

Zebulon Board of Commissioners
Minutes
November 4, 2019

Present: Robert S. Matheny, Curtis Strickland, Dale Beck, Don Bumgarner, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Tim Hayworth-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Eric Vernon-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Zebulon Middle School student Jezabel Merlo.

APPROVAL OF AGENDA

Mayor Matheny asked to correct the closed session date from September 10, 2018 to October 1, 2018. Commissioner Bumgarner made a motion, second by Commissioner Moore to approve the agenda as amended. There was no discussion and the motion passed unanimously.

SCHOOL RECOGNITION

Mayor Matheny recognized student Jezabel Merlo and teacher Misty Sirine, both from Zebulon Middle School.

PUBLIC COMMENT PERIOD

Mary Beth Carpenter, the Executive Director for Preservation Zebulon, invited the Board to their annual meeting on November 14. It was explained the meeting would launch the Zebulon Memory Project. The Board was thanked for consideration of the request by Preservation Zebulon to use the Municipal Complex facility for their Preservation Day on February 8, 2020.

Denise Nowell, from the Zebulon Chamber of Commerce, thanked the Board and staff for all their hard work on the Unified Development Ordinance. Election Day was November 5 and encouraged everyone to vote. The Zebulon Next Workforce Development Conference was scheduled for November 7 at the Eastern Regional Center. Business After hours was scheduled for November 14 at Zebulon Rehab. Holiday Happenings would be on November 22.

Susan Pearce, with the Zebulon Downtown Arts Council (ZDAC) updated the Board on recent events. The downtown art walk and scavenger hunt was November 3. The next artist reception would be November 16th from 6:00pm to 8:00pm at Town Hall. ZDAC planned to have a tent with arts and crafts at the Holiday Happenings Market on November 22. A downtown storefront decorating contest would take place during the holiday season.

PRESENTATIONS

Mayor Matheny recognized Commissioner Strickland for his 20 years of service on the Board of Commissioners by presenting him a clock and reading a proclamation.

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

Mayor Matheny recognized Commissioner Beck for his 28 years of service on the Board of Commissioners by reading a proclamation and presenting him a clock.

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

CONSENT

A. Minutes

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the April 8, 2019 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the October 7, 2019 regular meeting. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the October 1, 2018 closed session. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the April 1, 2019 closed session. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the August 21, 2019 closed session. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the September 9, 2019 closed session. There was no discussion and the motion passed unanimously.

A. Finance

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

Commissioner Strickland made a motion, second by Commissioner Clark to approve the financial report as of October 21, 2019. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve Ordinance 2020-32 – Parks and Recreation Senior Trip to Pennsylvania. There was no discussion and the motion passed unanimously.

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Commissioner Strickland made a motion, second by Commissioner Clark to approve Ordinance 2020-33 – Appropriation of Insurance Proceeds toward Sanitation – Contract Services. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve Resolution 2020-02 – Abatement Liens. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve Resolution 2020-03 – Weavers Pond – Phase 4 Roadway and Storm Drainage Acceptance. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve Ordinance 2020-35 – United Arts Council. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the Fire, Planning, and Public Works Quarterly Reports. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. SUP 2019-08 – Pearces Road Subdivision

Meade Bradshaw explained the case was heard at the September 16, 2019 Joint Public Hearing. The proposal was for 377 dwelling units with single family detached and townhome units. The vicinity map and concept plan were presented.

The Planning Board did not recommend the southbound turning lane since the Traffic Impact Analysis did not find it to be a requirement. A 10' right-of-way was dedicated for future road improvements and sidewalks were required on both sides of the street. The Planning Board unanimously recommended approval of SUP 2019-08.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve SUP 2019-08 – Pearces Road Subdivision with the following conditions and based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable and removal of the southbound turn lane as recommended by the Planning Board. There was no discussion and the motion passed unanimously.

Pearces Road Special Use Permit Conditions:

1. Homeowners Association: Homeowners Association or management firm shall be in place to enforce and abate all community association restrictive covenants, conditions, and restrictions. This document will be recorded prior to lot recordation of the 1st subdivision phase. The following elements need to be added to the restrictive covenants addressing the following regulations:
 - Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.

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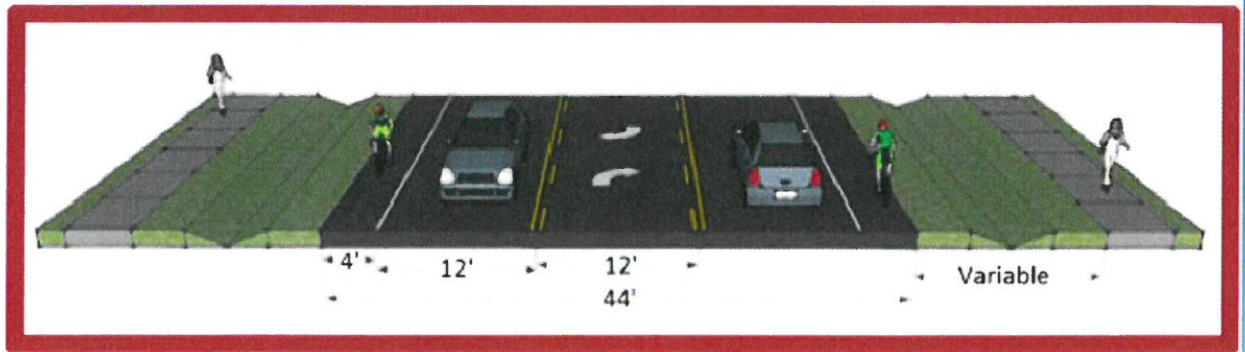
- Maintenance and upkeep of Open Space/Common Areas, drainage easements and stormwater control measures as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual. Landscape islands and round-a-bouts, etc. located within the right-of-way will be considered common areas.
 - Enforcing tall grass, trash, debris and rubbish, removal of any junk/nuisance vehicles as defined by the adopted town policies.
2. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.
 3. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps. of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.
 4. No portion of any developable residential lot shall contain wetlands, riparian buffers, floodplain or floodway.
 5. Development must comply with Appendix D of the 2000 International Fire Code.
 6. An active recreation area including, at a minimum, a 2,800 square foot pool (deck area not included in this calculation) and 600 square foot conditioned space bathhouse. Building permits for the pool house will be approved prior to the 100th certificate of occupancy of any dwelling. The bathhouse will have architecture similar to that of the dwellings in the neighborhood.
 7. Perimeter Buffer: Existing vegetation shall be saved to meet a 30' in width buffer along the perimeter of the development. Where there is not existing vegetation or vegetation must be removed, a Type C buffer in accordance with § 152.309 Buffers will be installed.
 8. Installation of decorative street signs within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications and in accordance with MCTCD standards.
 9. Curb and Gutter: All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
 10. Public Roadways: All streets within Pearces Road shall be public and in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
 11. New Roadways: Installation and dedication of any roadway infrastructure, improvements, or right-of-way widths for all phases of the development as shown on the Concept Land Plan for Pearces Landing shall be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. A licensed engineer with acceptable bonding information prior must provide engineer certification of the roadway to the issuance of a final plat for the development.
 - i. Residential Collector Streets - Street A, Street B (North of Golden Plum Ln),
 - ii. Local Street/ cul-de-sacs – All other streets

Table 1 Minimum Right-of-Way and Pavement Width

Type of Street	Min. Right of Way Width Curb and Gutter (Back to Back)	Min. Pavement Width Curb and Gutter (Back to Back)
Major Thoroughfare	Per Thoroughfare Plan	Varies, 52' min.
Minor Thoroughfare	Per Thoroughfare Plan	Varies, 45' min.
Residential Collector	60'	35'
Local Street	50'	26'
Cul-de-Sac	53' R	48' R

12. Additional Parking: Local streets shall incorporate at a minimum five, off-street parking areas for guests. These parking areas will also provide landscaping.
13. Bonding: Developer is responsible for posting a bond for final roadway, sidewalk or for each phase prior to the issuance of the first building permit. Developer is fully responsible for all necessary roadway repairs of dedicated streets prior to final overlay and striping. Regardless of residential construction progress, the final overlay of dedicated streets shall be over-laid within eighteen (18) months of the original roadway acceptance date for that phase.
14. Traffic Impact Analysis Recommendations: Recommendations from the TIA by Ramey Kemp and Associates dated May 2019 and sealed May 13, 2019 will be incorporated into site plan review by the Zebulon Technical Review Committee for conformance with Town and NCDOT standards.
15. Street Connectivity – In general, streets with one end permanently closed (Cul-de-sacs) shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicates that a through street is not essential in the location of the proposed cul-de-sac.
16. Street Connectivity – Street A shall be built and accepted by the Town that connects to Golden Plum Lane in Weavers Pond prior to the issuance of the 100th residential certificate of occupancy. A second access point to Pearces Road, via temporary access connection, shall be completed prior to the issuance of the 1st certificate of occupancy. The temporary access may be removed once Street A connection is completed and accepted by the Town.
17. Pearce's Roadway Improvements:
 - Construct ½ of 3-lane section of roadway below:

3-Lane with Ditch and Sidewalks



- Dedicate ½-100' of right-of-way, meeting the five-lane section of roadway for ultimate future build out.
 - Turn Lanes: Installation turn lanes at the intersection of Pearce and Street A shall be installed. A northbound left turn lane with a minimum of one hundred feet (100') of full width storage and appropriate transitions on Pearce's Road at Street A. The developer shall have site plan design approvals and construction approvals prior to the issuance of the first (1st) Certificate of Occupancy for the development with construction bonded with NCDOT or Town of Zebulon. All roadway construction should be completed by the 25th Certificate of Occupancy.
18. Sidewalks: Both sides of the street within the subdivision will be required to have a five foot (5') wide sidewalk.
19. Internal private greenway path– 10' Asphalt path connecting homes to the main recreation amenity center.
20. Greenway Amenities: Developer to provide benches, trash receptables, pet waste stations, signage, trail head landscaping and/or fencing to provide screening from residential homes.
21. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
22. Setbacks: single-family detached – front – 30', side – 6.5', rear, 25' corner side - 20'; Townhome – front – 10', building to building – 15', rear – 10', corner side – 20'
23. Mail Kiosk: Installation of mailbox kiosk will be reviewed/approved as part of the Technical Review Committee process.
- Constructed prior to 1st certificate of occupancy of any dwelling unit.
 - Off-street parking will be provided for kiosk.
 - A kiosk shelter will be constructed using materials similar to what is being used throughout the neighborhood.
 - i. The shelter will need to be constructed prior to the 100th certificate of occupancy of any dwelling.

24. Solid Waste and Recycling: All homes (single family, townhomes) within the subdivision will receive trash collection and recycling services.
25. Yard Waste and Leaf Collection: Only single family and paired single family dwellings will receive yard waste and leaf collection. Yard waste and leaf collection for townhomes must be provided by the Homeowner's Association, or if applicable a Homeowner's Association management firm.
26. Storm Drainage Infrastructure: Certification of the storm drainage infrastructure must be provided by a licensed engineer. Bonding will be applied to drainage structures not completed prior to final plat recording. Best Management Practices (BMP's) are not converted from erosion control to permanent stormwater devices until most of the home construction is complete. BMP certification will be completed as directed by the Stormwater Administrator.
27. All dwellings will have a minimum driveway length of 18' measure from the right-of-way.
28. All buffers will be located in common areas.
29. Streetscape:
 - All residential streets shall have a minimum 3.5' utility strip, sidewalk, and a shade tree as part of the residential street cross section.
 - Pearces Road shall have a Type A buffer.
30. Model Homes: Must meet Wake County ADA standards and provide paved parking areas.
31. Exterior Elevations:
 - A 24" masonry water table will be constructed on the front façade of all single-family detached dwelling units. An 18" masonry water table will be constructed on the front façade of all single family attached dwelling units
 - All elevations must have windows on all exterior sides of dwellings. All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.
 - Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
 - If 6.5' side yard setback, landscaping shall be provided at both front corners of each dwelling either planted at a rate of 2 shrubs spaced horizontally or along the sides of the homes. An understory tree can substitute for the 2-shrub requirement.
32. Street Stubs will be required to the following properties:
 - Wake County Pin Number Pin Number – 1797914808 (Deed Book 014676 PG 00016)
 - Wake County Pin Number 2707115040 – (Deed Book 016096 PG 01663)
33. Open Space/Common Area: A minimum of 20% of the development will be open space
34. Signage: add a note to the plans that signage will be a separate approval process.
35. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan. The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation. All streetlights shall be decorative and must in

accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. All streetlights shall be decorative Mitchell 50 Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director. All streetlights shall be a minimum of 125 linear feet with a maximum of 140 linear feet apart with alternate spacing on either side of the street.

36. Water, Sewer and Pump Station Improvements: All water, sewer and pump station improvements will be reviewed and approved by the City of Raleigh Public Utilities during the Zebulon Technical Review Committee site plan review process. The utility improvements must be in accordance with the City of Raleigh adopted plans, policies, ordinances, and handbook requirements.
37. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the Technical Review Committee Process.
38. All residential units/lots are required to have an individual residential booster pump if the static water pressure at the meter does not meet or exceed 50 psi.
39. Street Name Continuity – Street A will be Golden Plum Lane and Street B will be Hunters Green Drive
40. Update street cross sections to reflect table 1 of the Street and Storm Drainage Specifications Manual.
41. Signage (Main Entrance): Main entrance monument signs will be allowed along Pearces Road at Street A and Weavers Pond Subdivision and Street A and shall be made of brick, stone, or masonry material. Signage shall not exceed sixty-four square feet (64 SF) and must be setback at least ten feet (10') from the public right-of-way to include landscaping. Signage approval will be the building permit phase for the sign.

2. SUP 2019-10 – 1701 N. Arendell Avenue Internet Café

Meade Bradshaw explained the case was heard at the September 16, 2019 Joint Public Hearing. The property was currently zoned Heavy Business. The vicinity map and concept plan were presented. Staff recommended denial stating it did not meet Finding of Fact #1. The Planning Board unanimously recommended denial stating it did not meet Finding of Fact #1.

There was clarification about Finding of Fact #1. The use was discontinued for more than 180 days therefore Staff required the property to be brought to the current ordinance and their submittal did not bring the site to conformance.

Commissioner Bumgarner made a motion, second by Commissioner Clark to deny SUP 2019-10 – 1701 N. Arendell Avenue Internet Café based upon the inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable. There was no discussion and the motion was denied unanimously.

3. Ordinance 2020-34 – 114 E. Lee Street Demolition

Michael Clark explained the request was for the Town to spend \$75,000 for the demolition of 114 E. Lee Street. The property was a minimum housing case with multiple nuisance violations for approximately two years. Staff worked with the property owner to try to bring the property into compliance. The property owner was unable to bring the property into compliance and a court ordered demolition was granted. The demolition would take approximately four months.

The estimate included cleaning the site, removing the structure and abandoned vehicle, and bringing the site into full compliance as a vacant parcel. There was a question if it would be less expensive to renovate the property. The estimated cost to improve the structure was \$63,000, but the property had deteriorated since the last evaluation. The minimum housing code thresholds would exceed the allowable ratios. It was explained the property owner would be billed for the demolition and if it was not paid there would be a tax lien on the property. The Town could proceed with the foreclosure and ultimately own the property.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2020-34 – 114 E. Lee Street Demolition. There was no discussion and the motion passed unanimously.

4. 4. Unified Development Ordinance

Michael Clark detailed the timeline of the Unified Development Ordinance (UDO). The Planning Board unanimously recommended approval as amended on October 21, 2019 and the Board of Commissioners work session was held on October 23, 2019. There were amendments to Sections 6.3.2.B.3; 6.3.2.B.4; 6.3.3.B.4; and 6.3.4 to have the Planning Director as the responsible party for the fee-in-lieu process.

Mayor Matheny suggested the civic organizations two acre minimum lot size be changed to a one acre minimum lot size. Staff was comfortable with the modification of 4.3.3(j)(1) from two acres to one acre.

Commissioner Bumgarner made a motion, second by Commissioner Strickland to approve the Unified Development Ordinance with the amendments handed out at the October 23, 2019 Board of Commissioners Work Session, and amendments to Sections 6.3.2.B.3; 6.3.2.B.4; 6.3.3.B.4; and 6.3.4 to have the Planning Director as the responsible party for all fee-in-lieu processes, and 4.3.3(j)(1) to change the minimum lot size for civic organizations from two acres to one acre; as well as the adoption of the proposed Official Zoning Map as presented, citing the consistency statement and statement of reasonableness by the Planning Board. Furthermore, that the UDO and the Zoning Map become effective on January 1, 2020. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Parks and Recreation

1. Blue Star Memorial

Sheila Long presented the request from Steel Magnolias Garden Club to enter into a Memorandum of Understanding to implement a Blue Star Memorial Garden at the Municipal

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Complex. The garden club would purchase all materials and supplies for the memorial, Public Works would assist with installation, and the club would maintain the memorial garden.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Blue Star Memorial at the Municipal Complex. There was no discussion and the motion passed unanimously.

B. Public Works

1. Municipal Complex Facility Use Application – Preservation Zebulon

Chris Ray presented the request by Preservation Zebulon to use Town Hall for their Memory Project and Scan-a-Thon Project. The Board had previously approved the non-profit funding request from Preservation Zebulon and allocated \$1,000 to assist with the Memory Project. The request was to use Town Hall on Saturday, February 8, 2020 from 12:30pm to 4:30pm or Saturday, February 15, 2020 in case of inclement weather. Preservation Zebulon agreed to pay the \$120 fee to have a Town staff member on site.

Chris explained that the current policy did not allow for use of the interior of the building and that was why they were coming before the Board for approval.

Commissioner Bumgarner made a motion, second by Commissioner Strickland to approve the Municipal Complex Facility Use Application from Preservation Zebulon. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Strickland stated he had enjoyed serving as Commissioner for 20 years and thanked Town staff.

Commissioner Bumgarner thanked Commissioner Beck and Commissioner Strickland for their service to the Town.

Commissioner Beck stated it had been a pleasure serving on the Board.

Mayor Matheny thanked Commissioner Beck and Commissioner Strickland for their service on the Board and also thanked the candidates running for the commissioners' seats.

MANAGER'S REPORT

Joe Moore presented that movie night was Friday, November 15 with the movie "Ugly Dolls."

Bobby Fitts reporting following budget transfers from Parks & Recreation:

Moved \$4,800 from Part-time Salaries to Contract Services

Moved \$4,500 to Part-time Salaries (Farmers Market) to Special Events

Moved \$1,200 from Part-time Salaries (Athletics) to Athletics

Michael Clark introduced Jacob Parente who was the new Planner/GIS Technician.

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Joe Moore stated how much he appreciated Commissioner Strickland's and Commissioner Beck's commitment to the Town and all of their hard work serving on the Board.

CLOSED SESSION

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

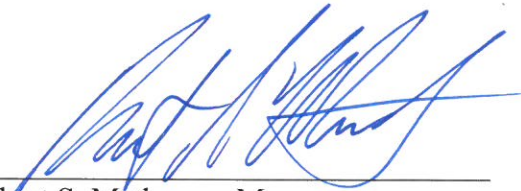
Commissioner Clark made a motion, second by Commissioner Bumgarner to go into closed session as permitted by NC GS § 143-318.11(a)(5) for the purpose of property acquisition. There was no discussion and the motion passed unanimously.

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


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

Adopted this the 2nd day of December, 2019.





Robert S. Matheny—Mayor



Lisa M. Markland, CMC—Town Clerk