

**Zebulon Board of Commissioners**  
**Minutes**  
**October 4, 2021**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Larry Loucks, Shannon Baxter, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Amy Hayden-Parks and Recreation Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-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 Loucks.

**APPROVAL OF AGENDA**

Commissioner Loucks asked to amend the agenda to move Ordinance 2022-3A – Amended Fire Station Capital Project to Old Business.

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

**SCHOOL RECOGNITION**

Mayor Matheny recognized student Jy’Seir Barnes and teacher Sarah Street, both from Zebulon Elementary School.

**PROCLAMATION**

Mayor Matheny read the proclamation for October – Community Planning Month.

Commissioner Loucks made a motion, second by Commissioner Baxter to adopt the Proclamation for October as Community Planning Month. There was no discussion and the motion passed unanimously.

**PUBLIC COMMENT PERIOD**

No one signed up to speak.

**PUBLIC HEARING**

*A. Annexations*

1. 469 Green Pace Road

Meade Bradshaw stated the annexation request was for approximately two acres located at 469 Green Pace Road. The property was rezoned to Light Industrial - Conditional in January 2021. Annexation is a condition of water service provided by the City of Raleigh. The conditional zoning approval for the site allows the structures to be connected to an on-site septic system instead of municipal sewer.

Board of Commissioners  
Minutes  
October 4, 2021

The aerial map, zoning map and photos of the property were shown. The Town would collect \$1,197.90 in taxes, if the property was annexed.

Mayor Matheny asked if the Board had questions. There were none.

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

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

Mayor Matheny closed the public hearing.

2. 1817 Old US 264 Hwy

Meade Bradshaw stated the annexation request was for approximately 16.18 acres located at 1817 Old US 264 Highway. The property was rezoned to Light Industrial - Conditional in April 2021 and was currently in review for the construction of an outdoor storage yard. The proposed use would not connect to the municipal water and sewer infrastructure and one of the approved conditions was to annex the property.

The aerial map, zoning map and photos of the property were shown. The Town would collect \$3,729.30 in taxes, if the property was annexed

Mayor Matheny asked if the Board had questions. There were none.

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

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

Mayor Matheny closed the public hearing.

**CONSENT**

*A. Minutes*

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the September 13, 2021 regular meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the September 22, 2021 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 Wake County tax report – July 2021. There was no discussion and the motion passed unanimously.

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

**OLD BUSINESS**

*A. Planning*

1. Ordinance 2022-13 (TA-2022-01-A) Downtown Building Design

Michael Clark explained the amendment were to Section 3.5.3 of the Unified Development Ordinance to require staff review of exterior modifications and alterations of buildings in the Downton Core (DTC) district. The regulations would ensure modifications kept with the character of the Downtown Core District.

The Planning Board voted unanimously at their September 27, 2021 meeting to recommend approval.

Commissioner Baxter asked about the color palette for the buildings. The colors would be based on the character and context of the surrounding buildings.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2022-13 Downtown Building Design. There was no discussion and the motion passed unanimously.

2. Ordinance 2022-14 (TA-2022-01-B) New Uses

Michael Clark explained the amendment were to Sections 4.2.3 4.3.5. and 9.4 of the Unified Development Ordinance to authorize and regulate art galleries and artisan studios as independent uses. Examples of art galleries and studios from other cities were shown.

Commissioner Baxter inquired about the measures required to reduce noise and odor impacts. Staff would ensure adequate insulation and ventilators were used. There were also building codes for certain uses that would ensure chemicals were used and stored according to code.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2022-14 New Uses. There was no discussion and the motion passed unanimously.

3. Ordinance 2022-15 (TA-2022-01-C) New Use Regulations

Michael Clark explained the amendments were to Sections 4.2.3, 4.3.5, and 9.4 of the Unified Development Ordinance to authorize and regulate pawn shops and vape, tobacco, and CBD shops. The amendments were in response to concerns regarding concentrations of certain uses downtown. The proposed two new use classifications would be a pawn shop and another for vape, tobacco, and CBD shops.

Staff recommended a 300ft radius around each use to separate them from each other as well as churches and preschools. The Planning Board unanimously recommended a modification to increase the radius to 1,000ft at their September 20, 2021 meeting. Staff showed a map with the 1,000ft radius which would prevent any of the uses from locating downtown. The existing uses would be grandfathered in but could not expand and would prohibit new shops from moving to downtown.

It was stated the approximate length of a downtown block was 300ft-400ft.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2022-15 New Use Regulations with a radius of 500ft.

Commissioner York asked what the difference would be between 500ft and 300ft radius. Michael Clark showed the radius differences on the map.

There was no further discussion and the motion passed unanimously.

4. Ordinance 2022-16 (TA-2022-01-D) Auto-Oriented Design Regulations

Michael Clark explained the amendments were to Sections 4.3.5, 4.4.7, and 5.3.1 of the Unified Development Ordinance to establish design regulations for vehicle dominate uses. Design examples of what was currently allowed and what would be allowed under the proposed text amendment were shown. The proposed regulations allowed for mixed-use designs and included auto repair facilities, oil change businesses and drive-thru establishments.

The Planning Board unanimously recommended approval at their September 20, 2021 meeting.

Commissioner York made a motion, second by Commissioner Baxter to approve Ordinance 2022-16 Auto-Oriented Design Regulations. There was no discussion and the motion passed unanimously.

5. Ordinance 2022-17, Ordinance 2022-18, Ordinance 2022-19 and Ordinance 2022-20 (TA-2022-01-E) UDO Corrections

Michael Clark explained the amendments were to Sections 3.4.5, 3.4.6, and 3.4.7 to correct minimum setback distance in Industrial Districts; Section 4.2.3 to clarify residential uses in DTC Zoning District; Section 4.3.5.G to clarify vehicle location standards; Section 5.3.1 to correct design exemptions, Section 5.1.4 to correct lot access; Section 5.3.1 to correct applicability of design standards; Section 5.3.2 to correct design standards; Section 5.3.3 to correct design standards; Table 5.8.4.H and Section 5.8.7 regarding guest parking; and Section 9.4 to correct definitions of “Best Management Practices” and “Major Variance (Watershed)”.

The Planning Board unanimously recommended approval at their September 20, 2021 meeting.

Commissioner Baxter inquired about Section 4.3.5.G vehicle location standards and how it would impact J&M dealership parking vehicles in front of their business. Staff stated if the site was scraped and did a full reconstruction, they would be required to bring the parking closer to the road, but existing uses and activities were protected under the UDO.

Staff clarified that Section 5.3.1 design standards were for all zoning districts. Businesses could go before the Board of Commissioners and Planning Board to request deviations from design standards through conditional zoning approval.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2022-17, Ordinance 2022-18, Ordinance 2022-19 and Ordinance 2022-20 UDO Corrections. There was no discussion and the motion passed unanimously.

6. Budget Amendments

a. Ordinance 2022-03A – Amended Fire Station Capital Project

Commissioner Loucks asked that the fire station design funds not be spent without the Board’s approval.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Ordinance 2022-03A with the amendment for fire station design funds to not be spent without the Board’s approval. There was no discussion and the motion passed unanimously.

**NEW BUSINESS**

A. Planning

1. Ordinance 2022-21 - Annexation Request – 469 Green Pace Road

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2022-21. There was no discussion and the motion passed unanimously.

2. Ordinance 2022-22 - Annexation Request – 1817 Old US 264 Highway

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2022-22. There was no discussion and the motion passed unanimously.

**BOARD COMMENTS**

Commissioner Loucks encouraged citizens to get their COVID vaccine.

Commissioner Clark stated the Miss Zebulon pageant was October 10, 2021.

Commissioner Baxter stated youth basketball registration ended on October 8, the Candidates form was scheduled for October 12 at 7:00pm, congratulated Daniel Baxley on his promotion to crew leader and encouraged everyone to attend the Artspllosure event in downtown Raleigh.

Commissioner York stated October was Breast Cancer Awareness month and urged early detection screening and education.

**MANAGER’S REPORT**

Joe Moore stated the next work session was scheduled for Thursday, October 21, 2021 at 6:00pm and gave a preview of the meeting topics.

**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

Board of Commissioners  
Minutes  
October 4, 2021

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 York to go into closed session. There was no discussion and the motion passed unanimously.

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

Commissioner Loucks made a motion, second by Commissioner York to adopt Ordinance 2022-23. There was no discussion and the motion passed unanimously.


Commissioner Loucks made a motion, second by Commissioner York to adopt Ordinance 2022-24. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to adopt Ordinance 2022-25. There was no discussion and the motion passed unanimously.

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

Adopted this the 1<sup>st</sup> day of November 2021.



  
Robert S. Matheny—Mayor

  
Lisa M. Markland, CMC—Town Clerk