

Zebulon Board of Commissioners
Minutes
September 11, 2023

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

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

There was a moment of silence for 9/11.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Miles.

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

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

CONSENT

A. Minutes

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

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

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

B. Finance

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

OLD BUSINESS

A. Planning

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

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

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

1. Health, safety and welfare
2. Appropriate for location
3. Reasonable in the public interest
4. Concept plan consistent with regulations
5. Other relevant factors

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

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

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

The proposed road improvements included:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Administraiton

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

Joe Moore gave a presentation on remote meetings.

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

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

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

BOARD COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MANAGER'S REPORT

Michael Clark gave a monthly development update.

Lisa Markland provided a Human Resources update.

Joe Moore spoke about the monthly financial report addendum.

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

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

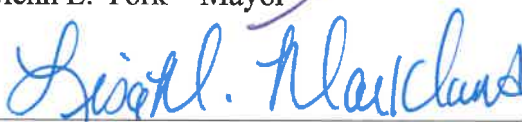
Commissioner Miles asked to have new employees be presented to the community at meetings.

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

Adopted this the 3rd day of October 2023.



Glenn L. York—Mayor



Lisa M. Markland, CMC—Town Clerk

SEAL

