

Zebulon Board of Commissioners
Minutes
January 4, 2021

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, Jacqui Boykin-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 Town Attorney, Eric Vernon.

APPROVAL OF AGENDA

Mayor Matheny asked to amend the agenda to add a closed session as permitted by NCGS 143-318.11(a)(3) for the purpose to consult with the Town Attorney; and to move Town Charter Amendment: Clerk Appointment from New Business to the closed session.

Commissioner Baxter asked to move Governor's Crime Commission Grant Application from Consent to Old Business.

Commissioner Baxter made a motion, second by Commissioner Moore to approve the agenda as amended. The motion passed with a vote 4 to 1 with Commissioners Baxter, York, Loucks and Moore voting in favor, and Commissioner Clark voting in opposition.

SCHOOL RECOGNITION

Mayor Matheny recognized student Nia Long and teacher Ella Hunter, both from East Wake High School.

PUBLIC COMMENT PERIOD

No one signed up to speak.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of the December 7, 2020 meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of the December 16, 2020 Work Session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner York to approve the January Financial Report. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-49 – Appropriation of Donations for Shop with a Cop. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve the Wake County Tax Report – October 2020. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Conditional Zoning of 201, 313, and 469 Green Pace Road

Meade Bradshaw explained staff was proposing a conditional zoning map amendment for 201, 313, 469, Green Pace Road from Heavy Commercial District (HC) to Light Industrial Conditional Zoning District (LI-C). This was a legislative case.

The applicant was Thomas Craven and the owner was Site Investments, LLC. The parcel size was approximately 34.3 acres. The aerial map, zoning map, and pictures of the site were shown.

Staff recommended approval of the conditional zoning request with the following conditions:

In accordance with Section 2.2.6 of the Town of Zebulon Unified Development Ordinance and NCGS 160D-703, the following conditions were agreed upon for request CZ 2020-04.

1. Any use allowed as a Permitted Use or Special Use within the Light Industrial district, except for the uses listed below as Not Permitted. Also, among the permitted uses will be any use in the Heavy Commercial district that is listed below. Any Heavy Commercial Use not listed below is not permitted unless it is a Permitted or Special Use within the Light Industrial district.

Light Industrial Uses that are not Permitted:

- Airport and Related Facilities
- Auditorium
- Cemetery, Columbarium or Mausoleum
- College or University
- Coliseum or Arena
- Conference or Convention Center
- Drug/Alcohol Treatment Facility
- Fraternal Club or Lodge
- Helicopter Landing Pad
- Telecommunications Tower, Major
- Utility Major
- Utility Minor
- Bar, Cocktail Lounge or Private Club
- Campground

- Heavy Equipment Sales, Rental, Repair
- Parking Structure
- Pool Hall
- Race Track
- Recreational Vehicle Park
- Truck Stop
- Heavy Manufacturing
- Asphalt or Concrete Plant
- Extractive Industry
- Manufacturing, Heavy
- Recycling Center
- Salvage or Junkyard
- Waste Composting
- Wind Energy Conversion

Heavy Commercial Uses That Are Permitted

- Adult Day Care
- Child Day Care Center
- Community/Youth/Senior Center
- Cultural Facility, Library or Museum
- Post Office
- Religious Institution
- School, Elementary
- School, High/Middle
- Urgent Care Facility
- ABC Store
- Automotive Parts and Accessory Sales
- Bottle Shop (with on premises consumption)
- Clothing Rental
- Event Venue
- Financial Services Establishment
- Flea Market
- Golf Course or Driving Range
- Grocery Store
- Gymnasium/ Fitness Center
- Hair, Nails and Skin Related Care
- Laundry or Cleaning Service
- Office, Sales or Service
- Outdoor Commercial Recreation

- Package and Printing Service
- Pharmacy
- Farmers Market
- Plant Nursery

2. District Dimensional Standards

District Dimensional Standards

Standard	Non-Residential Development
Minimum Residential Density	N/A
Minimum Lot Area (square feet)	30,000
Minimum Lot Width (linear feet)	200
Maximum Lot Coverage (% of lot area)	80
Minimum Street Setback (feet)	30
Minimum Side Setback (feet)	5*
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

*5 foot Minimum Side Yard Setback shall be subject to TRC approval and fire code requirements, but in no case shall the Minimum Side Yard Setback be greater than 10 feet.

3. The constraints of the septic system design and location of suitable soils shall take precedence over setbacks, parking location, building location and other spatial constraints of the UDO. The TRC will work with the applicant regarding the site layout of the building and vehicular areas in relation to the septic system design, and the septic system design shall allow encroachment into the Type D buffer.
4. Minimum parking stem length shall be 25 feet for all parking lots.
5. Due to the variable location of suitable soils for septic tank drain fields, and since sufficient access exists to each proposed lot, the parking lot connections are encouraged where appropriate, but not required.

6. All uses within Green Pace Park shall be exempt from the Commercial Design Standards UDO Article 5.3.1.D., E, and F, however:
 - The primary customer building entrance shall be visually prominent and shall include at least two of the features listed in i through ix.
7. Metal building walls shall be allowed on all facades of all building within Green Pace Park other than facades directly facing Green Pace Road which shall provide that all of the façade directly facing Green Pace Road, exclusive of windows and doors, shall be brick, masonry, stone, stucco or EIFS; however, no EIFS shall be installed within 36” of the ground.
8. Article 5.1.8.C. states that “Parking lot connections are not required when any of the following conditions are present:”
 - 3. “Significant natural features exist in the only viable location for parking lot connections”. The suitable soils for septic disposal are a significant natural feature that warrant an exception of 5.1.8.
 - 5. “Sufficient access already exists without need for additional parking lot connections”. Each of the proposed lots with Green Pace Business Park have at least 200 feet of frontage on Green Pace Road and will apply for individual driveway permitting from NC Department of Transportation. No additional access is necessary. Each of the proposed lots will be under separate individual ownership. Under this ownership model, there is no shared parking and interconnected parking lots are an insurance complication and a security risk.
9. The maximum illumination level at the lot line applicable to Green Pace Park will be 2.5 FC on lots lines interior to the Park, 2.0 FC on the perimeter lot lines of the Park, and 5.0 along the right of way of Green Pace Road.
10. In cases where a Type C or D perimeter buffer is required but the lot line abuts unbuildable land within a riparian buffer, the FHO, a Town designated tree save area , a reforestation area, or other Town designated conservation area where existing vegetation will not be removed, the required perimeter buffer width and amount of required landscaping material may be reduced by 50%, and the existing vegetation that is to be preserved will be credited toward the remaining required planting.
11. For a Type C Semi-Opaque or Type D Opaque Buffer - The provision of a fully opaque fence, wall, or berm; or increasing the planting requirements by an additional 25%, allows the buffer width to be reduced to 20 feet.
12. The perimeter buffers along the northern property line adjacent to the 4.25 acre parcel owned by Yellow Dog Investments, LLC and identified by Wake County

PIN 1796815202 and along the southern property line adjacent to the 3.65 acre parcel owned by the Highs and identified by Wake County PIN 1795793708 shall both be a Type D Opaque Buffer, subject to the modification of buffer width with increased plantings listed above.

13. Crushed stone surfacing material will be allowed in any vehicular area other than the off street parking spaces required by the UDO and the driveway that directly connects to those required spaces. Vehicular areas surfaced with crushed stone material will be screened with a semi opaque fence such as a chain link fence with pvc slats or privacy screening and an evergreen hedge row with a minimum height of 6 feet at the time of planting.
14. No driveway shall access Green Pace Road at a point closer than 200 feet north of the existing northern corner along the right of way of Green Pace Road of the 3.65 acre parcel owned by the Highs and identified by Wake Co PIN 1795793708.
15. The driveway spacing between driveways to Green Pace Road serving these properties shall be a minimum of 200 feet from one another measured from center line of driveway to center line of driveway.

*All other applicable Unified Development Ordinance requirements shall remain as written and the requirements by other agencies will be reviewed and regulated at the time of Technical Review Committee review process.

The Planning Board recommended approval at the December 14, 2020 meeting.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-50. There was no discussion and the motion passed unanimously.

2. Rezoning of 0, 601, 700, 703, 705, and 709 E. Gannon Avenue

Michael Clark explained staff was proposing a rezoning request from Thurston Debnam on behalf of Providence Bank for 601, 703, 705, and 709 E. Gannon Avenue from R-2 Residential to HC Heavy Commercial without conditions. The parcel size was approximately 37.44 acres. The request is due to a technical error where the subject properties were rezoned from the former HB-Heavy Business zoning to R-2 Residential as part of the UDO update. The aerial map, zoning map, and pictures of the property were shown.

Staff recommended approval of the rezoning request.

The Planning Board recommended approval at the December 14, 2020 meeting.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-51. There was no discussion and the motion passed unanimously.

3. Transportation Plan Amendment: Innovation Way Connector

Michael Clark explained staff was proposing an amendment to the current Transportation Plan to include a two-lane median divided connector between E. Gannon Avenue and the eastern end of Innovation Way. An aerial map of the proposed connector was shown. Staff explained the connection would reduce the already occurring traffic volume and congestion. The proposed roadway cross section would be a two-lane median divided road.

Staff recommended approval of the transportation plan amendment.

The Planning Board recommended approval at the December 14, 2020 meeting.

Commissioner York made a motion, second by Commissioner Baxter to approve the Transportation Plan Amendment: Innovation Way Connector. There was no discussion and the motion passed unanimously.

B. Police

1. Governor's Crime Commissioner Grant Application

Commissioner Baxter inquired why staff was bringing this grant before the Board as opposed to being pursued independently.

Jacqui Boykin explained Power DMS would require funding when the grant project ended. The grant funds did not require a match at this time. At the fourth year, the Police Department would become responsible for the maintenance cost of the software package. The cost for the software maintenance would be approximately \$5,000 to \$6,000 and would increase approximately 3% each year. The uses and benefits of the software were explained.

Commissioner Baxter made a motion, second by Commissioner York to approve the Governor's Crime Commission Grant Application. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Public Works

1. Acceptance of Barrington's Phase I Roadway and Storm Drainage Infrastructure

Chris Ray asked the Board to consider acceptance of roadway and storm drain infrastructure within Barrington Subdivision Phase 1 for ownership and maintenance. Staff explained the infrastructure was installed per the approval of Special Use Permit 2017-01 and complied with the latest version of the Town of Zebulon street and storm drainage standards and specifications. Staff recommended approval of Resolution 2021-04.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2021-04. There was no discussion and the motion passed unanimously.

2. Weaver's Pond Phase 8 Roadway and Storm Drainage Infrastructure Acceptance

Chris Ray asked the Board to consider acceptance of roadway and storm rain infrastructure within Weaver's Pond Phase 8 for ownership and maintenance per the executed Special Use Agreement. The infrastructure was installed per approved Special Use Permit 2013-03 and complied with latest

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version of the Town of Zebulon street and storm drainage standards and specifications. Staff recommended approval of Resolution 2021-05.

Commissioner York made a motion, second by Commissioner Loucks to approve Resolution 2021-05. There was no discussion and the motion passed unanimously.

3. NCDOT Traffic Signal Agreement – Old Bunn and Shepard School Road Intersection
Chris Ray asked the Board to consider a Traffic Review and Inspection Agreement with NCDOT. The Town was responsible for funding the design, design review, easement acquisition, construction, and inspection of this project through Transportation Impact Fees. NCDOT would be responsible for the annual utility and maintenance costs.

Staff recommended approval of the NCDOT Traffic Signal Agreement – Old Bunn and Shepard School Road Intersection.

Commissioner Baxter asked who was responsible for replacement after the useful life of the traffic signal. Staff explained NCDOT would be responsible for replacement of the signal.

Commissioner Baxter made a motion, second by Commissioner York to approve of the NCDOT Traffic Signal Agreement – Old Bunn and Shepard School Road Intersection. There was no discussion and the motion passed unanimously.

B. Administration

1. Human Resource Office Budget Amendment

Joe Moore explained at the December 16, 2020 meeting the Board directed the Town Manager to make improvements to update and furnish a new office for Human Resources.

Commissioner Baxter asked about the damage to the windows, repairs needed and the costs for repair. Joe Moore explained the windows and seal had water damage. The cost to repair the windows, window seals and walls was included within the painting costs.

Commissioner Loucks made a motion, second by Commissioner Moore to approve Ordinance 2021-52. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Clark wished everyone a Happy New Year.

Commissioner Baxter encouraged everyone to use wise safety and social distancing practices and thanked those working on the front lines.

Commissioner York wished everyone a prosperous and safe New Year.

MANAGER’S REPORT

1. NC Main Street Program Kick-off

Joe Moore provided schedule updates. January 6 was the kick-off to the Town’s NC Main Street Program.

2. Joint Public Hearing January 11

- a. Rezoning “clean-up”
- b. Commercial Building Maintenance Code

Joe Moore gave some detail about the upcoming Joint Public Hearing.

3. Work Session January 20 at Wendell Falls Fire Station

- a. Design Process
- b. Citizens’ Engagement Process

Joe Moore spoke about the upcoming work session on January 20 at the Wendell Falls Fire Station and the items to be presented to the Board.

Mayor Matheny stated the Board needed a motion to go into closed session as permitted by NCGS 143-318.11(a)(3) for the purpose to consult with the Town Attorney.

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

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

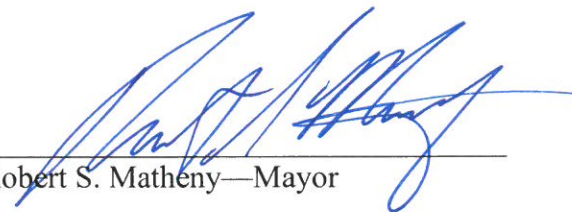
Commissioner York made a motion, second by Commissioner Moore to adopt the Town Charter Amendment for the Town Clerk to work for the Board of Commissioners. The motion passed with a vote 4 to 1 with Commissioners Baxter, York, Loucks and Moore voting in favor, and Commissioner Clark voting in opposition.

Commissioner Baxter made a motion, second by Commissioner York to have closed session minutes for December 16, 2020 archived with Wyrick Robbins Yates & Ponton LLP. There was no discussion and the motion passed unanimously.

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

Adopted this the 1st day of February 2021.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk