

**Zebulon Board of Commissioners  
Work Session  
Minutes  
August 18, 2015**

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

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

**APPROVAL OF AGENDA**

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

**OLD BUSINESS**

A. Planning

*SUP 20152015-04—Shepard's Park Subdivision*

Mayor Matheny stated that he needed to divulge two things which were that Commissioner Bumgarner had reviewed and listened to the entire joint public hearing meeting and that Mayor Matheny had received exparte contact via email. The Mayor stated that in no way would the exparte communication influence his ability to make an impartial decision.

Mark Hetrick reviewed the conditions as they were presented to the Planning Board and the thoughts and recommendations of the Planning Board.

Conditions one through six were accepted as recommended by the Planning Board.

Condition seven was presented and Commissioner Strickland asked what that meant to the builder with the greenway plan. Mark Hetrick said that the original condition was referencing the 2002 plan and the new condition would reference the most up to date plan adopted by the Board of Commissioners. This was accepted as recommended by the Planning Board.

Condition eight was accepted as recommended by the Planning Board.

Condition nine the Board stated that the wording "at time of development" should be added.

Conditions 10 and 11 were accepted as recommended by the Planning Board.

Condition 12 dealt with the addition of sidewalks on Shepard School Road. There was discussion about why it was not to be done at the time of development. Commissioner Beck agreed with them being installed at time of development. Board stated that the wording "at time of development" should be added just like condition nine.

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Condition 13 and 14 were accepted as recommended by the Planning Board.

Condition 15 dealing with the fence around the cemetery was presented and discussed.

Mayor Matheny thought that the fence did not need to be wrought iron. Commissioner Beck thought that a berm would be fine and no fence.

Commissioner York asked if the cemetery had any historical value. Mark Hetrick stated that he did not know and continued that wrought iron was what was in the original conditions.

Commissioner Bumgarner asked if the Home Owners Association would maintain the cemetery. Mark Hetrick stated that was correct. Commissioner Bumgarner said that the condition did not state that they would maintain the cemetery but just the improvements and he thought that needed to be stated in the condition more clearly.

Mayor Matheny asked if the Board wanted a wrought iron fence. Commissioners Beck and Strickland said no and Commissioners Clark and Bumgarner said yes. Commissioner York asked if a wrought iron fence was maintenance free and Mark Hetrick said no. Commissioner York said no to wrought iron if it wasn't maintenance free. There was discussion about what type of fence should be used. Mark Hetrick explained that whatever the Board decided upon needed to be clear and enforceable. Chris Ray recommended an aluminum fence like the one used on the Municipal Complex. Mayor Matheny asked if they could say metal fencing. Joe Moore suggested that the Board be more specific so that staff knew what they wanted and so that they could enforce it during TRC. Mayor Matheny asked if they required a metal fence as approved by TRC would be sufficient. Mark Hetrick said that the more specific the better.

The Board stated that it should be a minimum of a four foot high metal fence with the approval of the design by the Technical Review Committee (TRC).

Conditions 16 through 30 were accepted as recommended by the Planning Board.

Condition 31 dealt with not allowing driveways along the main entrance to the first round about and at the secondary entrance for 100'. There was considerable discussion about what options there were if they did not allow that to occur. Mark Hetrick stated that an alleyway could be installed along the back of the properties with access to the garages. The main concern was when vehicles were turning into the development at the main entrance they would not be able to see vehicles backing out of their driveways and accidents could occur. It could also cause stacking back onto Old Bunn Road which could be an issue for DOT. The Town engineer made the recommendations. Joe Moore stated that there could be operational concerns with people making "U" turns or just going the wrong way on the road. The only way to provide access at the current time would be with the alleyway unless the Board had other suggestions.

It was stated that at the secondary entrance there should be no driveways for 100' off of Old Bunn Road which was approximately two lots. The Mayor asked how those lots would gain

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access and he suggested that the driveway be on the northern side of the lot as far away from the entrance as possible.

Mark Hetrick said that the desire would be to back feed the lots with an alley and then address the lots on the secondary entrance with the condition. Commissioners did not like the back alleyway as a point of access. Commissioner Beck asked where people coming to visit would park and Mayor Matheny said that they would park at the back and then walk around the front but if they were not aware of the alleyway I would assume I could park on the street.

Mayor Matheny said that he thought that driveways should be allowed and that all the driveways should be to the northern side of each property. Joe Moore stated that if the driveways enter into the primary or major thoroughfare, they have the ability to use the roundabout in a way that it was not intended. The infractions could be cutting through the median, going the wrong way on the roundabout or doing a U-turn. Toby Hampson stated that the Board could be specific in their conditions as long as they were connected to public safety or signage then it would be fine to discuss.

Mayor Matheny asked about making the “pork chop” shaped island more predominate to prohibit the U-turn and then close the opening in the median and then possibly have no on street parking.

Commissioner Bumgarner asked about whether it would be possible along the second entrance if the first two lots were to share a drive. It was stated that it could be possible but not necessarily desirable.

The Board stated that they wanted to allow drives along the main entrance and that they would be placed to the northern side of each lot, the median would be designed in such a way to deter wrong way traffic. They would also require that the first two lots along the second entrance would be located at the northern most boundaries.

Conditions 32-34 were accepted as recommended by the Planning Board.

Condition 35 dealt with the blasting and who was responsible for contacting the residents and how the condition would be enforced. The Board stated that the blasting company would do the work but the developer would be held responsible for making sure that the work was completed.

Condition 36 set out the time that recreation amenities had to be completed and the Board discussed the time frames and ultimately decided that it should be that the permit for pool and cabana had to be picked up before issuance of the 45<sup>th</sup> certificate of occupancy and completed before the issuance of the 60<sup>th</sup> certificate of occupancy.

The proposed new conditions were as follows:

Conditions one – three were accepted as recommended by the Planning Board.

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Conditions four and five dealt with the installation of the greenway trails. The Board had a long discussion and they would like to have the entire design done up front. Then the easements had to be in place when the plat was approved and completion/connection would be by the time the phase was completed.

Conditions six and seven were accepted as recommended by the Planning Board.

Condition eight was the mail kiosk and what it should look like. The Board would like to see kiosk have a four foot overhang around the kiosk and it should appear as shown on the conceptual drawing from June 2015 with a metal roof to look like cedar shakes.

Condition nine was accepted as recommended by the Planning Board.

Condition 10 was accepted as recommended by staff.

Conditions 11 and 12 were accepted as recommended by the Planning Board.

## **MANAGERS REPORT**

There was no report by the Town Manager at this time.

Toby Hampson stated that the case was quasi-judicial and there could be attempts at exparte communication and if it should occur it would have to be disclosed but should be avoided, if at all possible.

Commissioner Beck made a motion, second by Commissioner Clark 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