

**ZEBULON
BOARD OF COMMISSIONERS
AGENDA
October 5, 2020
7:00pm**

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. SCHOOL RECOGNITION

A. Wakelon Elementary School

1. Ashlyn Bowling – Student
2. Crystal Detty – Teacher

IV. PUBLIC HEARING

Anyone wishing to make a comment is welcome to do so in person or you can email your comments to be read into the record at the meeting. Please email comments to Town Clerk – Lisa Markland (lmarkland@townofzebulon.org) by 12:00pm on October 5, 2020.

A. AN 2020-03 – 1007 North Bell Street

V. PUBLIC COMMENT PERIOD

Due to COVID-19 we will be taking public comments in writing. Comments will be read into the record at the meeting. Please get all comments of 400 words or less to the Town Clerk – Lisa Markland (lmarkland@townofzebulon.org) by 12:00pm on October 5, 2020.

VI. CONSENT

A. Minutes

1. August 18, 2020 – Regular Meeting
2. August 19, 2020 – Work Session
3. September 1, 2020 – Regular Meeting
4. September 1, 2020 – Closed Session
5. September 23, 2020 – Work Session
6. September 23, 2020 – Closed Session

B. Finance

1. Monthly Items
 - a. Tax Report – July 2020
 - b. Financial Report as of September 21, 2020

VII. OLD BUSINESS

A. Finance

1. City of Raleigh – Contract for Billing Services (Solid Waste)

VIII. NEW BUSINESS

A. Planning

1. N. Bell Street Annexation – Ordinance 2021-41

IX. BOARD COMMENTS


X. MANAGER’S REPORT

XI. CLOSED SESSION

- A. As permitted by NC GS § 143-318.11(a)(6) - for the purpose of personnel discussion



STAFF REPORT
ORDINANCE 2021-41
REQUEST FOR ANNEXATION
OCTOBER 5, 2020

Topic: Ordinance 2021-41 (AN 2020-03) 1007 North Bell Street
Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the voluntary annexation petition received for approximately 1.0 acres located at 1007 North Bell Street (PIN 270507680). This is a legislative case.

Background:

North Carolina General Statute §160A-58.1 states that the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The Town has certified the annexation request for sufficiency prior to Public Hearing (See Attachment 2).

A notice was published in the Wake Weekly on September 24, 2020 and October 1, 2020.

The Town's corporate limits are adjacent to the subject property on three sides, and it is currently improved with a 1,560 square foot residential detached dwelling that was built in 1959. The section of land to the adjacent west is owned by GlaxoSmithKline (GSK) and the land across North Bell Street from the subject property is also owned by GSK. The applicant is requesting annexation to connect into the municipal utility system. Due to topography, gravity sewer is likely not an option for this property. If the property owner wished to connect to the municipal sewer system, a pump station constructed on private property is required. Alternatively, the property owner could choose to only connect to the municipal water system. In either case, the cost of the construction of infrastructure improvements to provide utilities to the site would be the property owner's responsibility.

Discussion:

The discussion before the Board is whether to annex the subject property into the Town of Zebulon Corporate Limits.



STAFF REPORT
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Policy Analysis:

This annexation request is required due to the property requesting municipal services service to the site. The Town of Zebulon partners with the City of Raleigh for these services complying with Comprehensive Plan *Chapter 8 Utilities Policy 1 – Partner with State, local governments and other jurisdictions, utility franchise and other public service entities to provide services as appropriate.* The property is currently in the Town of Zebulon's Extraterritorial Jurisdiction, meaning that at some point this parcel was identified to be within the Town Limits. This request is consistent with *Comprehensive Plan Chapter 9 Land Use & Overview Policy 2 - Explore annexation strategies.*

Unified Development Ordinance Section 2.2.2.G provides standards for the Board to Consider when rendering a decision. These are as follows:

1. The annexation petition bears the signatures of all landowners within the area to be annexed;
2. The area to be annexed can be adequately served by the same municipal services provided within the Town's primary corporate limits;
3. The debt obligations from serving the subject lands do not exceed the anticipated revenues to the Town; and
4. The public health, safety, and welfare of Town residents and the residents of the lands proposed for annexation will be best served by the annexation.

Fiscal Analysis:

The total revenue the town expects from annual property tax for this parcel is \$924.80. The property is adjacent to corporate limits and within existing service zones, therefore annexation is expected to have a negligible impact on Town services.

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Minutes
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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, Bob Grossman-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-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

Mayor Matheny asked to amend the agenda to move the June 22, 2020 regular meeting minutes off consent.

Commissioner Baxter asked to amend the agenda to move Ordinance 2021-10 – PW Building and Grounds Maintenance, Materials and Supplies off consent.

Stacie Paratore asked to amend the agenda to move June 10, 2020 work session minutes off consent.

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

PUBLIC COMMENT PERIOD

No one signed up to speak.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the January 6, 2020 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 May 20, 2020 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 June 1, 2020 regular 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 June 10, 2020 closed session. There was no discussion and the motion passed unanimously.

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Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the June 17, 2020 work 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 July 22, 2020 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 August 5, 2020 work session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Moore to approve the May 2020 tax report. 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 July 20, 2020. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-01 – PW Operations – Contract Services (Streets). There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-02 – PW Property & Project Management – Sidewalk/Handicap Ramp Maintenance. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-03 – PW Property & Project Management. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-04 – PW Property & Project Management – Little River Dam Surveying. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-05 – PW Property & Project Management – Professional Services. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-06 – PW Property & Project Management – Shepard School/Old Bunn Intersection Improvements. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-07 – PW Operations – Street Resurfacing. There was no discussion and the motion passed unanimously.

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Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-08 – PW Property & Project Management – N. Arendell/Green Pace Int. Improvements. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-09 – PW Operations – Contract Services (Streets). There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-11 – PW Operations – Contract Services (Yardwaste Site Management). There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-12 – Administration and Governing Body. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2021-13 – Administration IT. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Quarterly Reports for Planning and Fire Department. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. General

Mayor Matheny stated the June 22, 2020 regular meeting minutes needed a correction. The non-profit funding distribution given to Preservation Zebulon was \$1,000.

Commissioner Baxter made a motion, second by Commissioner York to approve the minutes of the June 22, 2020 regular meeting as amended.

Stacie Paratore asked to amend the June 10, 2020 work session minutes so they stated “Commissioner Clark made a motion, second by Commissioner York to have closed session personnel minutes for March 18, 2020, May 20, 2020, and June 10, 2020 archived with Wyrick Robbins Yates & Ponton LLP.”

Commissioner Loucks made a motion, second by Commissioner Baxter to approve the minutes of the June 10, 2020 work session as amended. There was no discussion and the motion passed unanimously.

Commissioner Baxter asked to change Ordinance 2020-10 to Ordinance 2021-10 in the staff report. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve Ordinance 2021-10 – PW Building and Grounds Maintenance, Materials and Supplies as amended. There was no discussion and the motion passed unanimously.

B. Parks and Recreation

1. Ordinance 2021-14 – Park Regulations

Sheila Long explained the Parks and Recreation Advisory Board developed and adopted standard park rules designed for the safety and enjoyment of park users. The rules were on the Town’s website and signage would be placed in each of the Town’s parks. This ordinance allowed the Police Department to enforce regulations provided by signage at each park. The ordinance also established park hours and limited group activity and public events to only those approved by the Parks and Recreation Director.

There was discussion about limiting the hours “dusk until dawn” and if that would discourage people who wanted to use the tennis courts at night.

Mayor Matheny suggested adding the verbiage “unless otherwise posted” to the sign to keep from discouraging people from using the tennis courts.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve Ordinance 2021-14 – Park Regulations. There was no discussion and the motion passed unanimously.

C. Public Works

1. Resolution 2021-01 – Autumn Lakes – Phase 2 Roadway and Storm Drainage Acceptance

Chris Ray asked the Board for their consideration to accept the Autumn Lakes Phase 2 roadway and storm drainage infrastructure, located within the public right-of-way or publicly dedicated easements, for maintenance. The dedication of Autumn Lakes Phase 2 roadway and storm drainage infrastructure was valued at \$1,381,861.20 and would be added to the Town’s capital assets.

Staff recommended the approval of Resolution 2021-01.

There was discussion about Powell Bill revenues and concerns for street maintenance in future years.

Commissioner Loucks made a motion, second by Commissioner York to approve Resolution 2021-01. There was no discussion and the motion passed unanimously.

2. NCDOT Traffic Signal Agreement

Chris Ray asked the Board for their consideration to approve a Traffic Review and Inspection Agreement with NCDOT. The agreement outlined the roles and responsibilities of NCDOT and the Town of Zebulon in the design, construction, and maintenance of a traffic signal at the intersection of Green Pace Road and North Arendell Avenue.

There was a question about maintenance of the traffic signal. NCDOT would be responsible for maintenance of the traffic signal.

Commissioner Baxter made a motion, second by Commissioner York to approve the NCDOT Traffic Signal Agreement. There was no discussion and the motion passed unanimously.

D. Administration

1. Board Appointments

Mayor Matheny explained there was one in-Town vacancy and one ETJ vacancy on the Planning Board with applications received from Michael Germano (seeking re-appointment), Gilbert Todd, Jr., Manley Harris, and Dexter, De'Andre Privette who were all in-Town applicants. Each applicant was present and spoke about their interest and qualifications.

Commissioner Loucks made a motion, second by Commissioner Moore to appoint Michael Germano to the in-Town position on the Planning Board with a term expiring on June 30, 2023. There was no discussion and the motion passed unanimously.

Mayor Matheny stated there were two vacancies on the Parks and Recreation Advisory Board with applications received from Raiford Fulghum (seeking re-appointment), Michelle Glidewell (seeking re-appointment), Andi Wrenn, Manley Harris (his 2nd choice), and Dexter, De'Andre Privette (his 2nd choice). Raiford Fulghum and Andi Wrenn were present and spoke about their interest and qualifications. Michelle Glidewell was not present, but her written comments were read by Stacie Paratore.

Commissioner Baxter made a motion, second by Commissioner Loucks to appoint Andi Wrenn to the Parks and Recreation Advisory Board with a term expiring on June 30, 2023. There was no discussion and the motion passed unanimously.

Commissioner York made a motion, second by Commissioner Loucks to appoint Dexter De'Andre Privette to the Parks and Recreation Advisory Board with a term expiring on June 30, 2023. There was no discussion and the motion passed unanimously.

Mayor Matheny explained there was one regular in-Town vacancy and one alternate ETJ vacancy on the Board of Adjustment. Cathy Meeler was seeking reappointment to fill the vacated seat of Larry Loucks. The term would expire on June 30, 2022. Dexter De'Andre Privette submitted an application for the Board of Adjustment as his third choice.

Commissioner Clark made a motion, second by Commissioner York to appoint Cathy Meeler to the regular in-Town position on the Board of Adjustment with a term expiring on June 30, 2022. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Loucks stated universities were closing due to COVID-19.

Commissioner Baxter commended parents and teachers maneuvering through virtual learning.

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MANAGER’S REPORT

Joe Moore explained work sessions were a time for the Board to discuss, but the next work session would have a decision for the Board due to time restraints.

Sheila Long spoke about the YMCA program that would come before the Board for a decision at the August 19, 2020 work session.

CLOSED SESSION

Mayor Matheny stated that they needed a motion to go into closed session as permitted by NC GS §143-318.11(a)(6) for the purpose of personnel discussions.

Commissioner Clark 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 Loucks made a motion, second by Commissioner Moore to come out of closed session. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner York to have closed session personnel minutes for July 22, 2020 and August 18, 2020 archived with Wyrick Robbins Yates & Ponton LLP. There was no discussion and the motion passed unanimously.

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

Adopted this the 5th day of October 2020.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Work Session
Minutes
August 19, 2020

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Bobby Fitts-Finance, Sheila Long-Parks and Recreation, Chris Ray-Public Works, Chris Perry-Fire, Bob Grossman-Police, Eric Vernon-Attorney, Denise Nowell-Zebulon Chamber of Commerce

Mayor Matheny called the meeting to order at 6:00pm.

APPROVAL OF AGENDA

Mayor Matheny asked to amend the agenda under Parks and Recreation from Economic Development to YMCA Agreement.

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

NEW BUSINESS

Joe Moore gave an overview of the topics to be discussed.

A. Finance

1. Zebulon Water and Sewer Proforma

Bobby Fitts gave the current status of the proforma, affordability concerns, and alternative options. The status of the merger payoff was detailed, and the merger agreement options were discussed.

Michael Clark showed the future growth possibilities and population trends. The existing water allocation usage and future allocation projections were explained.

Bobby Fitts explained the three options for an October 1 payoff were 1) to return some capacity to the City of Raleigh, 2) continue as is with a pay-off date of one to two years, and 3) use general fund funds to pay off the agreement.

A draft Merger Agreement could be presented to the Raleigh City Council for their approval with an October 1 closeout date. The rate differences would reflect on the January 2021 bills.

The Board recessed at 6:46pm.

The Board returned from recess at 7:02pm.

B. Planning

1. Planned Economic Development Strategy

Michael Clark explained the Town had limited resources with staffing and was using a collaborative effort through the Planning Department, Parks and Recreation Department and Chamber of Commerce to make up the Town's economic development team.

Sheila Long described the strengths, weaknesses, opportunities, and threats to understand the Town's market presence and to understand the Town's implementation process for the fiscal year.

The capacity of the economic development committee and the implementation plan for the economic development program were detailed.

Denise Nowell explained how the Town benefitted from including the Chamber of Commerce in the economic development committee. Zebulon was chosen to be in the Downtown Associate Community program ("DAC").

The timeline of the Business Retention and Expansion Program ("BRE") was detailed.

Michael Clark stated how the BRE was one tool the Town was using for economic development. The comprehensive plan would include an economic vision to be the playbook on how the Town would look in future years.

Staff would present the details of the BRE at the September 1, 2020 meeting.

C. Parks and Recreation

1. YMCA Agreement

Sheila Long spoke about the YMCA service agreement which would provide virtual learning at the community center. It was stated Exhibit B of the YMCA service agreement was still being edited and was not completed in time for the meeting.

Staff recommended the Board authorize conditional approval of the service agreement upon review and approval of Exhibit B by the Town Manager.

The YMCA would be responsible for providing wifi services and no additional Town staff would be needed for the program.

Item 4 of Exhibit B was regarding safety and cleaning. There were last minute language changes, but staff wanted to make sure it was more specific so the Town was protected. The Town Attorney explained there was not enough detail in Exhibit B regarding cleaning and did not include the YMCA's COVID cleaning policy.

The program would open on a first-come first-serve basis and the YMCA's system did not have the ability to differentiate Town residents from out-of-Town residents. The Town had received a discounted rate per student.

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Commissioner Baxter made a motion, second by Commissioner York to approve the YMCA Agreement and authorize conditional approval of the service agreement upon review and approval of Exhibit B by the Town Manager. There was no discussion and the motion passed unanimously.

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

Adopted this the 1st day of September 2020.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Minutes
September 1, 2020

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, Bob Grossman-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-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 Moore.

APPROVAL OF AGENDA

Mayor Matheny asked to amend the agenda to add safety protocol after agenda approval and to change Glen Street to Gannon Avenue under Planning Historic District.

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

SAFETY PROTOCOL

Michael Clark discussed the safety protocols that would be taken for meetings.

SCHOOL RECOGNITION

Mayor Matheny recognized student Ann Furman-Felix and lead secretary Audrey Webb, both from East Wake High School.

PUBLIC HEARING

A. AN 2020-02 – Sidney Creek

Mayor Matheny opened the public hearing.

Meade Bradshaw presented the annexation request AN 2020-02 Sidney Creek. The Applicant was DRSFA, LLC and the address was 0 Chamblee Road and 1701 Chamblee Road. The existing zoning was R-10 SUD. The parcel size was 214.5 acres. The zoning map, land use map, and pictures of the property were shown.

Mayor Matheny asked if anyone wished to speak in favor.

Jay Colvin, from Dan Ryan Builders, who represented the applicant stated they were in the TRC process and he was available for any questions.

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

Mayor Matheny closed the public hearing.

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B. Amendment to Chapter 31.31 – Planning Board

Mayor Matheny opened the public hearing.

Michael Clark explained Chapter 31.31 regulated the makeup of the Town’s Planning Board. The regulation currently required four in-Town members and three ETJ members. The Town’s dynamic had changed since the regulation was last updated in 2015. Staff proposed amending Chapter 31.31 to allow for five in-Town members and two ETJ members.

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

Mayor Matheny closed the public hearing.

PUBLIC COMMENT PERIOD

No comments were submitted.

PROCLAMATION

Mayor Matheny read the proclamation recognizing Firefighter Appreciation Week as September 6 – 12, 2020.

Commissioner Baxter made a motion, second by Commissioner Clark to adopt the Proclamation for Firefighter Appreciation Week. There was no discussion and the motion passed unanimously.

Commissioner Baxter asked to amend the consent agenda to move Ordinance 2021-26 and Ordinance 2021-21 under New Business.

Commissioner Baxter made a motion, second by Commissioner York to amend the consent agenda to move Ordinance 2021-26 and Ordinance 2021-21 under New Business. There was no discussion and the motion passed unanimously.

CONSENT

A. Minutes

Commissioner Loucks made a motion, second by Commissioner York to approve the minutes of the August 10, 2020 Joint Public Hearing minutes. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Loucks made a motion, second by Commissioner York to approve the financial report as of August 17, 2020. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-15 – COVID-19 Expenditures. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-16 – Part-Time Salaries (Parks Maintenance) & FICA. There was no discussion and the motion passed unanimously.

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Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-17 – Grounds Maintenance. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-28 – Wakelon Elementary Field Improvements. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-18 – Recognition of Market Sponsorships for the Farmers’ Market. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-19 – Fire Station P.E.R. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-20 – Shop with a Cop. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-22 – Community & Economic Development – Façade Improvement Grants. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-23 – Governing Body – Professional Services. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-24 – Comprehensive Plan. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-25 – Downtown Associate Community Program. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-27 – Professional Services. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2021-30 – Beaverdam Creek Greenway Construction Funding. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Historic District

a. Historic Landmark Designation for 216 W. Gannon Avenue – Ordinance 2021-31
Michael Clark spoke about the property at 216 W. Gannon Avenue. The Wake County Historic Preservation Commission and the Town of Zebulon Planning Board recommended approval to designate the George and Neva Barbee House as a Zebulon Historic Landmark.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Ordinance 2021.31. There was no discussion and the motion passed unanimously.

2. Text Amendments

a. Mobile Food Vendors – Ordinance 2021-32

Michael Clark stated this amendment allowed for truly mobile food vendors who did not have a set location, who stopped only for point of contact sales, and continued on a fixed route to operate. The text amendment also made Town and HOA events exempt from permit requirements. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-32 There was no discussion and the motion passed unanimously.

b. Street Grades – Ordinance 2021-33

Michael Clark stated this was an amendment to Section 6.10.7F regarding street grade. The UDO text allowed for up to a 12% grade, but the standard specifications manual only allowed for a maximum of a 7% grade. The text amendment would give more consistency with the standards specification manual for street grades and would change the maximum to 7% grade. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner York made a motion, second by Commissioner Clark to approve Ordinance 2021-33 There was no discussion and the motion passed unanimously.

3. Conditional Zoning

a. Five County Mini Storage – Ordinance 2021-34

Meade Bradshaw explained this was a request by John Sikorski, property owner of 1412 and 1420 US 264 Highway, requesting a zoning map amendment from light industrial (LI) to conditional zoning light industrial (LI-C). There was an existing self-service storage facility and the property owner wanted to expand the facility. The aerial map, pictures of the property and the concept plan were shown. Two conditions were agreed to for the property by the applicant:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planned along the western property line.

Staff explained when the Unified Development Ordinance stated self-storage facilities had to be a minimum site size of five acres and the existing site was approximately 2.21 and was a non-conforming use. Requesting the conditional zoning and removing the five acre minimum requirement would allow the property owner to expand the facility. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2021-34 with the following conditions:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planned along the western property line.

There was no discussion and the motion passed unanimously.

b. 1500 & 1512 North Arendell Avenue – Ordinance 2021-35

Meade Bradshaw explained this was a request by Clyde Holt representing the property owner of 1500 and 1512 N. Arendell Avenue, Stephen Jordan Properties, LLC requesting a conditional zoning map amendment from residential-2 (R-2) to heavy commercial conditional zoning (HC). The aerial map, vicinity map, and zoning map were shown. Three conditions were applied to the property:

1. Building height will be no greater than 35’.
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee approval.
3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units and the church property.

The applicant added the following conditions:

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35’) as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6’) foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13.7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.

Board of Commissioners
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September 1, 2020

All uses with the Heavy Commercial Zoning District are allowed on the parcel except:

1. ABC Store
2. Bottle Shop
3. Flea Market
4. Golf Course or Driving Range
5. Microbrewery, Microwinery, or Microdistillery
6. Nightclub or Dance Hall
7. Tattoo and Piercing Establishment
8. Truck Stop

The applicant also requested the zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development Ordinance. The Planning Board recommended approval at the August 10, 2020 meeting with an additional condition to require the site be Dark Sky Compliant.

An example of dark sky lighting was shown. The Town's current lighting requirements were explained.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Ordinance 2021-35 with the following conditions:

1. Building height will be no greater than 35'
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee Approval
3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units. In addition to landscaping required by code, at the time of initial development on the vacant parcel, and within 90 days of a finalized conditional rezoning of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property.
4. All uses with the Heavy Commercial Zoning District are allowed on the parcel except: ABC Store, Bottle Shop, Flea Market, Golf Course or Driving Range, Microbrewery, Microwinery, or Microdistillery, Nightclub or Dance Hal, Tattoo and Piercing Establishment, and Truck Stop
5. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.

There was clarification the motion would not include the Dark Sky standards. State statute prohibited the Board from imposing conditions the applicant did not agree upon. Staff stated the differences between the Town's standards and Dark Sky standards were minimal.

There was no additional discussion and the motion passed unanimously.

The applicant requested the zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development

Ordinance. The applicant had not proposed any conditions that would limit the potential use of the development and could have moved forward without conditional zoning.

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

4. General

a. Ordinance 2021-21 – Community & Economic Development Alley Activation

Commissioner Baxter asked about the work to be done. Sheila Long explained the funds would cover the costs to remove the existing asphalt that was in poor condition and to replace it with concrete. The Town had received a quote for the work.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-21. There was no discussion and the motion passed unanimously.

b. Ordinance 2021-26 – Office Furniture

Commissioner Baxter asked about the costs for office furniture.

Michael Clark explained the request provided four workspaces and would give a more distinct barrier to allow for social distancing in the Planning suite. The Town was provided a quote from Indoff Office Furniture.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-26. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Administration

1. Proposed Sale of Green Pace Road Property – Resolution 2021-02

Joe Moore explained the Town acquired approximately two acres of real property located at 469 Green Pace Road in 2007 as a possible future fire station site. The property no longer qualified for a fire station site and the Town received an offer to purchase the property. The adoption of Resolution 2021-02 would begin the upset bid process.

Due to the size and location of the property staff did not feel it had strong recreational value.

Commissioner Clark made a motion, second by Commissioner Moore to approve Resolution 2021-02. There was no discussion and the motion passed unanimously.

2. Wellness Program – Ordinance 2021-29

Stacie Paratore and Amy Hayden asked the Board to consider rolling over funds for an employee biometric screening. The biometric screening would establish a health baseline that could be used to evaluate risks for a variety of health issues, many of which can be prevented through early detection and lifestyle changes. If an employee met four out of the five perimeters \$200 would be added to their Flexible Spending Account (“FSA”) card.

If an employee did not meet 4 out of the 5 perimeters, they would have the option to meet with a WakeMed nutritionist, dietician, or health coach to achieve the \$200 FSA benefit. The sessions could be done virtual and covered a variety of health topics including exercise, nutrition, stress, sleep, tobacco cessation, goal setting and behavior changes.

WakeMed would handle the screening and all numbers would be kept completely confidential. The Wellness Committee would receive a report and meet with a healthcare coach to best determine the needs of our employees and ways to improve the number for the following year. These results would give a measurement for each year's progress. By making the Town's employees healthier, we will build a more effective and efficient work force, reduce the number of sick days, and lower healthcare costs.

The incentive was for employees enrolled in the Town's health insurance plan.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-29. There was no discussion and the motion passed unanimously.

B. Planning

1. Text Amendment Chapter 31.31 – Ordinance 2021-36

Michael Clark stated there was one ETJ vacancy on the Planning Board. If the Board approved the text amendment the vacancy would be changed to an in-Town vacancy. Staff recommended approval of the modification to Chapter 31.31.

Commissioner Baxter made a motion, second by Commissioner Clark to approve Ordinance 2021-36. There was no discussion and the motion passed unanimously.

2. Multimodal Transportation Plan Amendment to Judd Street – Ordinance 2021-37

Michael Clark asked the Board to consider an amendment to the existing Multimodal Transportation Plan to designate Judd Street as a collector street from Arendell Avenue to Worth Hinton Road. The amendment would improve connectivity and increase emergency response times. The Planning Board recommended approval at the August 10, 2020 meeting.

Commissioner Loucks made a motion, second by Commissioner Moore to approve Ordinance 2021-37. There was no discussion and the motion passed unanimously.

3. Sidney Creek Annexation – Ordinance 2021-38

Meade Bradshaw stated staff recommended approval of the annexation of 0 Chamblee Road and 1701 Chamblee Road. The Applicant was DRSFA, LLC, the existing zoning was R-10 SUD, and the parcel size was 214.5 acres.

Commissioner Baxter made a motion, second by Commissioner York to approve Ordinance 2021-38. There was no discussion and the motion passed unanimously.

4. Business Retention and Expansion Program Agreement

Michael Clark spoke about the Business Retention and Expansion Program Agreement with the Zebulon Chamber of Commerce and deliverables the agreement included. Staff recommended approval of the agreement as drafted.

Commissioner Loucks asked that the quarterly reports be written.

There was discussion about the formation of a welcome wagon. A welcome wagon would not be part of the agreement, but there was conversation about the possibility of a civic group creating a Zebulon welcome wagon.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Business Retention and Expansion Program Agreement and to include written quarterly reports. There was no discussion and the motion passed unanimously.

C. Parks and Recreation

1. North Arendell Sidewalk – Construction Bid – Ordinance 2021-39

Sheila Long spoke about the construction of sidewalks in front of Zebulon Baptist Church on N. Arendell Avenue to Lee Street and stamped crossing at North Street. Staff presented community engagement and work session feedback.

Public Works bid out the project and Hollins Construction was the lowest bidder. The base bid included sidewalks from Zebulon Baptist Church to Glen Street. The first alternate was included completing the sidewalks from Glen Street to Lee Street and the second alternate was the stamped asphalt for the crosswalk.

The stamped crosswalk included all four corners of the intersection and would be 10' wide.

Chris Ray explained the North Street intersection was in poor condition, so the quote included milling and new asphalt.

Commissioner Clark made a motion, second by Commissioner York to approve Ordinance 2021-39 with base bid and alternate 1 & 2.

The motion passed with a vote 4 to 1 with Commissioners Clark, York, Moore, and Loucks voting in favor and Commissioner Baxter voting in opposition.

D. Public Works

1. Resolution 2021-03 – Weavers Pond - Phase 7 Roadway and Storm Drainage Acceptance

Chris Ray asked the Board to consider acceptance and maintenance of Weavers Pond Phase 7 roadway and storm drainage.

The remaining build-out of Weavers Pond was explained.

Commissioner Baxter asked to see the total projected costs of street overlays 20 years from now to have an idea of the maintenance costs. Chris Ray stated he would get an estimate of that information.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Resolution 2021-03. There was no discussion and the motion passed unanimously.

E. Governing Board

1. Personnel Policy Revisions

Joe Moore stated the revisions were developed by the Town Attorney.

There was discussion about authority to investigate personnel activities. Eric Vernon stated the Mayor and Town Manager would have authority to conduct investigations if merited and an investigation would not be required for all circumstances.

Commissioner Baxter made a motion, second by Commissioner Loucks to approve the Personnel Policy revisions as presented. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Baxter thanked the Fire Department for their hard work and recognized Erica Parsons as WRAL's Tarheel Traveler.

Commissioner York expressed his appreciation for Barhams Restaurant and their years of service to the Town.

MANAGER'S REPORT

A. Special Event Status per COVID-19 Restrictions

Sheila Long spoke about the COVID-19 restrictions and gave details of the fall and winter events for the remaining year.

B. Planning and Development Board Training

Michael Clark stated the Planning Board meeting on September 14, 2020 would be Conditional Zoning/Planned Development and Transportation Impact Analysis training for the Planning Board. The meeting would be recorded and on the Town's YouTube page.

CLOSED SESSION

Mayor Matheny stated that they needed a motion to go into closed session as permitted by NC GS §143-318.11(a)(5) for the purpose of property acquisition and NC GS §143-318.11(a)(6) for the purpose of personnel discussions.

Commissioner Loucks made a motion, second by Commissioner York to go into closed session. There was no discussion and the motion passed unanimously.

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

Board of Commissioners
Minutes
September 1, 2020

Commissioner York made a motion, second by Commissioner Baxter to have closed session personnel minutes for September 1, 2020 archived with Wyrick Robbins Yates & Ponton LLP. There was no discussion and the motion passed unanimously.

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

Adopted this the 5th day of October 2020.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Work Session
Minutes
September 23, 2020

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Chris Ray-Public Works, Chris Perry-Fire, Bob Grossman-Police, Michael Clark-Planning, Bobby Fitts-Finance, Sheila Long-Parks and Recreation, Eric Vernon-Attorney
Absent: Commissioner York

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

APPROVAL OF AGENDA

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

NEW BUSINESS

A. Little River Park

1. Elizabeth Gardner with Whitewater Park Committee

Elizabeth Gardner spoke about the non-profit, Falls Whitewater Park Committee, and the whitewater park the committee created at the base of Falls Lake dam. Ms. Gardner toured the Little River dam in August and thought it would make a nice whitewater park during periods of elevated water levels. Various types of recreation can occur at a whitewater park such as tubing, swimming, picnicking, and fishing. A video of Clear Creek Whitewater Park in Golden, Colorado was shown.

The process to design a whitewater park was explained. A feasibility study was approximately \$10,000 to \$20,000 and a preliminary design was approximately \$50,000 to \$100,000.

OLD BUSINESS

A. Parks and Recreation Master Plan Update

Sheila Long introduced Gary Warner from Withers Ravenel who was working on the Town's Parks and Recreation master plan. The plan focused on the entire Parks and Recreation system and operations. Mr. Warner explained the project process and the methods for community engagement.

B. Water Merger Agreement Update and Discussion

Bobby Fitts answered questions the Board had at the August work session. There was discussion about capacity at other merger communities. Staff explained Zebulon's usage and capacity today and for future years with and without the sell back option. There was discussion about sewer capacity. With the Merger Agreement, residents would see about a 50% reduction in their water bills.

The Board agreed to let staff prepare a draft Merger Agreement with the City of Raleigh and present the agreement to the Board at the October 5, 2020 meeting.

Board of Commissioners
Minutes
September 23, 2020

CLOSED SESSION

Mayor Matheny stated the Board needed a motion to go into closed session as permitted by NC GS §143-318.11(a)(5) for the purpose of property acquisition and NC GS §143-318.11(a)(6) for the purpose of personnel discussions.

Commissioner Loucks made a motion, second by Commissioner Moore to go into closed session. There was no discussion and the motion passed unanimously.

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

Commissioner Baxter made a motion, second by Commissioner Loucks to have closed session personnel minutes for September 23, 2020 archived with Wyrick Robbins Yates & Ponton LLP. There was no discussion and the motion passed unanimously.

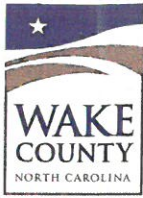
Commissioner Moore made a motion, second by Commissioner Clark to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 5th day of October, 2020.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

GREG FORD, CHAIRMAN
VICKIE ADAMSON, VICE-CHAIR
MATT CALABRIA
SUSAN EVANS
JESSICA HOLMES
SIG HUTCHINSON
JAMES WEST

September 9, 2020

Ms. Lisa Markland
Town Clerk
Town of Zebulon
1003 North Arendell Avenue
Zebulon, North Carolina 27597

Dear Ms. Markland:

The Wake County Board of Commissioners, in regular session on September 8, 2020, approved and accepted the enclosed tax report for the Town of Zebulon.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Gilyard".

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

DATE

TIME

PAGE

Rebate Details

08/16/2020

9:29:50 PM

1

07/01/2020 - 07/31/2020

ZEBULON

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR TYPE	OWNER
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INDIVIDUAL PROPERTY ACCOUNTS

760241					25.07	07/16/2020	0006909213	2020	2019	000000	CHEETHAM, DAVID PAUL
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SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS					25.07				1		Properties Rebated
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TOTAL REBATED FOR ZEBULON					25.07				1		Properties Rebated for City
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Wake County Tax Administration

Rebate Details

07/01/2020 - 07/31/2020

ZEBULON

DATE

08/16/2020

TIME

9:29:50 PM

PAGE

1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR BILLING YEAR FOR TYPE	OWNER
Grand Total:	17,690.25	486.25	456.99	0.00	18,633.49		94	Properties Rebated for All Cities	




STAFF REPORT
FINANCIAL STATEMENTS UPDATE
OCTOBER 5, 2020

Topic: FY 2021 Monthly Financial Statement Update

Speaker: Bobby Fitts, Finance Director (if pulled from Consent)

Prepared by: Bobby Fitts, Finance Director

Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

This monthly report summarizes the status of the Town's revenues and expenditures.

Background:

The attached financials are a summary of revenues and expenditures to date. These are provided to keep the Board informed, on a monthly basis, of how revenues and expenditures are trending throughout the year. The enclosed statements are through September 21, 2020.

Information:

Expenditures

At 2 ½ months into Fiscal Year 2021, the Town has spent approximately 17% (~\$2,319,000) of its General Fund budget of \$13,935,246. Departments with higher expenditure percentages reflect debt service payments scheduled early in the fiscal year (e.g. Fire Pumper Truck, Fire Ladder Truck, and Public Works Hook-Lift Truck). New Police vehicles were ordered to replace those that had exceeded their useful service life.

Revenues

- Property Tax (largest revenue stream)
 - + \$523,000 collected to date (6.9% of budgeted revenues (\$7,579,300)).
 - + 17.7% more than collected this time last fiscal year (\$444,000).
 - + Monitoring equipment investments for indication of FY '22 Budget
- Sales Tax (second largest revenue stream)
 - + FY 2020 totals (sales tax reports lag 3-months)
 - + \$16,778 collected over FY 2020 Budget (inclusive of COVID-19 downturn)
 - + \$36,377 collected over what was collected in FY 2019.
- Utilities Sales Tax (5% of revenue stream)
 - + FY 2020 totals (reports received quarterly)
 - + \$627,000 collected (over FY 2020 Budget)
 - + Reflects natural gas and electricity sales and heavily weather dependent



STAFF REPORT
FINANCIAL STATEMENTS UPDATE
OCTOBER 5, 2020

- Permits & Zoning
 - + \$45,387 collected to date (30.3% of budgeted revenues (\$150,000))
 - + 8% more than what was collected this time last fiscal year (\$42,006).
 - + An indication of development activity and corresponding support services.

- Transportation Impact Fees
 - + \$76,839 collected to date (55% of budgeted revenues (\$140,000)).
 - + 28% more than what was collected to date this time last fiscal year (\$60,027).
 - + Revenue placed in reserve for transportation projects to be spent within 10 years.

Policy Analysis: N/A

Financial Analysis: Budgeted revenue is \$13,935,246 while year to date revenue collected is \$924,039 (6.6% of budgeted). As shown in the chart on the Revenue Statement, 60% of year to date revenues come from property taxes.

Staff Recommendation:

No staff recommendation or Board action is necessary. These are informational only.

Attachments:

1. General Fund Fiscal Year 2021 Expenditure Statement and Revenue Statement (as of September 21, 2020)
2. Sales Tax – FY 2020

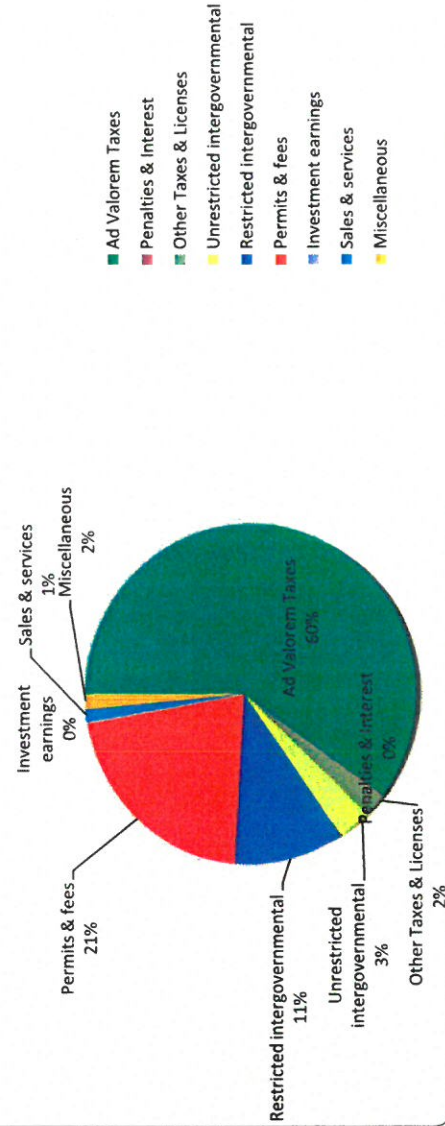


TOWN OF ZEBULON
 Revenue Statement: 2020 - 2021
 for Accounting Period 6/30/2021
 GENERAL FUND

As of 9/21/2020

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$7,623,800	\$552,975	7.3%	59.8%
Penalties & Interest	\$11,000	\$1,119	10.2%	0.1%
Other Taxes & Licenses	\$95,500	\$19,550	20.5%	2.1%
Unrestricted intergovernmental	\$1,742,600	\$28,900	1.7%	3.1%
Restricted intergovernmental	\$884,500	\$99,016	11.2%	10.7%
Permits & fees	\$412,500	\$195,681	47.4%	21.2%
Investment earnings	\$120,000	\$1,574	1.3%	0.2%
Sales & services	\$699,500	\$11,368	1.6%	1.2%
Miscellaneous	\$56,000	\$13,857	24.7%	1.5%
Fund Balance Appropriated	\$2,289,846	\$0	0.0%	0.0%
Total Revenues	\$13,935,246	\$924,039	6.6%	100%

Town of Zebulon General Fund % of Total Revenue To Date - FY 2021





TOWN OF ZEBULON
 Expenditure Statement: 2020 - 2021
 for Accounting Period 6/30/2021
 GENERAL FUND

As of 9/21/2020

<u>Dept. #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$437,594	\$47,992	11.0%
420	FINANCE	\$412,250	\$68,847	16.7%
430	ADMINISTRATION	\$999,030	\$205,186	20.5%
490	PLANNING AND ZONING	\$908,257	\$121,116	13.3%
500	PUBLIC WORKS-PROPERTY & PROJECT MGMT	\$2,222,167	\$210,061	9.5%
510	POLICE	\$2,642,473	\$560,515	21.2%
520	PUBLIC WORKS-OPERATIONS	\$2,134,558	\$415,133	19.4%
530	FIRE	\$2,703,024	\$511,344	18.9%
570	POWELL BILL	\$129,500	\$0	0.0%
620	PARKS & RECREATION	\$1,116,706	\$178,896	16.0%
690	COMMUNITY & ECONOMIC DEVELOPMENT	\$229,687	\$0	0.0%
Total Expenditures		\$13,935,246	\$2,319,089	16.6%

Sales Tax

FY 2020

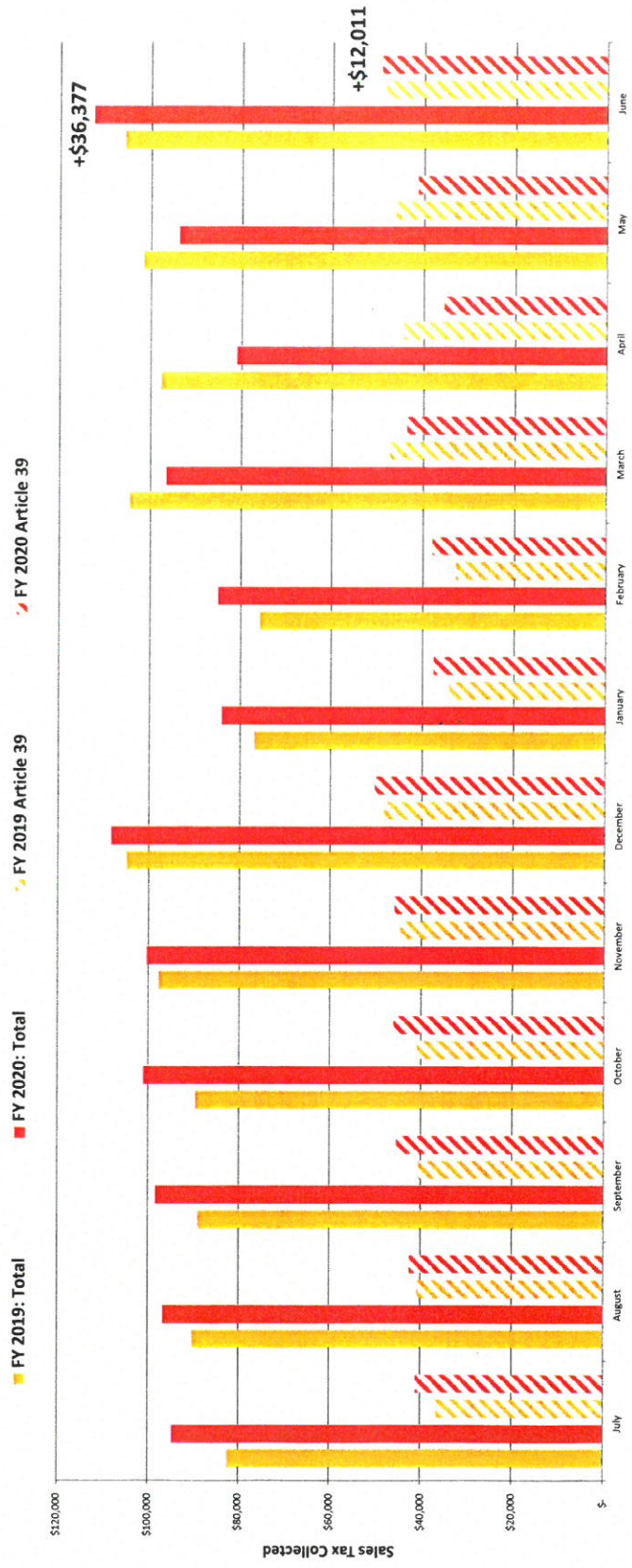
Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 20 Totals	Prior Year (FY 2019)	% Inc (Dec) from Prior Yr
July	\$ 41,205	\$ 17,900	\$ 20,548	43 \$	15,016	\$ 94,711	\$ 82,490	14.8%
August	42,670	18,069	21,290	1	14,791	96,820	90,393	7.1%
September	45,534	17,330	22,718	1	12,899	98,482	89,061	10.6%
October	46,223	17,994	23,069	(1)	13,920	101,205	89,671	12.9%
November	46,102	17,842	22,999	9	13,546	100,498	97,904	2.6%
December	50,451	18,922	25,168	2	13,935	108,478	104,983	3.3%
January	37,739	15,421	18,827	0	12,127	84,115	76,871	9.4%
February	38,082	15,647	18,979	0	12,318	85,027	75,834	12.1%
March	43,777	17,750	21,887	(1)	13,235	96,647	104,736	-7.7%
April	35,710	15,381	17,829	(0)	12,193	81,112	97,795	-17.1%
May	41,524	17,658	20,749	(0)	14,009	93,940	101,771	-7.7%
June	49,544	21,107	24,751	(0)	17,341	112,742	105,892	6.5%
Total	\$ 518,561	\$ 211,021	\$ 258,812	54 \$	165,330	\$ 1,153,778	\$ 1,117,401	3.3%

FY 2019

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 19 Totals	Prior Year (FY 2018)	% Inc (Dec) from Prior Yr
July	\$ 36,660	\$ 15,288	\$ 18,274	(2) \$	12,269	\$ 82,490	\$ 85,782	-3.8%
August	41,003	16,254	20,432	(1)	12,704	90,393	84,256	7.3%
September	40,586	16,066	20,242	0	12,166	89,061	87,489	1.8%
October	41,007	15,964	20,421	1	12,279	89,671	77,610	15.5%
November	44,706	17,395	22,274	1	13,528	97,904	90,722	7.9%
December	48,453	18,495	24,162	(2)	13,875	104,983	103,358	1.6%
January	34,293	14,101	17,050	(0)	11,428	76,871	72,080	6.6%
February	32,900	14,512	16,402	(3)	12,023	75,834	69,386	9.3%
March	47,536	18,843	23,708	0	14,649	104,736	91,420	14.6%
April	44,474	17,522	22,152	(1)	13,649	97,795	87,894	11.3%
May	46,429	18,144	23,099	1	14,098	101,771	93,063	9.4%
June	48,503	18,854	24,215	(6)	14,325	105,892	97,465	8.6%
Total	\$ 506,550	\$ 201,438	\$ 252,431	(11) \$	156,993	\$ 1,117,401	\$ 1,040,523	7.4%

* Net proceeds of the Article 39 tax are returned to the county of origin.

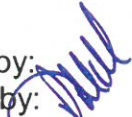
Monthly Summary of Sales Tax Collected





STAFF REPORT
CITY OF RALEIGH – CONTRACT FOR
BILLING SERVICES (SOLID WASTE)
OCTOBER 5, 2020

Topic: City of Raleigh – Contract for Billing Services (Solid Waste)

Speaker: Bobby Fitts, Finance Director
From: Bobby Fitts, Finance Director
Prepared by: Bobby Fitts, Finance Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider a revised contract with the City of Raleigh to bill on behalf of the Town of Zebulon for solid waste service.

Background:

With adoption of the Utility Merger, the City of Raleigh overtook responsibility of billing customers within Zebulon for water and sewer service. Similar to other communities within the merged utility system, the City of Raleigh bills on behalf of Zebulon for solid waste service (since 2006) and stormwater service (since 2011, but discontinues this year with the cost of this service rolled into the property tax rate).

Historically, the City of Raleigh charged \$7,500 per year for solid waste and \$2,000 for stormwater. The fees have not changed since the beginning of the merger. The City of Raleigh has implemented an increase in those fees. It will be a “stepped up” increase phased in over the next three years. In year one (FY 2021), the fee goes from \$0.25/bill (\$8,000 annually) to \$0.50/bill (\$17,000 annually). Then, the final step up would be to \$0.84/bill in FY 2022 which would equate to approximately \$29,000 annually.

Discussion:

The discussion before the Board is whether to approve the new Contract for Billing Services.

Policy Analysis:

The proposed contract allows the Town to maintain fiscally appropriate staffing levels.

Fiscal Analysis:

The City of Raleigh bills and collects the solid waste and recycling fees for the Town of Zebulon on a monthly basis. The fees budgeted for FY 2021 are \$17,500 to reflect the increase. As mentioned above, the fees to bill and collect Stormwater fees will no longer be in effect. If the Town were to bill individually for solid waste, collection of fees would be difficult with limited avenues to pursue past due collections. The NC Debt Setoff Program is an option, but the past due balance must be more than \$50 and we must have social security numbers for the debtors. It would also be cost prohibitive for the Town to bill and collect the solid waste fees ourselves due to increased staffing, software and materials costs that would go along with it. We would likely need an



STAFF REPORT
CITY OF RALEIGH – CONTRACT FOR
BILLING SERVICES (SOLID WASTE)
OCTOBER 5, 2020

additional full-time employee to handle the workload. This would far outweigh the cost of the City of Raleigh collection costs. The City collection rate on our solid waste fees is approximately 85-90%.

Staff Recommendation:

Staff recommends approval of the attached contract.

Attachments:

1. Contract for Billing Services

CONTRACT FOR BILLING SERVICES

This Billing Agreement (the "Billing Agreement") is entered into by and between the Town of Zebulon, hereinafter referred to as the "Town", and the City of Raleigh, a North Carolina municipal corporation, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the City and the Town have entered into that certain Merger Agreement Merging the Water and Sewer Utility Systems of Zebulon, North Carolina and Raleigh, North Carolina dated August 2, 2006, as amended, pursuant to the authority conferred by N.C. Gen. Stat. §160A-460 *et seq* (the "Utility Merger Agreement"); and

WHEREAS, the City agreed to collect certain Town rates, fees, charges and penalties as authorized by N.C. Gen. Stat. §160A-311 *et seq* (the "Fee" or "Fees") on the Town's behalf and remit such Fees to the Town pursuant to a separate contract; and

NOW THEREFORE, in consideration of sums to be paid to the Town, and other good and valuable consideration, the Town and City do contract and agree as follows:

1. City's Rights and Obligations
 - a. The City will invoice and receive the Town's approved solid waste and recycling charges, (the "Town's Fees") to properties designated in writing by the Town, in the form and manner specified by the City, on the schedule and in the manner that the City bills for water and wastewater utility services. The City shall have no responsibility to invoice the Town's Fees due and owing to the Town for any property not designated pursuant to the Billing Agreement by the Town for the billing of the Town's Fees by the City.
 - b. The City will remit to the Town any and all of the Town's Fees actually received by the City on a monthly basis.
 - c. The City shall have no obligation to take any action to collect delinquent Town Fees; however, to the extent permitted by law, the City will include the Town's Fees in any action it takes to collect its own rates, fees, and charges from its customers. If any collection action results in a settlement or order whereby the customer pays less than the amount sought by the City in such collection action, the City's rates, fees, and charges (the "City's Fees") will be paid first and then the Town's Fees.
 - d. The City shall not be responsible to the Town for any Fees not actually received by the City unless the City failed to bill a customer Fees for services actually received by the customer as directed by the Town pursuant to this Billing Agreement.
 - e. The City shall have no obligation to provide answers to customer inquiries about the Town's Fees but instead will provide such customers a telephone number designated by the Town so that the Town may answer such questions.
 - f. The City will apply partial payments in the order approved by the Raleigh City Council to any Fees that appear on the City's combined utility bill, which order may be amended from time to time.
 - g. The City will only change the Town's Fees one time per year, which change in fee shall be effective on the same date the City's Fees change, which is typically July 1 of each year. In the event the Town needs to change or add a Town Fee(s) at any other time of the year or changes the structure of the Town Fees that requires a change in the City's billing software, the Town shall be responsible for all costs associated with such change in the Town Fee(s) as specified by the City following the request for change by the Town.
2. Town's Rights and Obligations
 - a. Throughout the term of this Billing Agreement, the Town shall pay the City as follows: \$0.50 per bill that includes Town's Fees for the first year after the date of the execution of this Billing Agreement. Thereafter,

upon prior written notice provided to the Town, the Town shall pay the City at the rate approved by the City Council, which amount may be amended from time to time based upon cost of service studies performed by the City. Such studies will be made available to the Town. The amount the Town owes the City pursuant to this Paragraph 2.a. will be deducted from the revenues collected by the City.

- b. The Town shall designate the properties to be billed by the City in writing, which properties may be amended in writing by the Town from time to time.
- c. Through and until September 18, 2020, the Town has instructed the City to bill the Town Fee(s) as follows:

Solid Waste: \$20.75 for the first can and \$10.94 for additional cans
Recycling: \$6.59 per customer with only recycling service (no solid waste)
Stormwater: \$2.00 per single-family equivalent unit

- d. Starting September 19, 2020, the Town desires the City bill the Town Fees as follows:

Solid Waste: \$20.75 for the first can and \$10.94 for additional cans
Recycling: \$6.59 per customer with only recycling service (no solid waste)

- e. In the event of a change in the amount of any Town Fee, the Town shall notify the City of the change(s) no later than March 1 of any calendar year, and upon such notice, the City shall make such change at no additional cost to the Town. In the event the Town notifies the City of the change later than March 1 of any calendar year, the Town shall be responsible for all costs pursuant to Paragraph 1.g. above.
- f. The Town shall be responsible for answering any customer questions about the Town's Fees. The Town shall provide the City with a telephone number or other contact information for the City to refer a customer who calls the City's utility customer service lines with a question about the Town's Fees.
- g. The Town shall adopt the order in which the City applies partial payments to Fees that appear on the City's combined utility bill, which order may be amended from time to time and shall be adopted by the Town as amended. Upon request by the City, the Town shall collect delinquent fees for water and sewer services from users in its jurisdiction and shall pay those delinquent water and sewer services fees to the City. If necessary to accomplish the collection of such fees, the Town shall adopt an ordinance requiring that all fees for enterprise services, including those for water and sewer service, shall be collected in the same manner as delinquent personal or real property taxes. The Town shall pay to the City an amount equal to the amount collected for water and sewer services fees.

3. Term.

The term of this Billing Agreement shall be twenty-five years from the date of execution by the City of this Billing Agreement, unless terminated earlier pursuant to Paragraph 11 of this Billing Agreement.

4. Notices

All notices or other communications arising hereunder shall be sent to the following:

City of Raleigh
Attn: Raleigh Water Director
P.O. Box 590
Raleigh, NC 27602
Email Robert.massengill@raleighnc.gov

Town of Zebulon
Attn: Bobby Fitts, Finance Director
1003 N. Arendell Avenue
Zebulon, NC 27597
Email bfitts@townofzebulon.org

5. Non-Discrimination

To the extent permitted by North Carolina law, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this Billing Agreement. The parties further

upon prior written notice provided to the Town, the Town shall pay the City at the rate approved by the City Council, which amount may be amended from time to time based upon cost of service studies performed by the City. Such studies will be made available to the Town. The amount the Town owes the City pursuant to this Paragraph 2.a. will be deducted from the revenues collected by the City.

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- f. The Town shall be responsible for answering any customer questions about the Town's Fees. The Town shall provide the City with a telephone number or other contact information for the City to refer a customer who calls the City's utility customer service lines with a question about the Town's Fees.
- g. The Town shall adopt the order in which the City applies partial payments to Fees that appear on the City's combined utility bill, which order may be amended from time to time and shall be adopted by the Town as amended. Upon request by the City, the Town shall collect delinquent fees for water and sewer services from users in its jurisdiction and shall pay those delinquent water and sewer services fees to the City. If necessary to accomplish the collection of such fees, the Town shall adopt an ordinance requiring that all fees for enterprise services, including those for water and sewer service, shall be collected in the same manner as delinquent personal or real property taxes. The Town shall pay to the City an amount equal to the amount collected for water and sewer services fees.

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City of Raleigh
Attn: Raleigh Water Director
P.O. Box 590
Raleigh, NC 27602
Email Robert.massengill@raleighnc.gov

Town of Zebulon
Attn: Chris Ray, Public Works Director
1003 N. Arendell Avenue
Zebulon, NC 27597
Email cray@townofzebulon.org

5. Non-Discrimination

To the extent permitted by North Carolina law, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with reference to the subject matter of this Billing Agreement. The parties further

agree, to the extent permitted by law, to conform with the provisions and intent of City of Raleigh Ordinance 1969-889, as amended. This provision is hereby incorporated into this Billing Agreement for the benefit of the City of Raleigh and its residents, and may be enforced by action for specific performance, injunctive relief, or other remedy as provided by law. This provision shall be binding on the successors and assigns of the parties with reference to the subject matter of this Billing Agreement.

6. Assignment

This Billing Agreement may not be assigned without the express written consent of both parties.

7. Applicable Law

All matters relating to this Billing Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Billing Agreement shall be Wake County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Western Division.

8. Indemnity

Except to the extent caused by the sole negligence or willful misconduct of the City, the Town shall indemnify and hold and save the City, its officers, agents and employees, harmless from liability of any kind, including all claims, costs (including defense) and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Billing Agreement, and from any and all claims, costs (including defense) and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the Town in the performance of this Billing Agreement. In addition, the Town shall indemnify and hold and save the City, its officers, agents and employees, harmless from liability of any kind, including claims, costs (including defense) and expenses, on account of any claim that any Town Fee is illegal or otherwise unauthorized by law. This representation and warranty shall survive the termination or expiration of this Billing Agreement.

9. Intellectual Property

Any information, data, instruments, documents, studies, reports or deliverables given to or exposed to the Town and prepared or assembled by the City under this Billing Agreement shall be kept as confidential proprietary information of the City and not divulged or made available to any individual or organization without the prior written approval of the City. Such information, including but not limited to public enterprise billing information, data, instruments, documents, studies, reports or deliverables will be the sole property of the City and not the Town.

All intellectual property, including, but not limited to, patentable inventions, patentable plans, copyrightable works, mask works, trademarks, service marks and trade secrets invented, developed, created or discovered in performance of this Billing Agreement shall be the property of the City.

10. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations or ordinances applicable to the parties and the services performed under this Billing Agreement, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, pandemic, or other catastrophic natural event or act of God. Either party to the Billing Agreement must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Billing Agreement by this provision.

11. Cancellation

Either party may terminate this Billing Agreement at any time by providing sixty (60) days written notice to the other party. In addition, if one party fails to fulfill in timely and proper manner the obligations under this Billing Agreement for any reason, including the voluntary or involuntary declaration of bankruptcy, the other party shall have the right to terminate this Billing Agreement by giving written notice to the defaulting party and termination will be effective upon receipt.

In the event of early termination, Town shall be entitled to receive any Town Fees actually received by the City for a period of one-hundred and twenty (120) days following the date of the notice of termination. Notwithstanding the foregoing, in no event will the total amount due to Town under this section exceed the total amount due Town under this Billing Agreement. The Town shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Billing Agreement, and the City may withhold any payment due to the Town for the purpose of setoff until such time as the City can determine the exact amount of damages due the City because of the breach.

Payment of compensation specified in this Billing Agreement, its continuation or any renewal thereof, is dependent upon and subject to the allocation or appropriation of funds to the City for the purpose set forth in this Billing Agreement.

12. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this Billing Agreement, this Billing Agreement and all materials submitted to the City by the Town are subject to the public records laws of the State of North Carolina, including N.C. Gen. Stat. §132-1.1 that exempts public enterprise billing information, and it is the responsibility of the Town to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the City. The Town further understands and agrees that the City may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Billing Agreement. To the extent that any other provisions of this Billing Agreement conflict with this paragraph, the provisions of this section shall control.

13. Miscellaneous

To the extent permitting by the Local Government Budget and Fiscal Control Act, the Town shall reimburse the City for the replacement value of any loss or damage to any property furnished or purchased by the City for use in connection with the performance of this Billing Agreement,.

14. Amendments

This Billing Agreement may be amended only by written agreement of the parties executed by their authorized representatives. Directives from the City on how to designate properties for invoicing and changes to the per bill charge to the Towns are not amendments to this Billing Agreement.

15. Incorporation of Documents/Complete Agreement

This Billing Agreement, and any documents incorporated below, represent the entire agreement between the parties regarding the billing of utility services by the City on behalf of the Town and terminates all prior oral or written statements, agreements or contracts regarding the billing of utility services by the City on behalf of the Town. In cases of conflict between this Billing Agreement and the Utility Merger Agreement, the terms of this Billing Agreement shall prevail.

The remainder of this page remains blank intentionally.

THIS CONTRACT is entered into this 5th day of October, 2020.

IN WITNESS WHEREOF, the Town has executed the foregoing with the signature(s) of its duly authorized officer(s), and the City has executed with the signature of its City Manager, attested by its (Assistant/Deputy) Clerk-Treasurer, with the official seal affixed, the day and year first above written.

TOWN OF ZEBULON:

CITY OF RALEIGH

By:

By:

Joseph M. Moore, II – Town Manager

City Manager or Authorized Designee

ATTEST:

ATTEST:

By: _____
Lisa M. Markland – Town Clerk

By: _____
(Deputy) Clerk-Treasurer

(Affix Seal)


(Affix Seal)

THIS INSTRUMENT APPROVED AS TO FORM:

City Attorney



STAFF REPORT
ORDINANCE 2021-41
REQUEST FOR ANNEXATION
OCTOBER 5, 2020

Topic: Ordinance 2021-41 (AN 2020-03) 1007 North Bell Street
Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the voluntary annexation petition received for approximately 1.0 acres located at 1007 North Bell Street (PIN 270507680). This is a legislative case.

Background:

North Carolina General Statute §160A-58.1 states that the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The Town has certified the annexation request for sufficiency prior to Public Hearing (See Attachment 2).

A notice was published in the Wake Weekly on September 24, 2020 and October 1, 2020.

The Town's corporate limits are adjacent to the subject property on three sides, and it is currently improved with a 1,560 square foot residential detached dwelling that was built in 1959. The section of land to the adjacent west is owned by GlaxoSmithKline (GSK) and the land across North Bell Street from the subject property is also owned by GSK. The applicant is requesting annexation to connect into the municipal utility system. Due to topography, gravity sewer is likely not an option for this property. If the property owner wished to connect to the municipal sewer system, a pump station constructed on private property is required. Alternatively, the property owner could choose to only connect to the municipal water system. In either case, the cost of the construction of infrastructure improvements to provide utilities to the site would be the property owner's responsibility.

Discussion:

The discussion before the Board is whether to annex the subject property into the Town of Zebulon Corporate Limits.



STAFF REPORT
ORDINANCE 2021-41
REQUEST FOR ANNEXATION
OCTOBER 5, 2020

Policy Analysis:

This annexation request is required due to the property requesting municipal services service to the site. The Town of Zebulon partners with the City of Raleigh for these services complying with Comprehensive Plan *Chapter 8 Utilities Policy 1 – Partner with State, local governments and other jurisdictions, utility franchise and other public service entities to provide services as appropriate.* The property is currently in the Town of Zebulon’s Extraterritorial Jurisdiction, meaning that at some point this parcel was identified to be within the Town Limits. This request is consistent with *Comprehensive Plan Chapter 9 Land Use & Overview Policy 2 - Explore annexation strategies.*

Unified Development Ordinance Section 2.2.2.G provides standards for the Board to Consider when rendering a decision. These are as follows:

1. The annexation petition bears the signatures of all landowners within the area to be annexed;
2. The area to be annexed can be adequately served by the same municipal services provided within the Town’s primary corporate limits;
3. The debt obligations from serving the subject lands do not exceed the anticipated revenues to the Town; and
4. The public health, safety, and welfare of Town residents and the residents of the lands proposed for annexation will be best served by the annexation.

Fiscal Analysis:

The total revenue the town expects from annual property tax for this parcel is \$924.80. The property is adjacent to corporate limits and within existing service zones, therefore annexation is expected to have a negligible impact on Town services.

Staff Recommendation:

Staff recommends approval of the annexation as it is consistent with Comprehensive Plan policies and Ordinance 2021-41.



STAFF REPORT
ORDINANCE 2021-41
REQUEST FOR ANNEXATION
OCTOBER 5, 2020

Sample Motion:

I hereby make a motion to approve/deny Ordinance 2021-41 for the proposed request to annex the parcel at 1007 North Bell Street (PIN 270507680) into the Town of Zebulon Corporate Limits finding the request is/is not consistent with NCGS §160A-58.1 and Section 2.2.2.G of the Town of Zebulon Unified Development Ordinance.

Attachments:

1. Application
2. Certificate of Sufficiency
3. Land Use Map
4. Aerial Map
5. Zoning Map
6. ETJ Map
7. Site Pictures
8. Legal Ad
9. NCGS 160A-58.1
10. Boundary Map
11. Ordinance 2021-41



RECEIVED 8/26 m3

APPLICATION FOR ANNEXATION

Attachment 1 AN 2020-03

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property: 1007 N Bell St Zebulon NC 27597		Total Acreage: 5935 sq ft 1.0
Parcel Identification Number (NC PIN) Please include all 2705076800	Deed Book: 17052 017600	Deed Page(s): 585 02165
Name of Project (if Applicable) Bell St Duplex	Current Zoning of the Property Residential	
Existing Use of the Property Residential	Proposed Use of the Property Residential	
Reason for Annexation We want to be able to tie in to County water + sewer.		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: Leslie Privette		
Street Address of Applicant/Agent: 201 Forest Dr		
City: Knightdale	State: NC	Zip Code: 27545
Email of Applicant/Agent: leslie@threesixbuilders.com	Telephone Number of Applicant/Agent: 919-801-5640	Fax Number of Applicant/Agent:
Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.

PART 3. SURVEYOR INFORMATION		
Name of Surveyor: Williams - Pearce + Associates		
Street Address of Surveyor: 1000 N Arendell Ave		
City: Zebulon	State: NC	Zip Code: 27597
Email of Surveyor: dow@wpsurvey.com	Telephone Number of Property Owner: 919-801-5640	Fax Number of Property Owner:

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

Signature of Surveyor	Print Name:	Date:
-----------------------	-------------	-------



APPLICATION FOR ANNEXATION

PART 4. PROPERTY OWNER INFORMATION

To the Board of Commissioners of the Town of Zebulon, North Carolina:

- 1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 be annexed to the Town of Zebulon, Wake County, North Carolina.
2. The area to be annexed is X contiguous, non-contiguous (satellite) to the Town of Zebulon, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

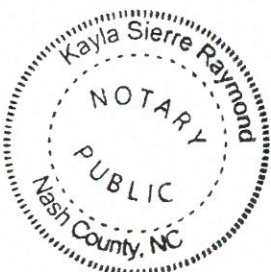
Table with 3 columns: Signature of Owner, Print Name, Date. Contains signatures of Leslie Privette and Fred Privette, both dated 6-17-2020.

STATE OF NC
COUNTY OF WAKE

Sworn and subscribed before me, Kayla Sierre Raymond, a Notary Public for the above State and County, this the 17 day of June, 2020.

Kayla Sierre Raymond
Notary Public

SEAL



8/8/2024
My Commission Expires:



APPLICATION FOR ANNEXATION

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ___ day of ___, 20__.

Corporate Name

SEAL

By: Attest: President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, ___, a Notary Public for the above State and County, this the ___ day of ___, 20__.

Notary Public

SEAL

My Commission Expires:

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Private Property a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 17 day of June, 2020. Name of Limited Liability Company

By: Leslie B Pruiette

[Handwritten signature]

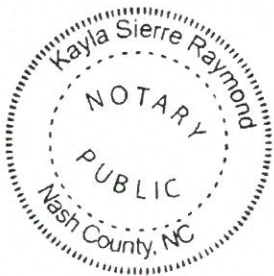
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

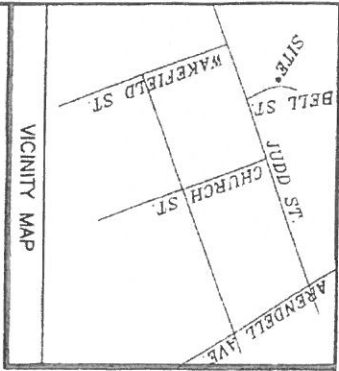
Sworn and subscribed before me, Kayla Sierre Raymond, a Notary Public for the above State and County, this the 17 day of June, 2020.

Kayla Sierre Raymond
Notary Public

SEAL



8/8/2024
My Commission Expires:



PROPERTY ADDRESS:
1007 N. BELL ST.
ZEBULON, NC 27597

- LEGEND
- ▲ EXISTING IRON PIPE
 - △ IRRIGATION CONTROL VALVE
 - ⊗ WATER METER
 - ⊙ SEWER CLEANOUT
 - RAILROAD SPIKE
 - NEW IRON PIPE
 - ▲ WATER SPIGOT
 - EXISTING FR MAIL

REFERENCES:
DB 17052 PG 585
BOM 2003 PG 2038

NOTE: AREA COMPUTED BY COORDINATE METHOD.

NOTE: THIS PROPERTY IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

IMPERVIOUS SURFACE COVERAGE - LOT 1
1266 SQ.FT. - PROPOSED DUPLEX
1711 SQ.FT. - PROPOSED WALKS, PARKING PADS & DRIVEWAY
2977 TOTAL SQ.FT. - COVERED AREA
PERCENTAGE OF LOT COVERED - 14.8%

IMPERVIOUS SURFACE COVERAGE - LOT 2
1636 SQ.FT. - EXISTING HOUSE
1322 SQ.FT. - EXISTING GRAVEL DRIVE
2958 TOTAL SQ.FT. - COVERED AREA
PERCENTAGE OF LOT COVERED - 24.0%

I, CLYDE T. PEARCE, certify that this map was drawn under my supervision. (Detailed description recorded in Book _____, page _____, of the Public Records of Wake County, North Carolina, and that this map meets the requirements of the Standard of Practice for Land Surveying in North Carolina (21 NCAC 56.1800).

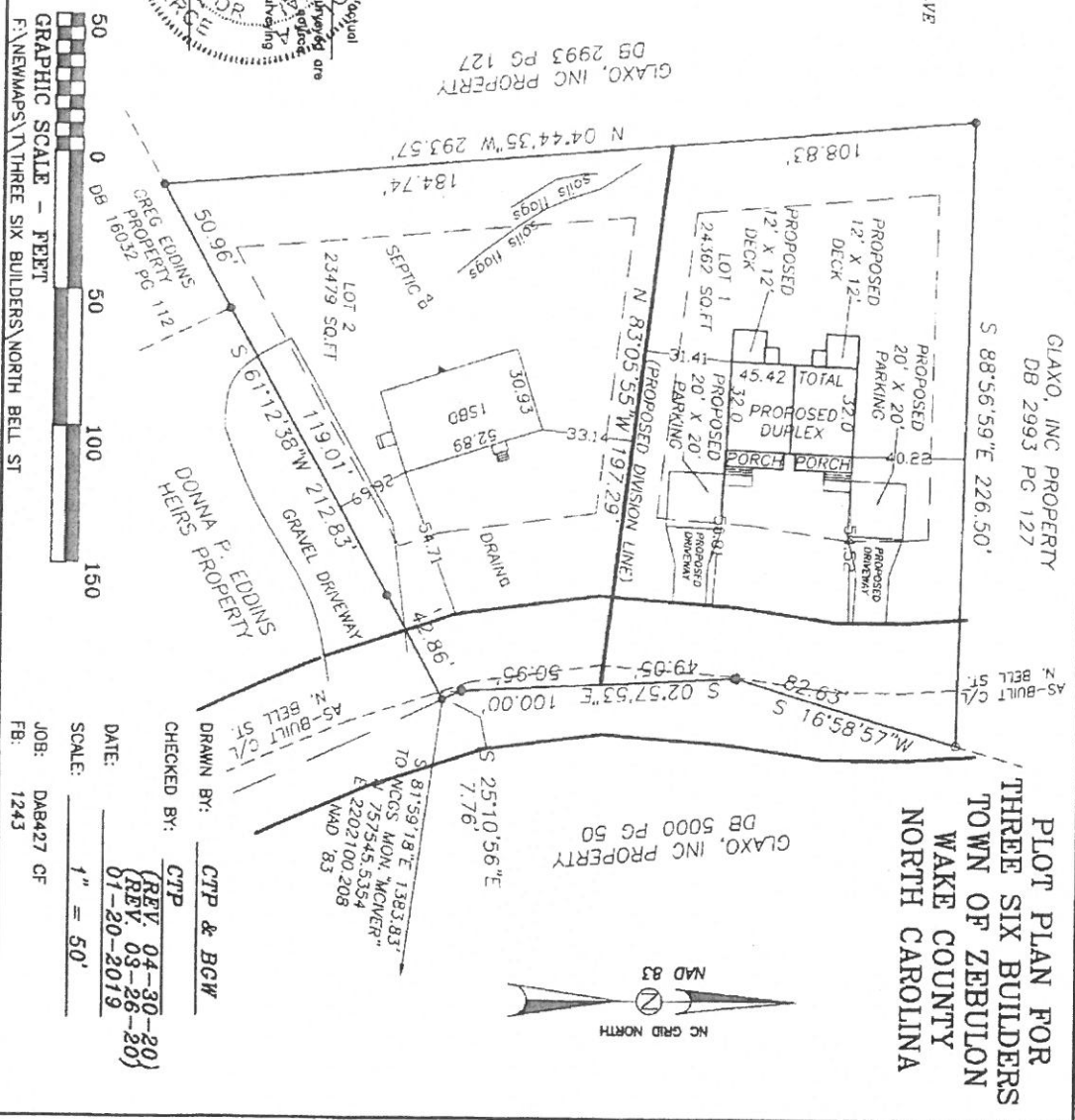
This 20TH day of JANUARY, 2020.

P. L. S. L-2647

WILLIAMS - PEARCE and ASSOC.,
PROFESSIONAL LAND SURVEYORS, P.A.
1000 N. ARENDELL AVE.
P.O. BOX 892, ZEBULON, N.C. 27597
PHONE: 919-269-9605 LIC. # C-0243



GLAXO, INC PROPERTY
DB 2993 PG 127





[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)

Real Estate ID **0049756**

PIN # **2705076800**

[Account Search](#)

Location Address
1007 N BELL ST

Property Description
NEAR ZEBULON

[Pin/Parcel History](#) [Search Results](#) [New Search](#)



Property Owner PRIVETTE PROPERTY LLC (Use the Deeds link to view any additional owners)		Owner's Mailing Address PO BOX 1250 KNIGHTDALE NC 27545-1250		Property Location Address 1007 N BELL ST ZEBULON NC 27597-2346	
Administrative Data Old Map # 054-00000-0052 Map/Scale 2705 05 VCS 09ZB900 City Fire District 23 Township LITTLE RIVER Land Class R-10-HS ETJ ZB Spec Dist(s) Zoning R-13 History ID 1 History ID 2 Acreage 1.00 Permit Date 7/11/2019 Permit # 0205962019		Transfer Information Deed Date 10/3/2019 Book & Page 17600 2165 Revenue Stamps Pkg Sale Date 5/22/2019 Pkg Sale Price \$60,000 Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 1,560		Assessed Value Land Value Assessed \$34,000 Bldg. Value Assessed \$91,696 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$125,696	

*Wake County assessed building and land values reflect the market value as of January 1, 2020, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.

• File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Document Online • Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form

Limited Liability Company

Legal Name

PRIVETTE PROPERTY, LLC

Information

SosId: 1388406

Status: Current-Active ⓘ

Date Formed: 7/3/2014

Citizenship: Domestic

Annual Report Due Date: April 15th

Registered Agent: Privette, Frederic E.

Addresses

Principal Office

201 Forest Drive
Knightdale, NC 27545-9604

Reg Office

201 Forest Drive
Knightdale, NC 27545-9604

Mailing

PO Box 1250
Knightdale, NC 27545-1250

Reg Mailing

PO BOX 1250
Knightdale, NC 27545-9604

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Managing Member

Fred E Privette
201 Forest Drive
Knightdale NC 27545

Managing Member

Leslie B Privette
201 Forest Drive
Knightdale NC 27545



LIMITED LIABILITY COMPANY ANNUAL REPORT

10/2017
NAME OF LIMITED LIABILITY COMPANY: PRIVETTE PROPERTY, LLC

SECRETARY OF STATE ID NUMBER: 1388406 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2020

Filing Office Use Only
E - Filed Annual Report
1388406
CA202007104159
3/11/2020 02:15
 Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Privette, Frederic E.

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

201 Forest Drive PO BOX 1250
Knightdale, NC 27545-9604 Wake County Knightdale, NC 27545-9604

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Property Management

2. PRINCIPAL OFFICE PHONE NUMBER: (919) 418-9611 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
201 Forest Drive PO Box 1250
Knightdale, NC 27545-9604 Knightdale, NC 27545-1250

6. Select one of the following if applicable. (Optional see instructions)

- The company is a veteran-owned small business
 The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Fred E Privette NAME: Leslie B Privette NAME: _____
TITLE: Managing Member TITLE: Managing Member TITLE: _____
ADDRESS: _____ ADDRESS: _____ ADDRESS: _____
201 Forest Drive 201 Forest Drive _____
Knightdale, NC 27545 Knightdale, NC 27545 _____

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Leslie B Privette 3/11/2020
SIGNATURE DATE
Form must be signed by a Company Official listed under Section C of This form.

Leslie B Privette Managing Member
Print or Type Name of Company Official Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525



Town of Zebulon
The Town of Friendly People

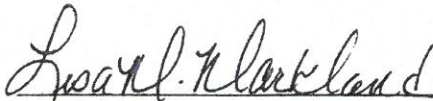
Certificate of Sufficiency
For Pin # 2705076800
1007 N. Bell Street

To the Board of Commissioners of the Town of Zebulon, North Carolina:

I, Lisa M. Markland, Clerk to the Zebulon Board of Commissioners, do hereby certify that I have investigated the petition attached hereto, and have found as a fact that said petition is signed by all the owners or their legal representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 17th day of September, 2020.




Lisa M. Markland, CMC—Town Clerk

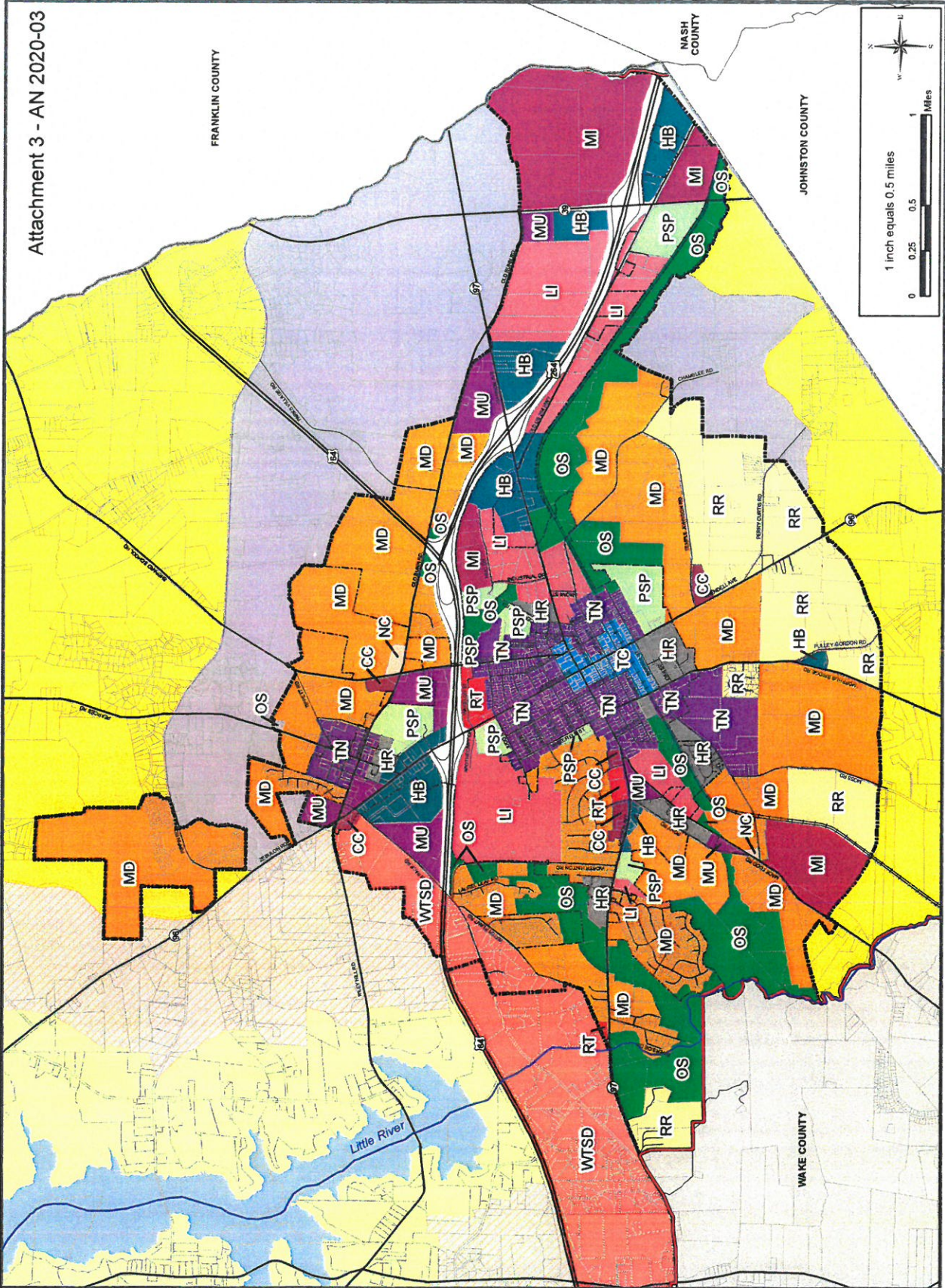
FIRE DEPARTMENT
113 E. Vance Street
Zebulon, NC 27597
(919) 269-6487
Facsimile (919) 269-2618

POLICE DEPARTMENT
1001 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-0312

TOWN HALL
1003 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-6200

PUBLIC WORKS DEPARTMENT
450 E. Horton Street
Zebulon, NC 27597
(919) 269-5285
Facsimile (919) 269-2617

Attachment 3 - AN 2020-03



Land Use

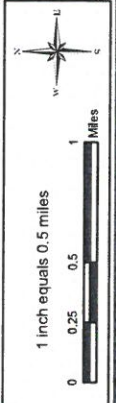
Town of Zebulon
Wake County, NC

Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Watershed
- Supply Watershed
- Annexation/Utility Boundary Agreement Line
- Zebulon Short Range Utility Service Area
- Zebulon Long Range Utility Service Area
- WTSD-Watershed
- Land Use**
- OS-Open Space
- PSP-Public/Semi-Public Open Space
- RR-Residential Rural
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/Downtown
- HB-Highway Business
- MU-Mixed Use
- CC-Community Commercial
- NC-Neighborhood Commercial
- RT-Retail
- LI-Light Industrial
- MI-Medium Industrial
- Parcels
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County

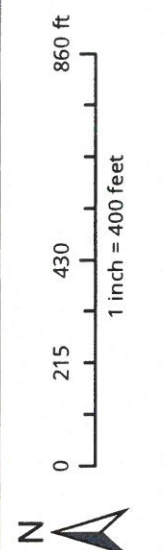


Data obtained from Wake County GIS and the Town of Zebulon
9/1/2023

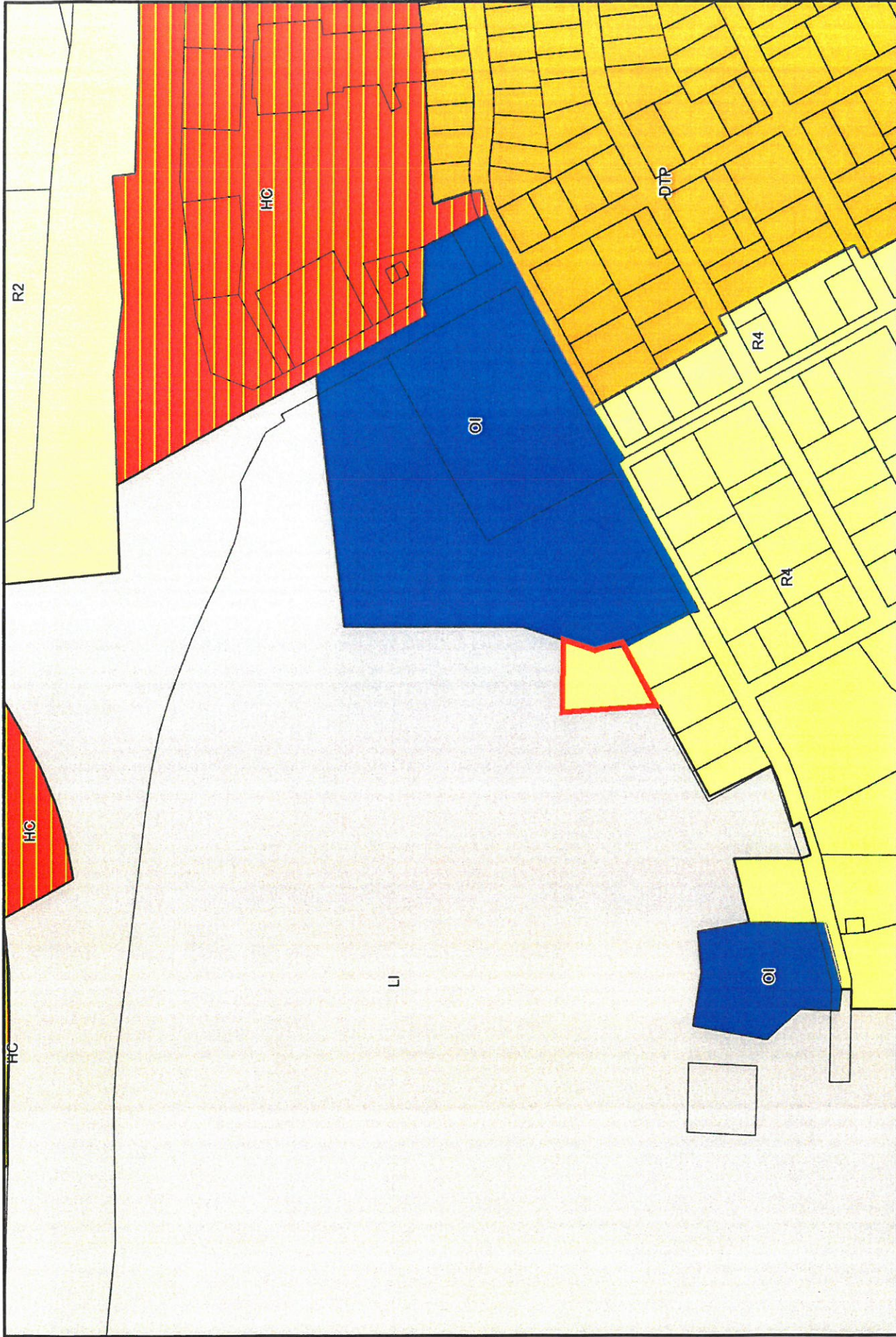




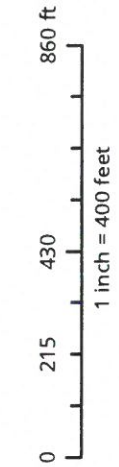
Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



Attachment 4 - AN 2020-03 - Aerial Map

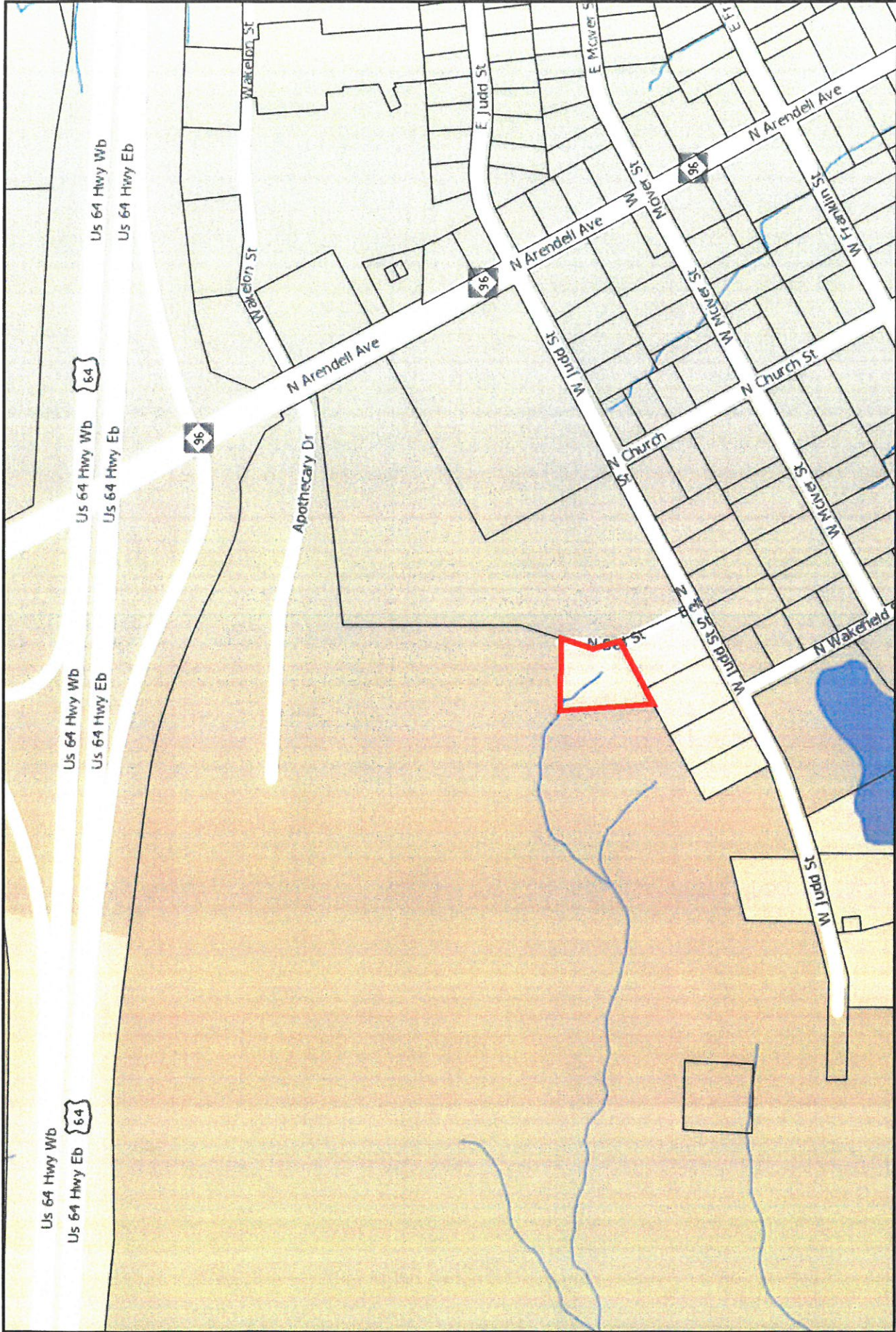


Attachment 5 - AN 2020-03 - Zoning Map



Disclaimer

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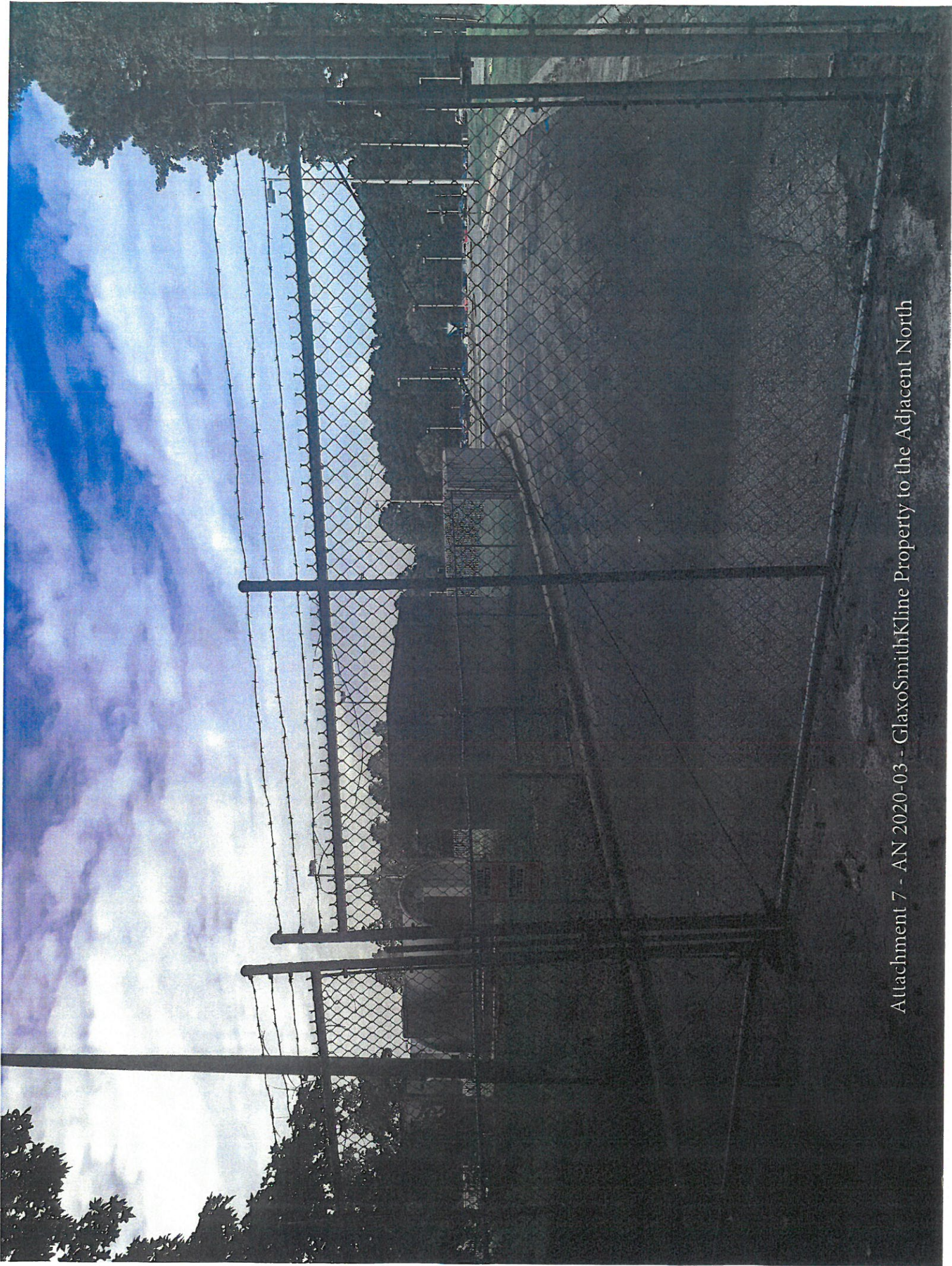
Attachment 6 - AN 2020-03 - ETJ Map



Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



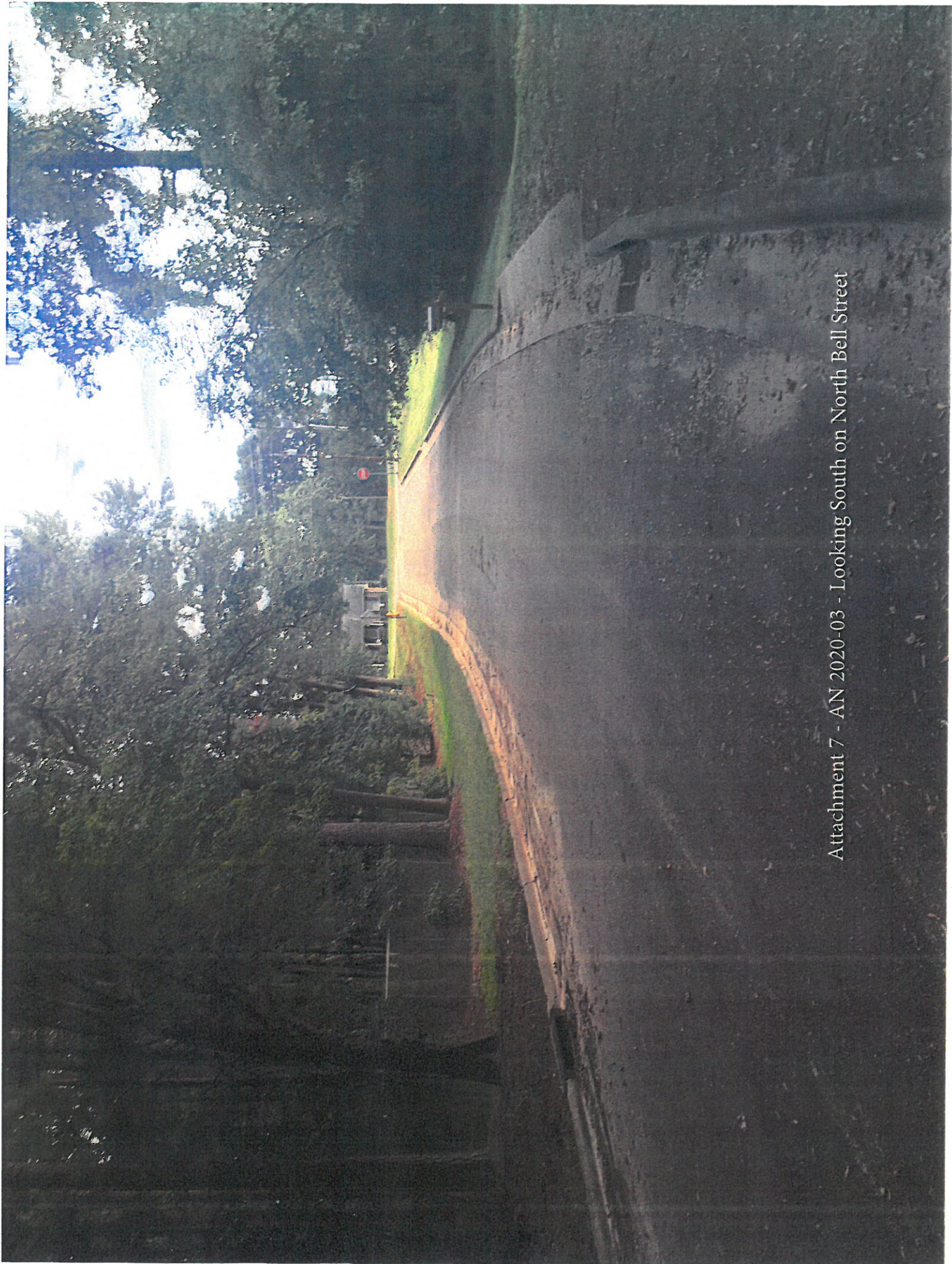
Attachment 7 - AN 2020-03 - Subject Property



Attachment 7 - AN 2020-03 - GlaxoSmithKline Property to the Adjacent North



Attachment 7 - AN 2020-03 - Property Owned by GlaxoSmithKline Across North Bell Street



Attachment 7 - AN 2020-03 - Looking South on North Bell Street



Attachment 7 - AN 2020-03 - Adajcent Property to the South

Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **October 5, 2020 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

AN 2020-03 North Bell Street. A request by Leslie Privette, representing Privette Property, LLC the property owner of 1700 North Bell Street (PIN # 2705076800), requesting annexation into the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at www.TownofZebulon.org/services/planning. For questions or additional information, please contact us at (919) 823-1809.

Wake Weekly 9/24/20 & 10/1/20

§ 160A-31. Annexation by petition.

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____
2. The area to be annexed is contiguous to the (City or Town) of _____ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty-one percent (51%) of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area the population of which is no more than ten percent (10%) of that of the municipality and one-eighth of the aggregate external boundaries of which are contiguous to its boundaries, upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area. A municipality shall not be required to adopt more than one ordinance under this subsection within a 36-month period.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.
2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. For petitions received under subsection (b1) or (j) of this section, the clerk shall receive the evidence provided under subsection (l) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or

on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(d1) Upon a finding that a petition submitted under subsection (j) of this section meets the requirements of this section, the governing body shall have the authority to adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d2) Upon a finding that a petition submitted under subsection (b1) of this section meets the requirements of this section, the governing body shall, within 60 days of the finding, estimate the capital cost to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and estimate the annual debt service payment that would be required if those costs were financed by a 20-year revenue bond. If the estimated annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance. If the estimated annual debt service payment is greater than or equal to five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body may adopt a resolution declining to annex the area. If such a resolution is adopted, the governing body shall immediately submit a request to the Local Government Commission to certify that its estimate of the annual debt service payment is reasonable based on established governmental accounting principles.

(1) If the Local Government Commission certifies the estimate, the municipality is not required to annex the area and no petition to annex the area may be submitted under subsection (b1) of this section for 36 months following the certification. During the 36-month period, the municipality shall make ongoing, annual good faith efforts to secure Community Development Block Grants or other grant funding for extending water and sewer service to all parcels in the areas covered by the petition. If sufficient funding is secured so that the estimated capital cost to the municipality for extending water and sewer service, less the funds secured, would result in an annual debt service payment cost to the municipality of less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(2) If the Local Government Commission notifies the governing board that the estimates are not reasonable based on established governmental accounting principles and that a reasonable estimate of the annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days of the notification adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d3) Municipal services shall be provided to an area annexed under subsections (b1) and (j) of this section in accordance with the requirements of Part 7 of this Article.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes

effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(j) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two-thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(k) The petition under subsection (j) of this section shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town) of _____

1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(j) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of _____.

2. The area to be annexed is contiguous to the (City or Town) of _____, and the boundaries of such territory are as follows:

(1) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (j) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households. (1947, c. 725, s. 8; 1959, c. 713; 1973, c. 426, s. 74; 1975, c. 576, s. 2; 1977, c. 517, s. 4; 1987, c. 562, s. 1; 1989 (Reg. Sess., 1990), c. 996, s. 3; 2011-57, s. 3; 2011-396, s. 10.)

Ordinance 2021-41

**AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE
TOWN OF ZEBULON, NORTH CAROLINA**

**AN-2020-03—1007 N. Bell Street
of approximately 1 acre Pin Number 2705076800**

WHEREAS, the Town of Zebulon has been petitioned under G.S. 160A-31 to annex the area as described below; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 1003 N. Arendell Avenue at 7:00 PM on October 5, 2020 after due notice by publication in the Wake Weekly on September 24, 2020 and October 1, 2020;

WHEREAS, the Town of Zebulon finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached following described territory (see attachment 10) to include the adjoining public right of way (see attachment 10) is hereby annexed and made part of the Town of Zebulon as of October 5, 2020;

Section 2. Upon and after October 5, 2020 the described territory (see attachment 10) and its citizens and property shall be subject to all laws, ordinances and regulations in force in the Town of Zebulon and shall be entitled to the same privileges and benefits as other parts of the Town of Zebulon. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor or Mayor Pro Tem of the Town of Zebulon shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this the 5th day of October 2020.

(SEAL)

Robert S. Matheny—Mayor

ATTEST:

APPROVED AS TO FORM:

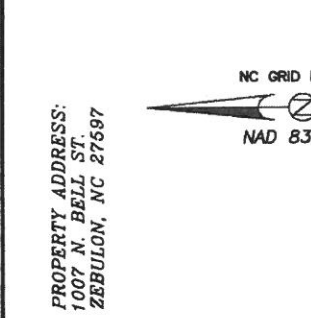
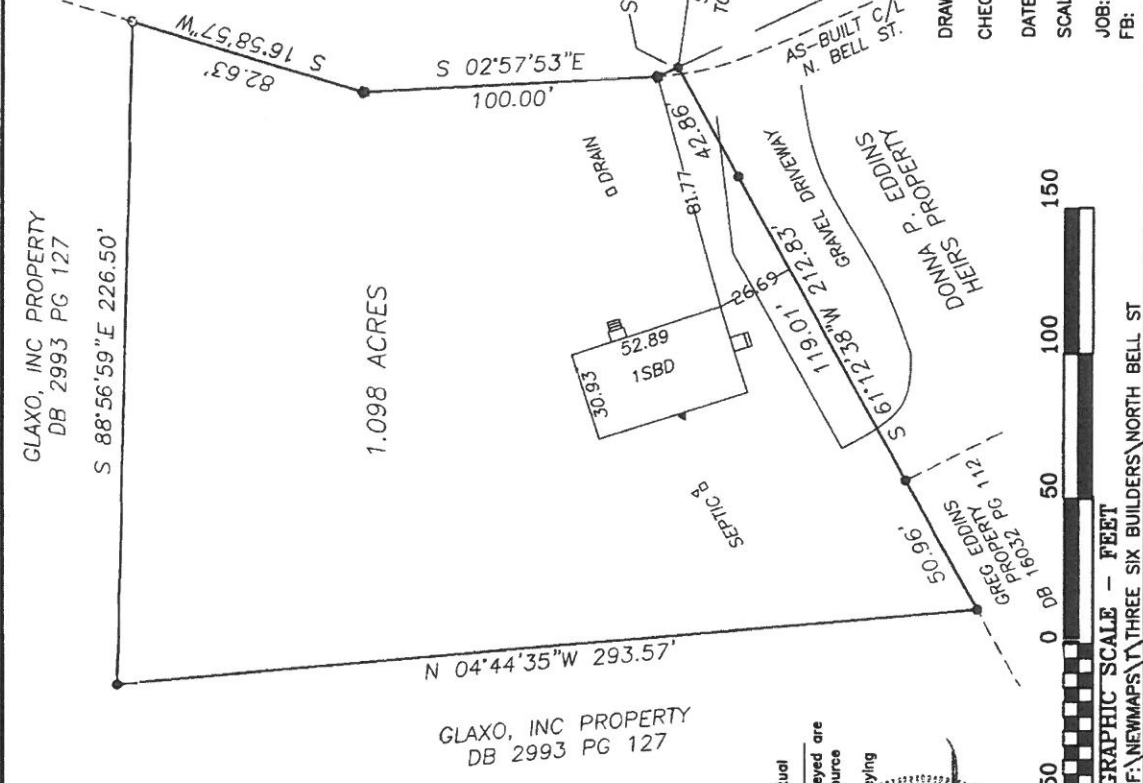
Lisa M. Markland, CMC—Town Clerk

Eric A. Vernon—Town Attorney

Return to: Town of Zebulon
Lisa Markland
1003 N. Arendell Avenue
Zebulon, NC 27597
Attention: Town Clerk

191-22-161

**HOUSE LOCATION FOR
THREE SIX BUILDERS
TOWN OF ZEBULON
WAKE COUNTY
NORTH CAROLINA**



REFERENCES:
DB 17052 PG 585
BOM 2003 PG 2038

NOTE: AREA COMPUTED BY COORDINATE METHOD.

NOTE: THIS PROPERTY IS SUBJECT TO
EASEMENTS AND RESTRICTIONS OF RECORD.

- LEGEND**
- EXISTING IRON PIPE
 - ▲ IRRIGATION CONTROL VALVE
 - ☒ WATER METER
 - ⊗ SEWER CLEANOUT
 - ⊕ RAILROAD SPIKE
 - NEW IRON PIPE
 - ▲ WATER SPICOT
 - EXISTING PK NAIL

I, CLYDE T. PEARCE, certify that this map was drawn under my supervision from an actual survey made under my supervision (see description recorded in Book _____, Page _____ or other reference source DB 17052 PG 585); that the boundaries, lines, points, monuments, or other features shown on this map were located by me or other persons under my supervision and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1800).

This 25TH day of JUNE, 2019.

P. L. S. L-2647

CLYDE T. PEARCE
Professional Land Surveyor
Seal

WILLIAMS - PEARCE and ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYORS,
1000 N. ARENDELL AVE.
P.O. BOX 892, ZEBULON, N.C. 27597
PHONE: 919-269-9605 LIC. # C-0243

DRAWN BY: CTP & BCW
CHECKED BY: CTP
DATE: 06-25-2019
SCALE: 1" = 50'
JOB: DAB427 CF
FB: 1243