

**Zebulon Board of Commissioners**  
**Minutes**  
**November 7, 2016**

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

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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

**PUBLIC HEARING**

A. Annexation Request by 264 Investments, LLC

Mayor Matheny declared the public hearing open and asked for the staff report.

Julie Spriggs gave the staff report stating that 264 Investments, LLC was requesting annexation of 212 acres located on three parcels at 601 Parks Village Road, 0 Old Bunn Road and 1745 Old Bunn Road. Julie reviewed the surrounding zoning as being R-20.

The Comprehensive Plan for the Town addressed the parcels that were in the ETJ as being medium density residential which would include duplexes, townhomes, and single family detached homes. There was no zoning associated with the parcel that was not in the Town's ETJ. Under medium density residential, it averages three to four dwellings per acre and that would be approximately 850 units and an increase in population of approximately 2,227 people.

Various other plans or policies including transportation, greenway and the water/sewer allocation were reviewed. The cost benefit analysis of the petition was positive.

Staff recommended approval of the annexation request which would become effective immediately upon approval.

Mayor Matheny asked if there was anyone present that wanted to speak in favor.

Charles Walker represented 264 Investments, LLC and stated that he was there to answer any questions that anyone had. There were none.

There was no one else who wished to speak in favor

Mayor Matheny asked if there was anyone who wished to speak in opposition.

Andy Gay of Rosinburg Road Zebulon, NC, was representing Kim Bunn and stated that she was previously a minority shareholder of the property and it was sold without her having the ability

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to stop it. Kim Bunn thought that the annexation would be detrimental to the property on which she resides.

Mr. Gay stated that the pump station being built, by the City of Raleigh, was physically located on property she owned. There was concern that the annexation would cause a condemnation case or force her to sell property if the surrounding property were to be developed.

Ms. Bunn was not in favor of the annexation and did not want to lose any more of her property due to development.

Tom Hendrickson of 1915 Old Bunn Road Zebulon, which was to the east of the property requesting annexation, and stated that he thought that the annexation would have an adverse effect on his property which was an historic site listed as a Wake County Historic Landmark and on the National Registry. Mr. Hendrickson stated that there would not be a sufficient buffer between his property and the annexed property. His goal when purchasing the property was to preserve the nature and historic value of the property.

Mr. Hendrickson said that he thought that if the Board chose to annex the property it would set a precedent of enabling the condemnation of private land of one property owner on behalf of the development of another. He continued by asking that the Board delay the decision until staff could research and share the ramifications of that decision.

The other issue that Tom Hendrickson pointed out was that the property that was not in the ETJ was not a part of the Town of Zebulon Comprehensive Plan showing what the best use of that property would be. He continued by asking that the Town Board take the time to work with the community to revise the Comprehensive Plan to address the properties in question as well as the surrounding properties prior to annexation.

Perry Adams said that she moved to Zebulon about four years ago and had agreed that development was necessary for communities to sustain themselves. Ms. Adams stated that she agreed with delaying the annexation until conversations could be had that dealt with buffering the adjoining properties and especially the Bennett Bunn Plantation owned by Tom Hendrickson. She continued by explaining that she had her undergraduate and graduate degrees in history and historic preservation, therefore keeping the character of the property was integral in sustaining the historic character. The rural view sheds and sightlines had been very well protected over the last few centuries and it was the only remaining of its kind Wake County.

Ms. Adams asked that the Board delay their decision until they could devise a buffer that would protect the historic property that was a gem in the Town of Zebulon.

There were no others that wished to speak in opposition

Mayor Matheny asked if there was anyone who wished to speak in general.

Charles Walker came forward to answer some of the questions that were raised by others that spoke.

Mayor Matheny asked the attorney if Mr. Walker was allowed to speak to the questions asked. Eric Vernon stated that he could do that within reasonable limits.

Charles Walked stated that the Bennett Bunn Plantation was beautiful and said that the property that was in question was not a designated historic site. The pump station was on property Mr. Gay described as the hole in the donut, but the gravity line that fed the pump station was on the property in question and the water line would come from Shepard School Road and were not dependent on that pump station.

There were no further comments and the public hearing was closed.

### **PUBLIC COMMENT PERIOD**

Lewis Liles stated that he and the group Preservation of Zebulon was in favor of the Town of Zebulon rejoining Wake County Historic Preservation that would address properties within the corporate limits of the Town of Zebulon. The group would like for the Town to sign an interlocal agreement with Wake County which would allow for properties within the Town to be surveyed and possibly designated as historic and hopefully preserved.

Johnny Whitfield with the Eastern Wake News came forward to let everyone know that Aaron Moody and his wife had welcomed a new baby into the world yesterday morning.

### **CONSENT**

#### **A. Minutes**

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of October 3, 2016. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of the October 19, 2016 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 tax report for August 2016. There was no discussion and the motion passed unanimously.

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

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2017-10. There was no discussion and the motion passed unanimously.

#### **C. General**

Commissioner Clark made a motion, second by Commissioner York to approve the quarterly reports for Fire, Public Works, and Planning departments as well as legal updates from the attorney. There was no discussion and the motion passed unanimously.

D. Police

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2017-09. There was no discussion and the motion passed unanimously.

E. Planning

Commissioner Clark made a motion, second by Commissioner York to approve Resolution 2017-06. There was no discussion and the motion passed unanimously.

F. Administration

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2017-08. There was no discussion and the motion passed unanimously.

**PRESENTATION**

A. Audit Presentation by Keith Joyce

Bobby Fitts introduced Keith Joyce who has been the Town's auditor for 14 years and would present his findings for fiscal year 2015-2016.

Keith Joyce presented that it was the 23<sup>rd</sup> consecutive year that the Town was awarded the CAFR which was a huge accomplishment since only 15 percent of any municipality across the nation receive it in any given year.

There was a one page highlight document that compared the major points from last year to the current year. The opinion was an unqualified opinion or clean opinion in all accounting aspects.

The fund balance increased from \$7.7 million to \$8 million.

Long term debt for water and sewer would be paid off within the next one to two years.

**OLD BUSINESS**

A. Planning

Ordinance 2017-11—Extending the Corporate Limits

Julie Spriggs stated that the request was to extend the corporate limits with a voluntary request for annexation of three parcels along Old Bunn Road and Parks Village Road totaling approximately 212 acres. The request was made by 264 Investments, LLC.

Mayor Matheny asked if there were any questions by the Board.

Commissioner Strickland asked if the annexation was good for the Town of Zebulon was all that was being asked of the Board at that time.

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Mayor Matheny stated that was correct; there was no discussion or decisions being made on development before the Board. Any decisions on development would come before the Board later during a special use permit hearing and discussion at a later date.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve Ordinance 2017-11 granting the annexation request. There was no discussion and the motion passed unanimously.

## **NEW BUSINESS**

### **A. General**

#### **Personnel Policy Amendments**

Mayor Matheny asked Joe Moore to speak on this. Joe Moore stated that Chief Tim Hayworth would be speaking on the matter.

Tim Hayworth explained to the Board that the Leadership Team was requesting changes to the Personnel Policy that dealt with call back pay, employment of relatives, holidays and holiday pay.

The change to the call back pay section was so that there would be consistency in how employees in all departments were being paid, as well as meeting the requirements of FLSA.

The employment of relatives change would allow for the police and fire department to be allowed to hire relatives on a part-time, auxiliary or reserve status. This is due to the training required for these positions being exactly the same as what was required of a full-time employee and that made it difficult to find qualified personnel to fill those positions.

The change to the holiday schedule would allow for the Town would follow the same schedule as the State of North Carolina. This would create consistency with other municipalities, counties and the state and would make scheduling easier for staff.

Holiday pay would be that all regular, full time employees would receive eight hours of pay for all holidays. There would be no banking of hours for shift employees in the police and fire departments. The change would allow for the ease of scheduling and consistency for employees.

Commissioner Strickland asked about how employees would be paid if they worked the holiday. Tim Hayworth explained that the employee would be paid for the holiday as well as for the hours they worked.

Mayor Matheny asked if there wasn't still an issue with scheduling. Chief Hayworth said that that it would not be as great a problem as it would be with banking the 88 hours, along with the employees accrued vacation and sick leave.

Mayor Matheny asked how part time was defined. Chief Hayworth stated that he thought it was less than 1000 hours per year and asked Lisa Markland if that was correct. Lisa Markland explained that the employee could not work more than 1000 in a 12 month period so as not to require the Town to pay benefits and they could not average over 30 hours per week.

Commissioner Clark made a motion, second by Commissioner York to amend the personnel policy as presented.

Mayor Matheny asked if that would cover what needed to be done. Lisa Markland explained that the Board was motioning to adopt the proposed changes; the policy is not done by resolution or ordinance.

Commissioner Strickland asked how the other department heads felt about it and was curious about the shift employees only receiving eight hours of holiday pay. Tim Hayworth stated that it was discussed by all department heads and they were all in agreement. There was research done of how other municipalities handled it and what was being proposed was consistent with the other municipalities.

There was no further discussion and the motion passed unanimously.

### **BOARD COMMENTS**

Commissioner Strickland stated that Mayor Matheny was the new president of the NCLM. Mayor Matheny thanked everyone that attended the swearing in and gala it meant a great deal to him.

### **MANAGERS REPORT**

Joe Moore stated that there would be a worksession Tuesday, November 15, 2016 at 7pm. The discussion would be on the unified development ordinance, façade grant policy and finally discussion the solar farm text amendments.

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

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Date

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk