

Zebulon Board of Commissioners
Minutes
December 5, 2022

Present: Glenn York, Beverly Clark, Quentin Miles, Larry Loucks, Shannon Baxter, Jessica Harrison, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Aaron Chalker-Planning, Eric Vernon-Town Attorney, Sam Slater-Town Attorney

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

There was a moment of silence for the passing of former Mayor Bob Matheny.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Damiyah Edmundson.

APPROVAL OF AGENDA

Mayor York asked to add a closed session for property acquisition.

Commissioner Baxter asked to add a reconsideration of the meeting time for work sessions. Lisa Markland stated the 2023 meeting schedule could be discussed with the 2024 meeting schedule.

Commissioner Miles asked to move Ordinance 2023-16 – Park Suspension Ordinance from consent.

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

SCHOOL RECOGNITION

Mayor York recognized student Damiyah Edmundson and teacher Mallorie Curley, both from Zebulon Elementary School.

PUBLIC COMMENT

Michael Germano stated he wanted to publicly refute comments made by Commissioner Baxter about him financially gaining by a Planning Board decision and asked that she retract her comments.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the October 27, 2022 mini retreat. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the November 14, 2022 Joint Public Hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the November 17, 2022 work session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Baxter to approve the monthly financial report. There was no discussion and the motion passed unanimously.

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

C. Parks and Recreation

Commissioner Clark made a motion, second by Commissioner Baxter to approve Ordinance 2023-17 – Food Insecurity Grant. There was no discussion and the motion passed unanimously.

D. Police

Commissioner Clark made a motion, second by Commissioner Baxter to approve Ordinance 2023-18 – Governor’s Highway Safety Grant (GHSP). There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

i. Public Hearing

a. Storage Max – Special Use Permit 2023-02 – Continuation

Sam Slater explained the Quasi-Judicial process and the guidelines for the hearing. The Board was asked if they had any ex parte communication or a fixed opinion about the project. There were none.

Michael Clark was sworn in my Lisa Markland. Mr. Clark stated James Todd, attorney with Smith Law Partners, applied on behalf of property owners Storage Family LLC for a special land use permit to construct a multi-building self-storage facility at 901 Proctor Street near the intersection of Proctor Street and Shepard School Road.

The parcel totaling 6.5 acres was zoned Heavy Commercial (HC). The UDO Table 4.2.3 lists “Self Service Storage, External Access Only” and “Self Service Storage, Internal Access Only” as Special Land Uses for the HC District. The parcel to the west was zoned R2 Residential HC Heavy Commercial, and the parcels to the north and south were zoned HC Heavy Commercial. The parcels to the east are on the opposite side of Shepard School and were zoned R-13-SUP which was a legacy zoning from past Special Use permitted districts in the former Zoning Code.

The public hearing notification process was detailed. The vicinity map, pictures of the property, concept plan and building elevations were shown. Mr. Clark provided details of building one and building two and details of the primary wall, secondary facades and tertiary facades. There was discussion and examples of customer entrances, building articulation, material and colors, roof form and fenestration as specified under UDO section 5.3.1. Staff stated building two did not meet the parameters of the UDO and gave examples of ways it could be reconfigured.

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Michael Clark stated UDO Section 2.2.18.F stated a special use shall be approved upon determining the use:

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

Commissioner Baxter asked if there were other door options to bring the project into compliance. Michael Clark showed examples of acceptable doors. The Board could grant deviations that met the spirit and intent of the applicable regulations. There was discussion about allowable modifications.

James Todd was sworn in by Lisa Markland. Mr. Todd disagreed with the interpretation of UDO Section 5.3.1 regulation on facade types. Proctor Street was the primary access, and the others were secondary frontages. Building two did not face a road and was only accessed by paying customers. Therefore, the applicant was unwilling to take on additional costs for an area already screened by a type D buffer.

Commissioner Baxter asked if someone could see the garage doors when driving down Proctor Street. Mr. Todd stated there would be a 20ft. type C setback with an opaque fence to block the view and the type D buffer ran beyond the extension of the elevation.

Michael Clark stated the building was the primary customer entrance and by definition in the UDO was a primary or secondary facade.

Mr. Todd stated this was a tertiary building wall and thought it should be treated as such.

Sam Slater asked if there was anyone else who wished to speak. There were none.

Sam Slater reviewed the options available to the Board.

The Board went through each standard and gave their thoughts on whether the applicant met each one. There was consensus among the Board that all of the standards were met except #2.

James Todd appreciated the concerns from the Board and wanted to impose a condition on the approval of standard 2 that the applicant can add to the concept plan.

Robert High was sworn in by Lisa Markland. Mr. High stated he could make the columns between the doors brick to match the front facade.

Michael Clark suggested adding an awning to cover multiple doors and continuing the facade treatments from the other sides.

There was discussion about changes that could be made.

Commissioner Baxter did not like the false appearance of glass for the doors and was concerned for possible deterioration. It was suggested matching the garage door to the facade.

Commissioner Loucks liked the brick on the columns and spoke about the garage door colors.

Commissioner Miles liked the brick on the columns and the type D buffer.

Commissioner Baxter asked about the type C buffer along Proctor. There was a type C buffer on Proctor St. with an opaque fence behind it. Mr. Todd clarified that the challenge with a type D buffer was that it required 40ft of space, but the proposed plantings and fence would provide the same result.

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

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

Mayor York closed the Public Hearing.

Commissioner Miles made a motion, second by Commissioner Baxter to approve SUP 2023-02 with the following conditions to include brick on the columns and doors with colors that would be agreed to with staff. There was no further discussion and the motion passed unanimously.

Mayor York said there would be a 10-minute recess.

The meeting was called back to order at 8:18pm.

ii. 401 W. Gannon – Conditional Zoning Request
a. Ordinance 2023-19

Michael Clark explained the applicant, Meridian Properties Group LLC, requested rezoning a 0.99-acre parcel from Office and Institutional (O&I) to Downtown Periphery Conditional (DTP-C) District for the construction of an 11-unit multi-family residential development. The subject property was located on the southwest corner of the W. Gannon Ave. (NC 97 Hwy) and Rotary Dr intersection and was located within the Town's Corporate Limits.

The vicinity map, future land use plan, concept plan and proposed elevations were shown. A third rendering was given to the Board reflecting a proposed 30-foot type C buffer on the adjacent residential sides and the applicant was willing to install a fence on the south side of the property. The proposed conditions included garage widths, architectural conditions, building articulation, and height to allow for three-story multi-family residential structures adjacent to single family detached residential uses.

Mr. Clark reviewed the considerations for the Board explaining these homes were a new product type, increased density, featured a pedestrian site design, offered open space preservation and were at a walkable location to downtown.

The Unified Development Ordinance Section 2.2.6.K provided the following standards for the Board to base their decision on the rezoning request:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
5. Any other factors as the Board of Commissioners may determine to be relevant.

At the November 14, 2022 meeting, the Planning Board recommended approval of a modified request finding that the request was consistent with Goal 1 and Policies E, J, & K of the Housing and Neighborhood section of the Comprehensive Land Use Plan and the Standards in Section 2.2.6.K of the UDO. The amendments were as follows:

- Construction of a fence along the adjacent residential property lines
- Construction of a 3-foot wall along the street side property lines
- Construction of structures similar to the revisions presented at the November 14, 2022 meeting.

Commissioner Miles asked if the Planning Board vote in favor was unanimous. Lisa Markland stated she could listen to the minutes and confirm the vote.

Mayor York stated there would be a 10-minute recess.

The meeting was called back into session at 8:36pm.

Michael Clark stated after verification of the previous meeting the Planning Board vote was 4 to 2 to recommend approval with the conditions.

Commissioner Baxter expressed concerns of the proposed 3' wall and asked for the new elevations of units 9,10 and 11 with the proposed changes.

Sherry Case with Meridian Properties Group stated she only had the rear entry elevations and was not able to get the others from the architect in time for the meeting.

Commissioner Miles had concerns about parking and storage. Ms. Case stated there were two parking spots per home with additional parking at the mailbox kiosk area and was complying with the parking requirements in the UDO.

Ms. Case reviewed the iterations from the beginning to the current proposal and showed the amenity area with a pergola and seating. A proposed black metal fence with stone columns to match the stone from the elevations was shown on a map. Ms. Case spoke about the advantages of rezoning to DTP and how it fit along with the Town's growth.

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Commissioner Baxter asked about the balconies on the homes. Ms. Case confirmed each unit had a balcony with room for a bistro type table and chairs.

Commissioner Miles expressed concerns about rezoning a proposal without seeing completed plans.

Commissioner Baxter stated she liked the new color scheme better but had concerns about not seeing the completed plans for the development.

There was discussion about attic storage space.

Commissioner Clark stated she could envision the development and it was a good use of space.

Commissioner Loucks liked the new elevations and how they looked more historic and fit better with other homes in the area. It was suggested to look at the stone fence of the property owner across the street to tie in with the proposed fence.

Commissioner Clark encouraged the Board to think about the demographics of the residents who would be purchasing the homes.

The Commissioners were asked if the proposal met the five standards of Section 2.2.6.K. There was consensus among the Board that standards 1-5 were met. Commissioner Miles stated standards 2, 3 and 4 were not met and Commissioner Baxter was unsure about standards 2, 3 and 4.

Commissioners Miles and Baxter both wanted to see the full plans.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2023-19 as amended.

Commissioner Miles stated it was important to him to see the full plans before making a decision.

Michael Clark asked if the sample motion included the low wall from the Planning Board conditions. Ms. Case clarified Meriden would install the low wall or fencing along the green space not in front of the properties that face Gannon or Rotary

There was no further discussion and the motion passed 3 to 2 with Commissioners Loucks, Harrison and Clark voting in favor and Commissioners Miles and Baxter voting in opposition.

B. Administration

i. Board Appointments

Lisa Markland stated the Planning Board had one opening with three applications received. The applicants were asked to attend the meeting to share their comments. Latoya Carter was not present at the meeting.

Peggy Alexander spoke about why she wanted to serve on the Planning Board.

Scott Carpenter spoke about why he wanted to serve on the Planning Board.

Commissioner Miles made a motion, second by Commissioner Baxter to appoint Peggy Alexander to the Planning Board. The motion passed 4 to 1 with Commissioners Miles, Baxter, Harrison and Clark voting in favor and Commissioner Loucks voting in opposition.

Commissioner Baxter thanked the applicants and encouraged those not appointed to consider serving on the Board of Adjustment.

ii. Governing Board Rules of Procedure – Agenda Setting and Role of Presiding Officer
Joe Moore presented the drafts of two sections of a proposed Rules of Procedure. The first section focused on how the agenda of a public meeting is set. The second section clarified the roles of the meeting's presiding officer. Highlights of the procedure included:

- A deadline for receipt of the Regular Meeting Agenda packet
- A method for adding items to an Agenda:
 - In advance of the Agenda being posted
 - At the time of the Meeting
- The schedule allowed a detailed Agenda Preview as a part of Monthly Meetings

Commissioner Baxter asked to see the addition of items by a majority and not a super majority.

Commissioner Miles did not want policies under consent.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Governing Board Rules of Procedure – Agenda Setting and Role of Presiding Officer with the addition of items by a majority and not a super majority.

Commissioner Miles asked that no policy items be added to consent.

Joe Moore gave guidance of the Board's options.

Commissioner Baxter amended her motion to include the language that no policy items could be under consent. Commissioner Harrison asked for clarification from Commissioner Miles then agreed to the amendment to the motion.

There was no further discussion and the motion passed unanimously.

NEW BUSINESS

A. Fire

i. Ordinance 2023-15 – Fire Sleeping Quarters

Chris Perry explained the FY 2023 budget included a project to expand the living quarters at the existing fire station and appropriated \$221,000 for the total project (design, construction, furnishings). Bids were received on October 13, 2022, and the lowest bidder was G&G Builders at \$332,518.00.

Commissioner Baxter asked if the Town would receive value with the improvements. Chris Perry spoke about the additional functions of the building with the improvements.

Sheila Long stated the Parks and Recreation Master Plan identified the current fire station as a facility to support downtown recreation and general park operations. The changes would enhance the office space and infrastructure. Ms. Long had not seen the specific plans but stated the changes could be utilized as the building was expanded.

Commissioner Baxter made a motion, second by Commissioner Harrison to approve Ordinance 2023-15. There was no further discussion and the motion passed unanimously.

B. Administration

i. Fiscal Year 2023 and 2024 Meeting Schedule

Joe Moore stated the proposed meeting schedule for FY '24 closely followed the same monthly frequency and times approved in the FY '23 meeting schedule, but introduced a time change for Regular Meetings:

- Regular Meetings: First Monday @ 6 (time change)
- Work Sessions: Third Thursday @ 2
- Mini-Retreats: Fourth Thursday @ 9-4 (Jan., Feb., Mar., Aug., Sept., Oct.)

Commissioner Baxter wanted to see the work sessions begin at 6:00pm and explained the 2:00pm start time was difficult for her and for possible future elected officials.

Commissioner Harrison agreed about having diversity on meetings times and the earlier meeting times for work sessions allowed for family time in the evenings. A 4:00pm start time was suggested.

Commissioner Clark liked 4:00pm start time for work sessions.

Commissioner Miles wanted to keep 6:00pm start time for work sessions and wanted a regular meeting added in July.

Commissioners Loucks and Baxter agreed adding a regular meeting in July.

Commissioners Harrison and Clark stated the Board and staff needed a break and to recharge after the budget season.

There was discussion about a July regular meeting.

Joe Moore explained work sessions were being used as a second meeting where the Board could vote on items and there would not be any new business to be conducted in July since that was the beginning of the fiscal year.

Commissioner Baxter made a motion, second by Commissioner Harrison to amend the FY 2024 regular meeting schedule to include a July 10, 2023 meeting and work session meetings to begin

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at 5:00pm. There was no further discussion and the motion passed with a vote 4 to 1 with Commissioners Baxter, Loucks, Miles and Harrison voting in favor and Commissioner Clark voting in opposition.

Mayor York stated he had a conflict on February 23 - 24, 2023. Commissioner Baxter stated Commissioner Loucks had a conflict with the February 6, 2023 regular meeting.

There was discussion about what day to move the February 6, 2023 meeting.

Joe Moore stated there was a work session meeting scheduled for February 16. The Board could introduce regular meeting business at the February 16 meeting and cancel the February 23 - 24, 2023 retreat.

Commissioner Baxter made a motion, second by Commissioner Harrison to cancel the February 6, 2023 meeting and to cancel the February 23-24, 2023 retreat. There was no further discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Miles to change work session meeting times to 5:00pm in the FY 2023 schedule and moving forward. There was no further discussion and the motion passed unanimously.

C. Ordinance 2023-16 – Park Suspension Ordinance

Sheila Long stated the Town Attorney recommended an ordinance be adopted establishing authority and guidance for suspension processes as it pertains to Parks and Recreation. The Town Attorney recommended an ordinance recently adopted by the Town of Wake Forest. This ordinance was reviewed and consistent with industry standards. This ordinance was previously vetted by the Town Attorney.

The suspension ordinance was reviewed by the Parks and Recreation Advisory Board and unanimously recommended for approval on October 24, 2022.

Commissioner Miles asked if this was a reactive measure or a proactive measure. Ms. Long stated the Town was being proactive and had not issued a suspension letter since her time as Director. Commissioner Miles asked what would constitute a violation and had concerns it could be arbitrary. Ms. Long stated it would be impossible to think of everything a person could do in a park or program. It was important to be fair and consistent and the Town did have an appeal process.

It was asked why the decision was left up to one person and not the Parks and Recreation Advisory Board. Sheila Long stated a decision would need to be reactionary and could not wait until the Parks and Recreation Advisory Board could meet. The appeal process was detailed.

Commissioner Baxter pointed out a grammatical error.

Commissioner Loucks applauded staff for being proactive.

Commissioner Miles made a motion, second by Commissioner Harrison to approve Ordinance 2023-16.

Commissioner Baxter asked if the adjustment was made with the grammatical error. Staff could make the change after it was adopted.

There was no further discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Loucks thanked all involved with the Christmas parade, Commissioner Baxter for having the 100 County quilt come to Zebulon and to those involved in installing the weather camera at Town Hall.

Commissioner Harrison thanked Commissioner Baxter for her work in getting the 100 County quilt in Zebulon and thanked all those who were part of Candy Cane Lane and the parade.

Commissioner Clark stated the parade was great and was nice to have it back in Town.

Commissioner Baxter stated the parade was great, the 100 County quilt was displayed at Debnam's Hardware store and expressed sentiments about former Mayor Bob Matheny and his passing.

Commissioner Miles thanked Town staff and the Chamber of Commerce for their work at the parade, spoke about the Todd's Park Christmas Celebration on December 17 and honored Bob Matheny and Mary Miles.

Commissioner Baxter read a letter to Michael Germano and retracted her statements made about him.

Mayor York thanked Town staff for working with the Chamber of Commerce to implement new parade policies.

MANAGER'S REPORT

Joe Moore gave an overview of topics for the upcoming Joint Public Hearing on December 12 and a work session on December 15.

CLOSED SESSION

Per N.C. General Statute § 143-318.11(a)(5): "... to instruct the [Town] staff or negotiating agents concerning the position to be taken by or on behalf of the [Town] in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; ..."

Commissioner Baxter made a motion, second by Commissioner Clark to go into closed session. There was no discussion and the motion passed unanimously.

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

Mayor York recognized Gary Hailey who received an excellence award from Wake County.

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

Adopted this the 9th day of January 2023.




Glenn L. York—Mayor


Lisa M. Markland, CMC—Town Clerk