

Zebulon Board of Commissioners
Minutes
February 4, 2013

Present: Robert S. Matheny-Mayor, Curtis Strickland, Roy Collins, Beverly Clark, Don Bumgarner, Dale Beck, Roy Collins, Rick Hardin-Town Manager, Lisa Markland-Town Clerk, Greg Johnson-Parks & Recreation, Bobby Fitts-Finance, Mark Hetrick-Planning, Tim Hayworth-Police, Chris Ray-Public Works, Sidney Perry-Fire, Eric Vernon-Attorney

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

APPROVAL OF AGENDA

Mayor Matheny stated that the agenda had been amended to add a presentation after the public comment period.

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

PUBLIC COMMENT PERIOD

Ramona Davis with the Beautification Committee to show their support of the Overlay Committee and the presentation that they would be making later in the meeting.

PRESENTATION

Mayor Matheny stated that the Board wanted to make a presentation to Fire Chief Sidney Perry as it related to his upcoming retirement. Sidney Perry came forward and Mayor Matheny read a proclamation prepared by staff.

CONSENT

A. Minutes

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve the minutes of the December 10, 2012 Joint Public Hearing. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve the minutes of the December 19, 2012 work session. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve the minutes for January 7, 2013. There was no discussion and the motion passed unanimously.

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Commissioner Beck made a motion, second by Commissioner Bumgarner to approve the minutes of the January 24, 2013 work session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve the tax report for November 2012. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve ordinance 2013-35. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. General

Downtown Overlay Committee Recommendation

Bo Dobrzanski reviewed the process of the committee and introduced Mike Weeks, chairman, of the committee to come forward and present their recommendations.

They touched on the downtown appearance, what an overlay district could and could not do, defined where the overlay district should be and the approximate 14 vacant buildings downtown to name a few. The two goals that the committee focused on were improving the appearance of downtown and promoting commerce downtown by encouraging investment in downtown buildings.

Mike Weeks made recommendations on the changes that needed to be made to achieve the goals that the committee and staff thought were most important.

Mayor Matheny thanked the committee members for their time and help in coming to the conclusion and recommendations presented. He continued by saying that he thought that the best thing to do would be to accept their recommendations and take them to a work session for discussion and evaluation. The committee was kept in place to be able to answer questions that the Board may have as discussions progressed.

Commissioner Strickland asked if Mike Weeks knew how many buildings were for sale downtown. Mike Weeks stated that he did not have that information.

Ordinance 2013-38—Amendment to the Cemetery Ordinance

Bobby Fitts presented the changes that were recommended by the Board at the last meeting and asked for the Board's approval of those recommendations.

Mayor Matheny asked if the owner did not repair the problems within the six months given what would be the options for enforcement. Eric Vernon said that the Town had the authority after due process and notice the Town would have the authority to do what was necessary. Mayor Matheny asked did that need to be in the ordinance to have the authority to do it and Eric Vernon stated yes that was correct.

Lisa Markland stated that there was a penalty section in the ordinance that said they would be fined \$50 per day until the problem was taken care of. Eric Vernon said that it should include an opportunity to take care of it and then assess the property owner for the work. The property owner should be noticed, to be heard, the opportunity to fix the problem themselves and then the Town should be able to take the action needed and bill the property owner.

Commissioner Bumgarner made a motion, second by Commissioner Clark to table the ordinance and have the changes made to incorporate that information and bring it back to the Board. There was no discussion and the motion passed unanimously.

B. Planning

SU 2013-03—Amendment to Special Use Permit for Weaver’s Pond Conservation Subdivision

Mark Hetrick presented the request to amend the special use permit for the subdivision by the developer. Mark reviewed the proposed amendments proposed by the Planning Board and staff.

The recommended conditions from the Planning Board and staff were as follows:

1. Site plan review by the Zebulon Technical Review Committee.
2. All owners of developable lots shall immediately become members of a Homeowner’s Association whose responsibilities will include maintenance of all open space and improvements built therein.
3. Homeowners Association would be in place to enforce and abate violations of restrictive covenants to include the abatement of nuisances as defined by the Town of Zebulon Code of Ordinances to include grass, trash, debris and rubbish and the removal of junked, abandoned, or nuisance automobiles.
4. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.
5. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps. of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.
6. No portion of any developable lot shall contain wetlands, riparian buffers, floodplain or floodway.
7. Greenways are required to be established, built and maintained in accordance with Zebulon’s Open Space and Greenways Master Plan. A greenway master plan for Weavers Pond Community must be submitted with each plat for approval by TRC.
8. Development must comply with Appendix D of the 2000 International Fire Code.
9. An active recreation area including, at a minimum, a competition size pool, swim pavilion (bathhouse), tot lot (with playground equipment), half-court basketball court, regulation sand/beach volleyball court and parking lot will be constructed by July 1, 2013. The playground equipment will serve ages 2-5 years and 5-12 years as well as include trashcans, benches and pet waste stations sized to sufficiently serve phases I & II.
10. Landscaping shall be installed in the open space along Pippin Road.
11. An entry monument installed on Pippin Road of brick, stone or masonry material that includes identification sign not to exceed 32 square feet.
12. Install improvements required on NC 96 and Pippin Road frontages as per NCDOT requirements.

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13. Installation and dedication of public right-of-ways as shown on the Weaver's Pond Community Overall Master Plan dated November 12, 2012 to be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
14. Provide four-foot wide sidewalks along both sides of Pippin Road. If the sidewalk is outside of the NCDOT right-of-way, then the sidewalk installation should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications and a dedicated sidewalk easement will be required.
15. Phase 3 and subsequent phases of development will provide sidewalks in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. Sidewalks in current phases will be provided on both sides of street except along Lacewing Drive (west side only 4-feet in width to Whispernut Lane and 5-feet in width north of Whispernut Lane), Vineyard Ridge Drive (south side only 5-feet in width), Cattail Pond Drive (west side only 5-feet in width), and Tulip Spring Drive (west side only 5- feet in width). All improvements should be completed prior to final plat approval of the last phase of the development.
16. Setbacks along Pippin Road a minimum of 50 feet from a lot line and 100 feet from any foundation (house or accessory structure) in areas that have a berm. Any area along Pippin Road that doesn't have a berm shall be provided with a one hundred foot setback to the lot line.
17. Installation of at least a ten (10') foot wide landscaped strip along both sides of Pippin Road.
18. Installation of decorative street signs and streetlights within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
19. All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
20. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
21. Installation of uniform mailboxes throughout the subdivision similar to like style and construction of Phases 1 and 2.
22. All driveways shall be able to accommodate at least two vehicles outside of the public right of way and should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
23. All homes within the subdivision will be required to have a garage.
24. Developer is responsible for the installation of an eight-inch sewer gravity line from the subdivision to the Taryn Meadows lift station. Once a contractual agreement between the City of Raleigh and the Town of Zebulon is reached on the Beaverdam Creek Sewer Outfall project, the eight-inch sewer gravity line extension from the subdivision to the Taryn Meadows lift station will no longer be required.
25. At such time as it is necessary to increase the capacity of the Taryn Meadows (Zebulon Pump Station #5) lift station so that adequate sewer service is not interrupted to this subdivision, the developer will install the necessary upgrades at the Taryn Meadows lift station site as well as any additional required force main. Once a contractual agreement between the City of Raleigh and

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the Town of Zebulon is reached on the Beaverdam Creek Sewer Outfall project, the installation of the necessary upgrades at the Taryn Meadows lift station site as well as any additional required force main improvements will no longer be required.

26. Exterior building materials will be brick, stone vinyl and hardi-plank siding.
27. Foundations will be slab on grade and crawl space.
28. The restrictive covenants for the 55-foot wide lot section will have a minimum heated square footage of 1200 sq. feet; 65-foot wide section will have 1600 sq. feet; 75-foot wide section will have 1900 sq. feet; and the townhome section will have minimum lot widths of 22 feet and minimum heated square footage of 1600 sq. feet.
29. Installation of parking spaces to access Pocket Park Area #3 south of Pippin Road and north side of Weavers Pond as shown on Overall Master Plan dated 11/12/12. No parking will be provided if single-family lots are developed in this area.
30. A 30-foot wide buffer will be installed around the perimeter of the subdivision.
31. One deciduous shade tree to be planted in the front yard of each home with a minimum caliper of 2.5 inches.
32. A tot lot shall be installed in Pocket Park Area #4, Pocket Park Area #6, and Pocket Park Area #7 as shown on the Overall Master Plan dated 11/12/12. The playground equipment will serve ages 2-5 years and 5-12 years as well as include trashcans, benches and pet waste stations sized to sufficiently serve the phase they are to be located within.
33. Developer will post a bond for final asphalt lift and stop bars for Vineyard Ridge Drive and remainder of Lacewing Drive. Bond estimate will be reviewed and approved by the Zebulon Public Works Department. Overlay will be completed once 80% of homes have been constructed along Vineyard Ridge Drive and remainder of Lacewing Drive or within three years, whichever comes first. As future phases develop, the same procedures with regards to bonding of outstanding improvements will be followed.
34. Installation of a sidewalk or boardwalk meeting permitting agency requirements necessary to span the creek located approximately five hundred linear feet (500' LF) east of the Weaver's Pond Drive and Pippin Road intersection.
35. In lieu of the developer installing improvements to the Taryn Meadows lift station and force main, payment of a fee for the Beaverdam Creek Sewer Outfall project (currently approximated to be \$1,167.31 per house) will be required to be paid prior to the building permit issuance for each lot. Listed below is the method of calculation for each lot's proportional share to the Beaverdam Creek Sewer Outfall project:

Title	Calculation Method	Value
Flow capacity for the Beaverdam Creek Sewer Outfall project	1,107,301 gallons per day (GPD)	1,107,301 GPD
Average household wastewater flow per day	250 gallons per day (GPD)	250 GPD
Total project cost (estimated)	<ul style="list-style-type: none"> • \$4,700,000 – based on City of Raleigh Public Utilities capital improvements project estimate • 10% contingency added 	\$5,170,000

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	• \$4,700,000 x 1.10 = \$5,170,000	
Number of total homes in Weaver's Pond (all phases)	677 homes	677 homes
Number of total homes in Weaver's Pond (Phases 1 and 2)	217 homes	217 homes
Total number of homes served by the Beaverdam Creek Sewer Outfall project	1,107,301 outfall capacity / 250 GPD per home = 4,429 homes served	4,429 homes
Total cost per home	\$5,170,000 project cost / 4,429 homes served = \$1,167.31 cost per home	\$1,167.31 cost per home
Weaver's Pond homes that will need to contribute to the Beaverdam Creek Sewer Outfall project	677 total homes in Weaver's Pond – 217 homes in Phases I and II (expansion needed after Phases I and II build-out) = 460 homes in Weaver's Pond will need to contribute to the Beaverdam Creek Sewer Outfall project	460 homes
Total amount Weaver's Pond subdivision will need to contribute to the Beaverdam Creek Sewer Outfall project	\$1,167.31 cost per home x 460 homes = \$536,962.60 amount needed to contribute toward the Beaverdam Creek Sewer Outfall project	\$536,962.60

The Town will review during its annual budget process the annual estimates or actual construction costs to ensure the Town is receiving full cost reimbursement and the developer is treated reasonably to respect the cost.

36. An individual water booster pump must be installed for all lots created after the adoption of the special use permit and for existing undeveloped lots in Phases I and II.

Mayor Matheny stated that on condition nine he did not see the usefulness of a volleyball court and that an athletic field would be better with soccer goals on site. He did like leaving the basketball court as recommended. Commissioner Strickland said that he did not think that a basketball court was necessary either.

Commissioner Beck asked if there would be space to have the athletic field and the basketball court. Mark Hetrick explained that he thought that the open field would be smaller but what was recommended was a half-court basketball court. The Mayor said that he was not advocating one way or the other for a basketball court but he was sure that it would be used if it were there.

Commissioner Bumgarner asked if park seven was removed completely. Mark Hetrick stated that the basketball court and volleyball court that were originally in those recreation areas were to be replaced with tot lot equipment. Commissioner Bumgarner asked about providing a place for a dog park in the subdivision. Mark Hetrick said that the pocket parks were equipped with pet waste stations and then the park area three would be passive recreation with trails that were to be located throughout the subdivision as well that could accommodate exercise for dogs.

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Commissioner Beck asked if the recreation areas around the pool amenity area were to be completed all at the same time. Mark said that was how it was recommended currently, however, it could be separated out and done at different times.

Commissioner Clark said that removal of the volleyball court was fine with her. She did not have an issue with that. Mayor Matheny said that he would like to see the removal of the volleyball court and have the athletic field with commercial grade soccer goals put in place. Commissioner Clark agreed and Commissioner Strickland wanted the basketball court to be removed as well.

The Board agreed that there would be no volleyball or basketball court and there should be open space with regulation commercial soccer goals to be installed to be completed at the same time as the pool and bath house.

Mayor Matheny said that he wanted to leave condition 37 so that the developer would be responsible to pay for that.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve special use permit 2013-03 with the following conditions.

1. Site plan review by the Zebulon Technical Review Committee.
2. All owners of developable lots shall immediately become members of a Homeowner's Association whose responsibilities will include maintenance of all open space and improvements built therein.
3. Homeowners Association would be in place to enforce and abate violations of restrictive covenants to include the abatement of nuisances as defined by the Town of Zebulon Code of Ordinances to include grass, trash, debris and rubbish and the removal of junked, abandoned, or nuisance automobiles.
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6. No portion of any developable lot shall contain wetlands, riparian buffers, floodplain or floodway.
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9. An active recreation area including, at a minimum, a competition size pool, swim pavilion (bathhouse), tot lot (with playground equipment), an open space athletic field with regulation commercial grade soccer goals, and parking lot will be constructed by July 1, 2013. The playground equipment will serve ages 2-5 years and 5-12 years as well as include trashcans, benches and pet waste stations sized to sufficiently serve phases I & II.
10. Landscaping shall be installed in the open space along Pippin Road.

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11. An entry monument installed on Pippin Road of brick, stone or masonry material that includes identification sign not to exceed 32 square feet.
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The Town will review during its annual budget process the annual estimates or actual construction costs to ensure the Town is receiving full cost reimbursement and the developer is treated reasonably to respect the cost.

36. An individual water booster pump must be installed for all lots created after the adoption of the special use permit and for existing undeveloped lots in Phases I and II.
37. Developer would pay the \$32,000 fee for the offsite waterline easement acquisition.

There was no discussion and the motion passed unanimously.

BOARD COMMENTS

The Board recognized Fire Chief Sidney Perry and thanked him for his years of service to the Town and hated to see him retire.

Mayor Matheny recognized Bobby Fitts as the interim Finance Director.

MANAGERS REPORT

Rick Hardin said that the Shepard School Road sidewalk project did receive a \$100,000 grant from NCDOT. The County and the Town’s portion would be reduced jointly by \$20,000 in a 80/20 split.

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There would not be a joint public hearing on February 11, there will be a work session on February 20, the Board retreat would be on February 26 in the police training room for half a day.

There would be a reception to honor Sidney Perry on February 27 from 5-7 at the Community Center and asked all to attend and thank him for his service to the Town of Zebulon.

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

Date

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk