback. But also, we asked a series of questions so that there were some areas that we weren't quite sure how the Board wanted to handle things.

And so based on the feedback that we've received from the Board, we have completed an updated draft that reflects the comments that were shared with us in the work session from the Board. We have worked with our attorneys to just make sure that we've got things nicely squared away for you if you were to utilize this in this format to make decisions, that the Town is in a good position.

So we just wanted to bring this before you now. I sent it to you in an email. I believe it was Friday. I will take any questions, or the manager, as well,

on this document that you may have. If we don't get questions from you, we would like to bring it before you in November at your regular meeting.

Otherwise, if we do get—start to get questions, like over the next week, we will know that we need to bring that before you at the work session to talk about it a little bit further. So if you could, if you do have questions, get those [ph] to us so we know which route to take.

And just a quick note, there will be items we will need to do at public hearing. So I think the more information we—or the more information we have from you, the sooner the better, because we will need to do a public hearing to address some of the fee-schedule [ph] items that would need to be updated to implement this plan completely.

In addition to that, at your work session in October, you will also receive a presentation with the Little River site-specific plan. I have provided—or Stacie helped me pass it out to you, so it's in that stack of papers you just received. It is a draft document and you will receive a presentation about that document at your work session. And we look forward to your comments and feedback at that time.

That concludes my report do you have any questions. Thank you.

York: Questions?

Miles: Thank you.

Clark: Thank you, Sheila.

Loucks: Thank you.

Harrison: Thank you

Baxter: You're—you are so excited. Do it, girl, do it. Do it. Make that motion.



Miles: She's in vacation mode. She's in vacation [ph]—see, look.

York: is there a motion.

[OVERLAPPING—INDISCERNIBLE]

York: Do we have a motion to adjourn?

Harrison: I make a motion to adjourn.

Clark: I second it [ph].

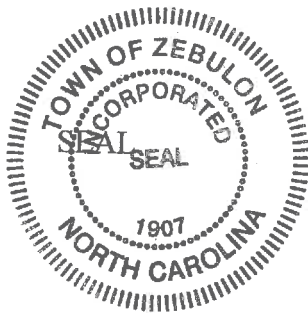
Harrison: All right [ph].

York: Meeting adjourned.

[INAUDIBLE]

[END RECORDING]

Adopted this the 16<sup>th</sup> day of February, 2023



  
Glenn L. York – Mayor

  
Lisa M. Markland, CMC – Town Clerk