

Zebulon Board of Commissioners
Minutes
April 12, 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, Meade Bradshaw-Planning, Sam Slater-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Loucks.

APPROVAL OF AGENDA

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

SCHOOL RECOGNITION

Mayor Matheny recognized student Elijah Easley and teacher Tyra Keitt, both from Zebulon Middle School.

PROCLAMATION

Mayor Matheny read the proclamation for April – School Library Month.

Commissioner Baxter made a motion, second by Commissioner Loucks to adopt the Proclamation for April – School Library Month. There was no discussion and the motion passed unanimously.

PUBLIC COMMENT PERIOD

No comments were submitted.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 1, 2021 meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 1, 2021 closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 8, 2021 Joint Public Hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 22, 2021 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the March 22, 2021 closed session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Moore to approve the Wake County Tax Report – January 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the financial report as of March 29, 2021. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-56 – Appropriation of Green Pace Rd Property Sale. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-57 – Appropriation of Insurance Proceeds. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-58 – Appropriation of United Healthcare Wellness Grant Proceeds. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Interlocal Agreement Contract with Wake County for Building Services. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Ordinance 2021-60 – TA 2021-01 – Building Maintenance Regulations

Michael Clark explained this was a staff initiated request to amend Chapter 95 of the Zebulon Code of Ordinances. This amendment would establish regulations regarding the conditions and appearance of non-residential buildings within the DTP (Downtown Periphery) and DTC (Downtown Core) districts.

The proposed text amendments were in response to deteriorating conditions of buildings within the Downtown Zoning District and the number of vacant buildings that work against the Town's effort to have a vibrant downtown. The proposed regulations required vacant building exteriors be maintained to address safety and aesthetic concerns as well as eliminate the appearance of vacancy. The text amendment would create vibrancy outlined in the Town's 2030 Strategic Plan.

The Planning Board unanimously recommended approval at their March 8, 2021 meeting and staff recommended approval of Ordinance 2021-60.

Commissioner Baxter inquired about boarded storefronts. It was explained that building owners would work with staff to make sure the displays were appropriate and had a suitable timeline to

remove any boarded storefronts. If a building was under construction, the building owner would submit a site specific plan to staff.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-60. There was no discussion and the motion passed unanimously.

2. Ordinance 2021-61 – RZ 2020-02 – 1513 N. Arendell Avenue

Michael Clark explained this was a staff initiated rezoning request to amend the official zoning map from Heavy Industrial (HI) to Heavy Commercial (HC) for the property at 1513 N. Arendell Avenue. The parcel size was approximately 1.32 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The subject parcel was zoned HB-Heavy Business under the previous zoning code, however due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject property was designated as LI-Light Industrial in error. The site was currently occupied by Bojangles and under the LI-Light Industrial, it was an existing, nonconforming use. The rezoning to HC would bring the use into conformity with the UDO.

The Planning Board unanimously recommended approval at their March 8, 2021 meeting and staff recommended approval of Ordinance 2021-61.

Commissioner York made a motion, second by Commissioner Baxter to approve Ordinance 2021-61. There was no discussion and the motion passed unanimously.

3. Ordinance 2021-62 – RZ 2020-03 – 49 Green Pace Road

Michael Clark explained this was a staff initiated request to amend the official zoning map from Light Industrial (LI) to Heavy Commercial (HC) for a section of the property at 49 Green Pace Rd. that fronts on N. Arendell. The parcel size was approximately 1.31 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The property was zoned HB-Heavy Business under the previous zoning code until January 1, 2020. Due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the property was designated as LI Light Industrial in error. The site was currently vacant but was part of a larger tract owned and operated by BB&T.

Staff recommended approval of Ordinance 2021-62.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-62. There was no discussion and the motion passed unanimously.

4. Ordinance 2021-63 – RZ 2020-04 – 213 Moss Road

Michael Clark explained this was a staff initiated rezoning request to amend the official zoning map from Residential (R-2) to Heavy Commercial (HC) for the property at 213 Moss Road. The parcel size was approximately 1.27 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

The property at 213 Moss Road was rezoned from R2-Residential to HB-Business in 2012 and remained in that classification as part of the previous zoning code. Due to a file corruption with the GIS file used for the rezoning as part of the Unified Development Ordinance, the subject area was designated as R2- Residential in error. The site was currently occupied by a commercial use and owned by Wilbur and Theresa Pulley.

The Planning Board voted 3 to 1 at their March 8, 2021 meeting to rezone the property as NC - Neighborhood Commercial finding it would be more appropriate for the context and geographical location of the particular site and finding it was consistent with Section 2.2.2.4(J).

The property owner's activity at the site would not be in compliance with the NC – Neighborhood Commercial classification, therefore staff recommended approval of Ordinance 2021-63 to rezone the property to HC – Heavy Commercial.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-63. There was no discussion and the motion passed unanimously.

5. Ordinance 2021-64 – CZ 2020-06 – Zebulon Outdoor Storage

Meade Bradshaw explained this was a request by John Olgesby, representing the property owner - Tommy Perry, for a Conditional Zoning from Heavy Industrial (HI) to Heavy Industrial-Conditional (HI-C) for the property located at 1817 Old US 264 Hwy.

The parcel size was approximately 15.28 acres. The vicinity map, aerial map, zoning map and pictures of the parcel were shown.

On March 8, 2021 the Planning Board unanimously recommend denial of CZ 2020-06 finding the proposal was not consistent with Standards four and two.

The Unified Development Ordinance Section 2.2.6.K provides the following standards in which the Board was to base a decision:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objective, 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 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.

After the meeting, staff met with the applicant and worked on ways the site could conform to meet Standards four and two. The applicant amended the conditions to their conditional zoning request.

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 2020-06.

1. There shall be a maximum of 80% site coverage with washed stone surfacing.

- a. Top layer of crushed stone surfacing will be No. 5 washed stone to prevent dust.
 - b. All stone vehicular areas shall be properly maintained, including vegetation control, smoothing, scraping and top dressing at regular intervals.
 - c. The attached Exhibit, prepared by CSD Engineering, for typical cross sections governing the proposed paved area and crushed stone. Deviations from this cross section may be approved by Town Staff if recommended by a Geotechnical Engineering Firm, engaged by the property owner, following evaluation of the soils on the site, determination of compaction requirements and recommendations of the appropriate thickness of ABC Stone. In either event, the final site work design and calculations for gravel and pavement shall be submitted for review and approval by Town Staff prior to installation.
2. The site shall be designed to a storm water management standard that would recognize crushed stone surface areas as being fully impermeable. No parking and/or vehicle storage shall occur on grass areas.
 3. The entrance apron and approximately 300 feet of access road shall consist of concrete or asphalt following analysis of the soils on site and recommendation of a Geotechnical Engineering Firm engaged by the property owner, reviewed and approved by Town Staff prior to installation.
 4. There shall be an evergreen hedge 6 feet in height with plants spaced 8 feet on center between the access roadway and security fence for additional screening of parking/storage areas.
 5. There shall be a 40 foot wide Type D opaque buffer between the security fence and the Old US 264 Highway right of way. The buffer shall consist of an undisturbed 20 foot area and a 20 foot area planted with new vegetation including a 6 foot high evergreen hedge with plants spaced 8 feet on center. (Note: the 20 ft. undisturbed area along the Old 264 right of way lies slightly behind power lines running across the front of property, thus new plantings, if any, will be limited.)
 6. A 30 ft. vegetative buffer shall be installed and maintained between the US 264 Highway controlled access right of way and the subject property's security fence. This buffer will consist of 20 feet in width of existing vegetation/ trees which will be left undisturbed and an additional 10 foot contiguous area to be planted with 2-3 foot tall Type D plantings (8 feet on center forming an evergreen hedge). **Note:** To clarify, the buffer referenced in Condition #6 will be 80 feet, consisting of the 50 feet of existing trees/vegetation within the Highway 264 right-of-way, 20 feet of existing trees/vegetation within the subject property (which shall remain undisturbed) and 10 feet within the subject property to be enhanced by the planting of 2-3 foot tall shrubs on eight foot centers.
 7. There shall be a total of 20 ft. Type C Semi opaque buffer, as illustrated on the site plan submitted as part of the Conditional Zoning application, between the adjoining property identified as Wake County PIN 2715737661 and the security fence starting at the gate.

8. Approximately 400 feet of 6 ft. wide concrete sidewalk shall be provided adjacent to Old US 264 Highway approximately 1 ft. inside the existing right of way either through construction by the property owner concurrent with development, or via payment of a fee in lieu in an amount agreed upon by the property owner's engineer and Town Staff.
9. The applicant shall apply to annex the subject property into the Town of Zebulon within 30 days of final approval of this conditional rezoning.
10. Signs shall not exceed five feet in height until or unless approved as part of a site plan for an alternate use meeting Zebulon specifications in the HI zoning district.
11. Lighting shall be designed by Duke/Progress Energy engineers to meet Zebulon's lighting requirements in the HI zoning district.
12. The use shall be limited to outdoor parking/storage as illustrated on the site plan submitted as part of the Conditional Zoning application until and unless a revised site plan for outdoor storage is reviewed and approved, or until a new site plan for an alternative use permitted in the Zebulon HI zoning district is reviewed and approved by Town staff.
13. The design weights for both parking/storage areas and the access drive shall be the maximum highway loads allowed by NCDOT on area highways. Use of the site for vehicle parking/storage will be by contract only the terms of which will specify that weights exceeding NCDOT allowances are prohibited.

*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.

Commissioner Baxter inquired about the impermeable layer of the crushed stone and stone in the geogrid. Meade Bradshaw explained the stone layers would be built to meet stormwater control measures as stated in condition two.

Commissioner Baxter expressed concerns about herbicides reaching into the ground and water systems.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-64. There was no discussion and the motion passed unanimously.

B. Administration

1. Utility Merger Agreement – Second Amendment

Joe Moore gave an outline of the merger history. Staff explained the Town could sell back water and sewer capacity, transfer cash from developer impact fees, and receive credit for projects that were not going to be completed.

Graphs showing the current purchased water and sewer capacity vs. the actual and forecasted capacity were shown. A map showing the growth opportunities and capacity availability were also

shown. It was explained the Town had enough water capacity now to serve the population of Wake Forest and the water allocation would continue to grow each year.

There was detailed discussion about future water and sewer capacity and how the Town would know when we reached capacity. The merger close-out options were discussed.

Commissioner Clark made a motion, second by Commissioner York to approve the Utility Merger Agreement – Second Amendment. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Planning

1. TA 2021-02 –160D

Michael Clark Michael Clark explained 160D would amend Chapters 95, 151, and 153 of the Zebulon Code of Ordinances and the Zebulon UDO to conform to NCGS 160D. The new state law enabled legislation for land use regulations and combined sections of 153A for counties and 160D for cities into a single document. The law became effective on June 19, 2020 and all amendments had to be adopted by July 1, 2021.

The changes from 160D were explained which included minor regulation changes, clarification on intent, consistency statements for approvals, quasi-judicial processes, internal staff processes and emphasis on land use plans.

The Joint Public Hearing was scheduled for April 19, 2021.

Commissioner Baxter asked for clarification of the difference between parties with standing and any party in attendance that was in Section 3.3.3.7.C (2) Quasi-judicial public hearings. Parties with standing was someone who had direct interest in the outcome of the request such as an applicant or next-door neighbor who had pertinent information.

There was a question if a homeowner altered the structure of their home were they considered a developer. In accordance with 160D the homeowner would be considered a developer if they made any repairs or renovations to their home.

There was clarification from the Town Attorney about conflicts of interest for a rezoning matter under Section 10.3.2.

B. Community and Economic Development

1. Ordinance 2021-59 – FY 2021 CIP Budget Transfer Request

Sheila Long stated this was a request for a budget transfer from the Alley Connectivity project to the Alley Activation project. NCDOT had concerns about the proximity of the mid-block crosswalk to the existing stop lights and staff was working with NCDOT to resolve those issues. The Alley Activation project included installation of electrical infrastructure, installation of a handicap ramp, removal of asphalt and installation of concrete and brick accents to match the alley work across the street.

Staff estimated the cost for the Alley Activation to be approximately \$27,000.

Commissioner Clark made a motion, second by Commissioner Moore approve Ordinance 2021-59.

Commissioner Baxter asked where any additional funds would go. Sheila Long explained there may be some unknown expenses when removing asphalt which the funds would cover. Any remaining funds would either stay in the budget line item or return to the general fund at the end of the budget year.

There was no further discussion and the motion passed unanimously.

C. Finance

1. Auditor Recommendation

Bobby Fitts asked the Board to consider proposals to conduct the Town's required annual financial audit. A Request for Proposals was sent out on February 19, 2021 and the Town received seven proposals:

- Joyce & Company, CPA
- S. Preston Douglas & Associates, LLP
- Sharpe Patel CPA
- Mauldin & Jenkins, LLC
- Martin Starnes & Associates, CPA
- Cherry Bekaert
- Winston, Williams, Creech, Evans and Co, LLP

The costs of the seven proposals ranged from \$19,156 to \$42,000 with the average being \$30,272.

Staff recommended Mauldin & Jenkins, LLC as the auditors for a three-year contract beginning with the fiscal year ending June 30, 2021.

Commissioner Baxter inquired about the scoring system. Staff explained the categories and scores.

Commissioner Clark made a motion, second by Commissioner York to appoint Mauldin & Jenkins, LLC as the auditors for a three-year contract beginning with the fiscal year ending June 30, 2021.

Commissioner Loucks asked if the price was locked in for three years. Bobby Fitts explained there was a small escalation for each year. If there was more than one audit performed there would be an additional \$2,500 charge.

There was no further discussion and the motion passed unanimously.

D. Administration

1. Board Appointments

Stacie Paratore explained there was one in-Town vacancy on the Planning Board with a term expiring on June 30, 2024.

Three people had submitted an application for the position:

- Joshua Robinson
- Arika Shelist
- Mark Cronk

Joshua Robinson spoke to the Board about his qualifications. Arika Shelist was not present and did not submit comments. Stacie Paratore read comments submitted by Mark Cronk.

Commissioner York made a motion, second by Commissioner Clark to appoint Joshua Robinson to the Planning Board as an in-Town member with a term expiring on June 30, 2024. There was no discussion and the motion passed unanimously.

E. Public Works

1. Resolution 2021-07 – Weavers Pond – Phase 6 Infrastructure Acceptance

Chris Ray asked the Board to consider acceptance of roadway and storm-drain infrastructure within Weavers Pond Phase 6 for ownership and maintenance.

Staff recommended approval of Resolution 2021-07.

Chris Ray stated the Resolution had an error. The storm drainage was 598 LF, not 3,770 LF.

Staff stated the one-year warranty began as soon as the Resolution was approved. The final overlay was estimated to be completed within the next six to nine months.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Resolution 2021-07 with the 598 LF correction. There was no discussion and the motion passed unanimously.

MANAGER'S REPORT

A. Joe Moore gave some detail about the upcoming Joint Public Hearing scheduled for April 19, 2021. The meeting would include 160D.

B. Joe Moore gave some detail about the upcoming work session scheduled for April 21, 2021 at 6:00pm. The meeting would include the Comprehensive Plan: Land Use, Comprehensive Plan: Transportation and the FY '22 Budget preview.

It was clarified the Budget Work Session #2 was scheduled for Wednesday, May 19, 2021.

Joe Moore explained the National Register Advisory Committee tabled the Zebulon Historic District. Staff was working on ways to get public information and public engagement for the Zebulon Historic District.

Bobby Fitts clarified about auditor Mauldin & Jenkins, LLC's yearly price increase. The first year was \$25,000, second year was \$26,000 and third year was \$27,000.

Board of Commissioners
Minutes
April 12, 2021

Bobby Fitts gave the following budget transfers:

Finance:

Moved \$3,000 from Group Insurance to Materials & Supplies

Fire:

Moved \$5,000 from Defibrillators - \$2,000 to Contract Services and \$3,000 to Salaries (Overtime)

Special Appropriations/Community Development:

Moved \$2,500 from Streetscape Match to Façade Improvement Grants

BOARD COMMENTS

Commissioner York recognized Debnam Hardware for their years of service to the community and commended Planning staff for their work on creating the Planning dashboard on the Town's website.

Commissioner Baxter stated the Police Department was raising funds for the Special Olympics by selling t-shirts and beach towels, there were splintered poles in Town and for people to be aware if there was bad weather before the poles were repaired and asked the Board to take into consideration how they want the downtown to be shaped.

Commissioner Clark stated the downtown flowerpots looked very nice.

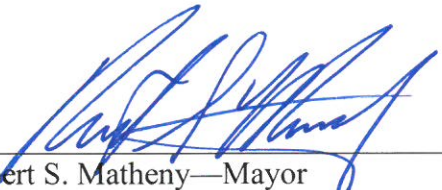
Commissioner Moore liked seeing the Police walking around Town and made her feel safe.

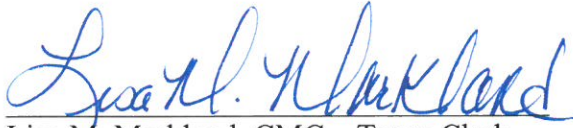
Commissioner Loucks stated the Blue Star Memorial looked very nice.

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

Adopted this the 3rd day of May 2021.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk