

Zebulon Board of Commissioners
Minutes
September 1, 2020

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

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Moore.

APPROVAL OF AGENDA

Mayor Matheny asked to amend the agenda to add safety protocol after agenda approval and to change Glen Street to Gannon Avenue under Planning Historic District.

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

SAFETY PROTOCOL

Michael Clark discussed the safety protocols that would be taken for meetings.

SCHOOL RECOGNITION

Mayor Matheny recognized student Ann Furman-Felix and lead secretary Audrey Webb, both from East Wake High School.

PUBLIC HEARING

A. AN 2020-02 – Sidney Creek

Mayor Matheny opened the public hearing.

Meade Bradshaw presented the annexation request AN 2020-02 Sidney Creek. The Applicant was DRSFA, LLC and the address was 0 Chamblee Road and 1701 Chamblee Road. The existing zoning was R-10 SUD. The parcel size was 214.5 acres. The zoning map, land use map, and pictures of the property were shown.

Mayor Matheny asked if anyone wished to speak in favor.

Jay Colvin, from Dan Ryan Builders, who represented the applicant stated they were in the TRC process and he was available for any questions.

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

Mayor Matheny closed the public hearing.

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B. Amendment to Chapter 31.31 – Planning Board

Mayor Matheny opened the public hearing.

Michael Clark explained Chapter 31.31 regulated the makeup of the Town's Planning Board. The regulation currently required four in-Town members and three ETJ members. The Town's dynamic had changed since the regulation was last updated in 2015. Staff proposed amending Chapter 31.31 to allow for five in-Town members and two ETJ members.

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

Mayor Matheny closed the public hearing.

PUBLIC COMMENT PERIOD

No comments were submitted.

PROCLAMATION

Mayor Matheny read the proclamation recognizing Firefighter Appreciation Week as September 6 – 12, 2020.

Commissioner Baxter made a motion, second by Commissioner Clark to adopt the Proclamation for Firefighter Appreciation Week. There was no discussion and the motion passed unanimously.

Commissioner Baxter asked to amend the consent agenda to move Ordinance 2021-26 and Ordinance 2021-21 under New Business.

Commissioner Baxter made a motion, second by Commissioner York to amend the consent agenda to move Ordinance 2021-26 and Ordinance 2021-21 under New Business. There was no discussion and the motion passed unanimously.

CONSENT

A. Minutes

Commissioner Loucks made a motion, second by Commissioner York to approve the minutes of the August 10, 2020 Joint Public Hearing minutes. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Loucks made a motion, second by Commissioner York to approve the financial report as of August 17, 2020. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-15 – COVID-19 Expenditures. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-16 – Part-Time Salaries (Parks Maintenance) & FICA. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-17 – Grounds Maintenance. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-28 – Wakelon Elementary Field Improvements. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-18 – Recognition of Market Sponsorships for the Farmers’ Market. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-19 – Fire Station P.E.R. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-20 – Shop with a Cop. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-22 – Community & Economic Development – Façade Improvement Grants. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-23 – Governing Body – Professional Services. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-24 – Comprehensive Plan. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-25 – Downtown Associate Community Program. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-27 – Professional Services. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-30 – Beaverdam Creek Greenway Construction Funding. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Historic District

a. Historic Landmark Designation for 216 W. Gannon Avenue – Ordinance 2021-31
Michael Clark spoke about the property at 216 W. Gannon Avenue. The Wake County Historic Preservation Commission and the Town of Zebulon Planning Board recommended approval to designate the George and Neva Barbee House as a Zebulon Historic Landmark.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Ordinance 2021.31. There was no discussion and the motion passed unanimously.

2. Text Amendments

a. Mobile Food Vendors – Ordinance 2021-32

Michael Clark stated this amendment allowed for truly mobile food vendors who did not have a set location, who stopped only for point of contact sales, and continued on a fixed route to operate. The text amendment also made Town and HOA events exempt from permit requirements. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-32 There was no discussion and the motion passed unanimously.

b. Street Grades – Ordinance 2021-33

Michael Clark stated this was an amendment to Section 6.10.7F regarding street grade. The UDO text allowed for up to a 12% grade, but the standard specifications manual only allowed for a maximum of a 7% grade. The text amendment would give more consistency with the standards specification manual for street grades and would change the maximum to 7% grade. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner York made a motion, second by Commissioner Clark to approve Ordinance 2021-33 There was no discussion and the motion passed unanimously.

3. Conditional Zoning

a. Five County Mini Storage – Ordinance 2021-34

Meade Bradshaw explained this was a request by John Sikorski, property owner of 1412 and 1420 US 264 Highway, requesting a zoning map amendment from light industrial (LI) to conditional zoning light industrial (LI-C). The was an existing self-service storage facility and the property owner wanted to expand the facility. The aerial map, pictures of the property and the concept plan were shown. Two conditions were agreed to for the property by the applicant:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planned along the western property line.

Staff explained when the Unified Development Ordinance stated self-storage facilities had to be a minimum site size of five acres and the existing site was approximately 2.21 and was a non-conforming use. Requesting the conditional zoning and removing the five acre minimum requirement would allow the property owner to expand the facility. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2021-34 with the following conditions:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planed along the western property line.

There was no discussion and the motion passed unanimously.

b. 1500 & 1512 North Arendell Avenue – Ordinance 2021-35

Meade Bradshaw explained this was a request by Clyde Holt representing the property owner of 1500 and 1512 N. Arendell Avenue, Stephen Jordan Properties, LLC requesting a conditional zoning map amendment from residential-2 (R-2) to heavy commercial conditional zoning (HC). The aerial map, vicinity map, and zoning map were shown. Three conditions were applied to the property:

1. Building height will be no greater than 35’.
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee approval.
3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units and the church property.

The applicant added the following conditions:

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35’) as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6’) foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13.7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.

All uses with the Heavy Commercial Zoning District are allowed on the parcel except:

1. ABC Store
2. Bottle Shop
3. Flea Market
4. Golf Course or Driving Range
5. Microbrewery, Microwinery, or Microdistillery
6. Nightclub or Dance Hall
7. Tattoo and Piercing Establishment
8. Truck Stop

The applicant also requested the zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development Ordinance. The Planning Board recommended approval at the August 10, 2020 meeting with an additional condition to require the site be Dark Sky Compliant.

An example of dark sky lighting was shown. The Town's current lighting requirements were explained.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Ordinance 2021-35 with the following conditions:

1. Building height will be no greater than 35'
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee Approval
3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units. In addition to landscaping required by code, at the time of initial development on the vacant parcel, and within 90 days of a finalized conditional rezoning of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property.
4. All uses with the Heavy Commercial Zoning District are allowed on the parcel except: ABC Store, Bottle Shop, Flea Market, Golf Course or Driving Range, Microbrewery, Microwinery, or Microdistillery, Nightclub or Dance Hal, Tattoo and Piercing Establishment, and Truck Stop
5. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.

There was clarification the motion would not include the Dark Sky standards. State statute prohibited the Board from imposing conditions the applicant did not agree upon. Staff stated the differences between the Town's standards and Dark Sky standards were minimal.

There was no additional discussion and the motion passed unanimously.

The applicant requested the zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development

Ordinance. The applicant had not proposed any conditions that would limit the potential use of the development and could have moved forward without conditional zoning.

Commissioner Clark made a motion, second by Commissioner York to approve waiving the zoning fee. There was no discussion and the motion passed unanimously.

4. General

a. Ordinance 2021-21 – Community & Economic Development Alley Activation
Commissioner Baxter asked about the work to be done. Sheila Long explained the funds would cover the costs to remove the existing asphalt that was in poor condition and to replace it with concrete. The Town had received a quote for the work.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-21. There was no discussion and the motion passed unanimously.

b. Ordinance 2021-26 – Office Furniture
Commissioner Baxter asked about the costs for office furniture.

Michael Clark explained the request provided four workspaces and would give a more distinct barrier to allow for social distancing in the Planning suite. The Town was provided a quote from Indoff Office Furniture.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-26. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Administration

1. Proposed Sale of Green Pace Road Property – Resolution 2021-02
Joe Moore explained the Town acquired approximately two acres of real property located at 469 Green Pace Road in 2007 as a possible future fire station site. The property no longer qualified for a fire station site and the Town received an offer to purchase the property. The adoption of Resolution 2021-02 would begin the upset bid process.

Due to the size and location of the property staff did not feel it had strong recreational value.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2021-02. There was no discussion and the motion passed unanimously.

2. Wellness Program – Ordinance 2021-29
Stacie Paratore and Amy Hayden asked the Board to consider rolling over funds for an employee biometric screening. The biometric screening would establish a health baseline that could be used to evaluate risks for a variety of health issues, many of which can be prevented through early detection and lifestyle changes. If an employee met four out of the five perimeters \$200 would be added to their Flexible Spending Account (“FSA”) card.

If an employee did not meet 4 out of the 5 perimeters, they would have the option to meet with a WakeMed nutritionist, dietician, or health coach to achieve the \$200 FSA benefit. The sessions could be done virtual and covered a variety of health topics including exercise, nutrition, stress, sleep, tobacco cessation, goal setting and behavior changes.

WakeMed would handle the screening and all numbers would be kept completely confidential. The Wellness Committee would receive a report and meet with a healthcare coach to best determine the needs of our employees and ways to improve the number for the following year. These results would give a measurement for each year's progress. By making the Town's employees healthier, we will build a more effective and efficient work force, reduce the number of sick days, and lower healthcare costs.

The incentive was for employees enrolled in the Town's health insurance plan.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-29. There was no discussion and the motion passed unanimously.

B. Planning

1. Text Amendment Chapter 31.31 – Ordinance 2021-36

Michael Clark stated there was one ETJ vacancy on the Planning Board. If the Board approved the text amendment the vacancy would be changed to an in-Town vacancy. Staff recommended approval of the modification to Chapter 31.31.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2021-36. There was no discussion and the motion passed unanimously.

2. Multimodal Transportation Plan Amendment to Judd Street – Ordinance 2021-37

Michael Clark asked the Board to consider an amendment to the existing Multimodal Transportation Plan to designate Judd Street as a collector street from Arendell Avenue to Worth Hinton Road. The amendment would improve connectivity and increase emergency response times. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner Loucks made a motion, second by Commissioner Moore to approve Ordinance 2021-37. There was no discussion and the motion passed unanimously.

3. Sidney Creek Annexation – Ordinance 2021-38

Meade Bradshaw stated staff recommended approval of the annexation of 0 Chamblee Road and 1701 Chamblee Road. The Applicant was DRSFA, LLC, the existing zoning was R-10 SUD, and the parcel size was 214.5 acres.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-38. There was no discussion and the motion passed unanimously.

4. Business Retention and Expansion Program Agreement

Michael Clark spoke about the Business Retention and Expansion Program Agreement with the Zebulon Chamber of Commerce and deliverables the agreement included. Staff recommended approval of the agreement as drafted.

Commissioner Loucks asked that the quarterly reports be written.

There was discussion about the formation of a welcome wagon. A welcome wagon would not be part of the agreement, but there was conversation about the possibility of a civic group creating a Zebulon welcome wagon.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Business Retention and Expansion Program Agreement and to include written quarterly reports. There was no discussion and the motion passed unanimously.

C. Parks and Recreation

1. North Arendell Sidewalk – Construction Bid – Ordinance 2021-39

Sheila Long spoke about the construction of sidewalks in front of Zebulon Baptist Church on N. Arendell Avenue to Lee Street and stamped crossing at North Street. Staff presented community engagement and work session feedback.

Public Works bid out the project and Hollins Construction was the lowest bidder. The base bid included sidewalks from Zebulon Baptist Church to Glen Street. The first alternate was included completing the sidewalks from Glen Street to Lee Street and the second alternate was the stamped asphalt for the crosswalk.

The stamped crosswalk included all four corners of the intersection and would be 10' wide.

Chris Ray explained the North Street intersection was in poor condition, so the quote included milling and new asphalt.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-39 with base bid and alternate 1 & 2.

The motion passed with a vote 4 to 1 with Commissioners Clark, York, Moore, and Loucks voting in favor and Commissioner Baxter voting in opposition.

D. Public Works

1. Resolution 2021-03 – Weavers Pond - Phase 7 Roadway and Storm Drainage Acceptance

Chris Ray asked the Board to consider acceptance and maintenance of Weavers Pond Phase 7 roadway and storm drainage.

The remaining build-out of Weavers Pond was explained.

Commissioner Baxter asked to see the total projected costs of street overlays 20 years from now to have an idea of the maintenance costs. Chris Ray stated he would get an estimate of that information.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Resolution 2021-03. There was no discussion and the motion passed unanimously.

E. Governing Board

1. Personnel Policy Revisions

Joe Moore stated the revisions were developed by the Town Attorney.

There was discussion about authority to investigate personnel activities. Eric Vernon stated the Mayor and Town Manager would have authority to conduct investigations if merited and an investigation would not be required for all circumstances.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the Personnel Policy revisions as presented. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Baxter thanked the Fire Department for their hard work and recognized Erica Parsons as WRAL's Tarheel Traveler.

Commissioner York expressed his appreciation for Barhams Restaurant and their years of service to the Town.

MANAGER'S REPORT

A. Special Event Status per COVID-19 Restrictions

Sheila Long spoke about the COVID-19 restrictions and gave details of the fall and winter events for the remaining year.

B. Planning and Development Board Training

Michael Clark stated the Planning Board meeting on September 14, 2020 would be Conditional Zoning/Planned Development and Transportation Impact Analysis training for the Planning Board. The meeting would be recorded and on the Town's YouTube page.

CLOSED SESSION

Mayor Matheny stated that they needed a motion to go into closed session as permitted by NC GS §143-318.11(a)(5) for the purpose of property acquisition and NC GS §143-318.11(a)(6) for the purpose of personnel discussions.

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

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


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Commissioner York made a motion, second by Commissioner Baxter to have closed session personnel minutes for September 1, 2020 archived with Wyrick Robbins Yates & Ponton LLP. There was no discussion and the motion passed unanimously.

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

Adopted this the 5th day of October 2020.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk