

**ZEBULON  
BOARD OF COMMISSIONERS  
AGENDA  
October 7, 2019  
7:00pm**

**I. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF AGENDA**

**III. SCHOOL RECOGNITION**

*A. Zebulon Elementary School*

1. Cynthia Aliff – Student
2. Sandi Langley – Teacher

**IV. PUBLIC COMMENT PERIOD**

All wishing to speak must sign up prior to 6:50pm. The comment period will be no longer than 15 minutes with speakers having three minutes each to speak. No speaker can speak on a public hearing item or any item that would need to be discussed under closed session. Speakers cannot give their minutes to another speaker.

**V. CONSENT**

*A. Minutes*

1. August 21, 2019 – Worksession
2. September 9, 2019 – Regular Meeting
3. September 18, 2019 – Worksession

*B. Finance*

1. Monthly Items
  - a. Tax Report – July 2019
  - b. Financial Report as of September 23, 2019
2. Budget Amendment
  - a. Ordinance 2020-28 – Police/Fire Off-Duty Employment at Five County Stadium Reimbursement
  - b. Ordinance 2020-29 – Rollover funding for UDO Project

**VI. NEW BUSINESS**

*A. Public Works*

1. Ordinance 2020-30 and Ordinance 2020-31 – N. Arendell Access and Operational Project: Land Acquisition Contract

**VII. BOARD COMMENTS**

**VIII. MANAGER'S REPORT**

**Zebulon Board of Commissioners**  
**Work Session**  
**Minutes**  
**August 21, 2019**

Present: Robert S. Matheny, Don Bumgarner, Dale Beck, Curtis Strickland, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Michael Clark-Planning, Chris Perry-Fire, Chris Ray-Public Works, Sheila Long-Parks and Recreation, Tim Hayworth-Police, Eric Vernon-Attorney

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

Mayor Matheny asked that the Board amend the agenda to remove appointment of a Planning Board member.

**APPROVAL OF AGENDA**

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

**OLD BUSINESS**

*A. Administration*

1. Planning Board Appointment

Jessica Luther told the Board why she was interested in serving on the Planning Board and gave her qualifications.

**NEW BUSINESS**

*A. Administration*

1. Downtown Overlay District Utilities

Joe Moore gave a PowerPoint presentation on the downtown utilities. The Streetscape Match Policy and Façade Grant Program created improvements in the downtown district which increased property tax revenue and sales tax revenue.

It was explained that after the utility merger with the City of Raleigh, the City took all responsibility for utilities and the Town no longer had control over utilities. Issues that occurred in the right-of-way were the City of Raleigh's responsibility, but if the issue was on private property it became the responsibility of the property owner.

Joe Moore offered the example where three properties on the corner of Vance and Arendell shared a private sewer line that connected to the City of Raleigh sewer. These property owners were having issues with their line. The City of Raleigh was working with Mr. Bullock to understand the issue. The Board would have similar issues in the future with businesses moving into the older buildings downtown. It was asked if the Board considered this a private, public or private/public matter. If so, a policy, similar to the Streetscape Match Policy, would be created to handle these situations. If the Board considered this a public matter then the Town would need to take over, or if a private matter then it would be the owner's responsibility to handle or it could be a joint venture. A drawing of the pipe where the issue resided was shown to the Board. It was unclear if the narrow section of pipe was on the private or public side. The Board was asked for their input on whether they considered this a private, public or joint matter.

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Mayor Matheny stated the City of Raleigh agreed to bring a 6" pipe off the main to the edge of the right-of-way which may fix the problem. If beyond the right-of-way it was the property owner's responsibility. Mayor Matheny wanted to help the business owners and stated it was a nonconforming use. Since Zebulon transferred the property to the City of Raleigh there are no longer any utility funds available to repair the issue.

There was discussion about the City of Raleigh installing a new service lateral. There was uncertainty of where the blockage was located and would be unknown until the new pipe was installed. The 6" line was sufficient to serve the businesses.

Property owner, Brian Bullock, believed the City of Raleigh's right-of-way stopped where the sidewalk ended which was approximately 4' on the railroad right-of-way. Mr. Bullock met with the City of Raleigh who considered moving the clean-out closer to the sidewalk. Since the stores had more occupancy the issue has increased, but Mr. Bullock believed changing to the 6" pipe would alleviate the issue.

The City of Raleigh would abandon the 4" pipe due to it being substandard and old materials. Staff recommended removing the pipe due to the age of the material. Most buildings in the downtown overlay district were located at the right-of-way. There was further discussion about scenarios of responsibility for private vs. public.

The Board agreed if the issue was in the right-of-way the Town would work with the business owner and City of Raleigh to get the issue repaired. Joe Moore stated he would bring future issues before the Board and staff would work internally with the City of Raleigh on any future issues.

## 2. PEG Media Contract

Joe Moore explained Public Education and Government Funds ("PEG") was a \$4,000,000 statewide tax on cable companies. The companies were required to provide channels on their network for public, educational, and government programs. The Town had access to the funds for public broadcasting and would receive one share for each channel. Joe Moore explained the history and financial structure.

PEG Media would record two meetings per month for the Town as well as The Mayor's Show, and PSA's from each department. Government television programming trends were reviewed. The Board was given the contract to review and discuss and to make a decision later this year.

Mayor Matheny stated he appreciated EWTV and all they did to get the out. There was a question about the Town doing live streaming. Lisa Markland explained the IT Committee had discussed live streaming, but the Town did not currently have enough staff to do the work and hoped to in the future.

## B. Planning

Michael Clark gave a preview of the text amendments he would present to the Planning Board at their next meeting. Staff reviewed the significant modifications to the development process structure. There would be restrictions on how the Town handles special land uses. The Planning Board would no longer make a recommendation on special land uses and major residential subdivisions were no longer required to go through the special use permit process if they received

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the conditional zoning approval or planned development approval. The concept of planned development and conditional zoning was explained. For major subdivisions the special use permit process would be removed and would become conditional rezoning which shortened the process by months. Large buildings such as Walmart or Costco or sensitive uses such as a refinery would still be required to go through the special use permit process.

Mayor Matheny and Commissioner Beck expressed their support of the conditional process. Commissioner Bumgarner inquired how long the new process would take to be implemented. If approved, it would take place immediately and staff would work with the Town Clerk to have codified.

#### **CLOSED SESSION**

Mayor Matheny explained the Board needed a motion to go into closed session as permitted by NCGS §143-318.11(a)(5) for the purpose of discussing of property acquisition.

Commissioner Clark made a motion, second by Commissioner Beck to go into closed session as allowed by NCGS §143-318.11(a)(5) for the purpose of discussing property acquisition. There was no discussion and the motion passed unanimously.

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

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

Adopted this the 9<sup>th</sup> day of September, 2019.

SEAL

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Robert S. Matheny—Mayor

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Lisa M. Markland, CMC—Town Clerk

**Zebulon Board of Commissioners**  
**Minutes**  
**September 9, 2019**

Present: Robert S. Matheny, Curtis Strickland, Dale Beck, Don Bumgarner, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Tim Hayworth-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Eric Vernon-Town Attorney

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

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Wakelon Elementary School student Malachi Roulach.

**APPROVAL OF AGENDA**

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

**SCHOOL RECOGNITION**

Mayor Matheny recognized student Malachi Roulach and Twanda Combs, both from Wakelon Elementary School.

**PUBLIC COMMENT PERIOD**

Mary Beth Carpenter from Preservation Zebulon spoke about the murder mystery dinner fundraiser scheduled for September 28 and encouraged everyone to attend. The memory project would be held in February or March 2020.

**RECOGNITION**

*A. Greg Johnson Induction into the Tar Heel Leagues Hall of Honor*

Mayor Matheny recognized Greg Johnson for his induction into the Tar Heel League Hall of Fame with 30 years of service as the Town of Zebulon's Parks and Recreation Director and his accomplishments with the Tarheel League.

*B. Boys 11 – 12 year old Tar Heel District 4 Baseball Champions*

Mayor Matheny recognized the 11-12 year old Tar Heel District 4 Baseball Champions.

**PROCLAMATIONS**

*A. Firefighter Appreciation Week – September 8-14*

Mayor Matheny read the proclamation recognizing Firefighter Appreciation Week as September 8 – 14, 2019.

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

## **PRESENTATION**

### *A. Denise Nowell – Chamber of Commerce Update*

Denise Nowell gave the first quarterly update on the business retention and expansion program between the Zebulon Chamber of Commerce and Town of Zebulon. The partnership focused on four key elements: business visitation, hosting the Zebulon Next conference, small business resource, and strengthening participation with economic development partners.

Denise stated the Town and Chamber worked together on projects and events and various examples were given. The meet the candidate's event was scheduled for September 12 from 5:30pm – 7:00pm at the Zebulon Chamber of Commerce.

## **CONSENT**

### *A. Minutes*

Commissioner Clark made a motion, second by Commissioner Moore to approve the minutes of the August 5, 2019 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 August 12, 2019 Joint Public Hearing. There was no discussion and the motion passed unanimously.

### *A. Finance*

Commissioner Clark made a motion, second by Commissioner Moore to approve the tax report for May 2019. 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 August 26, 2019. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2020-23 – Appropriation of Insurance Proceeds to repair Police vehicle. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve Ordinance 2020-24 – use of forfeiture funds. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Moore to approve the Quarterly Reports for Police and Parks and Recreation. There was no discussion and the motion passed unanimously.

## **OLD BUSINESS**

### *A. Planning*

#### 1. Ordinance 2020-25 – Annexation Request for 1309 and 1333 Pearces Road

Meade Bradshaw explained the annexation request was for approximately 111 acres located at 1309 and 1333 Pearces Road and currently zoned as R-30. The aerial map, zoning map, future land use map, and site pictures were presented.

The Planning Board unanimously recommended approval at the August 26, 2019 Planning Board meeting.

Commissioner Strickland expressed concern about the annexation and how Town services might be affected.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve Ordinance 2020-25 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable. There was no discussion and the motion passed with a vote of four-one with Commissioners Beck, Moore, Clark and Bumgarner voting in favor and Commissioner Strickland voting against.

2. RZ 2019-08 – Rezoning Request for 1309 and 1333 Pearces Road

The request was to rezone the parcels located at 1309 and 1333 Pearces Road from Wake County R-30 to R-13.

The Planning Board unanimously recommended approval at the August 26, 2019 Planning Board meeting.

Commissioner Bumgarner made a motion, second by Commissioner Beck to approve RZ 2019-08 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable. There was no discussion and the motion passed with a vote of four – one with Commissioner Bumgarner, Clark, Beck and Moore voting in favor and Commissioner Strickland voting against.

3. SUP 2019-06 – Sidney Creek

Meade Bradshaw explained the property was approximately 215 acres zoned R-10 and located at 1701 Chamblee Road. The aerial map, zoning map, and site pictures were presented. The applicant was proposing an 822 lot subdivision. The conditions and various outstanding conditions were all presented.

The Planning Board recommended approval of the Special Use Permit with the proposed conditions including the outstanding items suggested by staff.

Meade presented the findings of fact and explained that the motion must be tied back to the findings of fact.

Mayor Matheny inquired about the sidewalks in the cul-de-sacs. Staff required sidewalks on both sides of the major streets and on one side in the small cul-de-sacs. Meade Bradshaw showed the development plan and where sidewalks in the cul-de-sacs were required. Meade asked if the Mayor wanted to see sidewalks all the way around a cul-de-sac. The Mayor stated he did want to see them all the way around and the Board discussed it.

Commissioner Strickland inquired about stoplights. Meade Bradshaw explained the TIA showed three areas for proposed stoplights 1) NC 39 and Old 264 2) the eastbound ramps at NC 39 and

US 264 and 3) the westbound ramps at NC 39 and US 264. Staff recommended 50% of the ramps and 100% of NC 39 and Old 264 would be the developer's responsibility.

There was clarification that there was no sidewalk requirement in the short cul-de-sacs.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve SUP 2019-06 – Sidney Creek, since it has met the findings of fact and with staff conditions as follows. There was no discussion and the motion passed unanimously.

Conditions adopted by the Board were:

1. Homeowners Association: Homeowners Association or management firm shall be in place to enforce and abate all community association restrictive covenants, conditions, and restrictions. This document will be recorded prior to lot recordation of the 1st subdivision phase. The following elements need to be added to the restrictive covenants addressing the following regulations:
  - Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.
  - Maintenance and upkeep of Open Space/Common Areas, drainage easements and stormwater control measures as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual. Landscape islands and round-a-bouts, etc. located within the right-of-way will be considered common areas.
  - Enforcing tall grass, trash, debris and rubbish, removal of any junk/nuisance vehicles as defined by the adopted town policies.
2. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.
3. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.
4. No portion of any developable lot shall contain wetlands, riparian buffers, floodplain or floodway.
5. Development must comply with Appendix D of the 2000 International Fire Code.
6. An active recreation area including, at a minimum, a pool (minimum 3,480 square feet), swim pavilion (bathhouse), will be constructed and permits applied for prior to the 200<sup>th</sup> certificate of occupancy of any dwelling.
7. Installation of at least a fifteen (15') foot wide landscaped buffer along the perimeter of the subject property meeting. Existing trees will remain. Where there is not a tree line, a Type C buffer will be planted.
8. Installation of decorative street signs and streetlights within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
9. Curb and Gutter: All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
10. Public Roadways: All streets within Sidney Creek shall be public and in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications



Manual specifications.

11. New Roadways: Installation and dedication of any roadway infrastructure, improvements, or right-of-way widths for all phases of the development as shown on the Concept Land Plan for Sidney Creek shall be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. A licensed engineer with acceptable bonding information prior must provide engineer certification of the roadway to the issuance of a final plat for the development.
  - i. Collector Streets - Street A, Street D, Street E
  - ii. Residential/local Street - Street B, Street C, Street G, Street I, Street J, Street K, Street L, Street M
12. Roadway Improvements:
  - NC 39 and 264 Westbound Ramps
    - i. Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development. This shall be completed prior to the recording of Phases 3, 4, or 5.
    - ii. If warrant analysis is met, construction and design cost are shared 50% developer/50% town/NCDOT. A fee in lieu payment shall be made before platting final phase.
  - NC 39 and 264 Eastbound Ramps
    - i. Monitor the intersection for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development. This shall be completed prior to the recording of Phases 3, 4, or 5.
    - ii. If warrant analysis is met, construction and design costs are shared 50% developer/50% town/NCDOT. A fee in lieu payment shall be made before platting final phase.
  - NC 39 and Old US 264 Alternate
    - i. Dedicate right-of-way meeting ½-5 Lane Highway cross section as referenced in the Transportation Plan.
    - ii. Utilizing the existing pavement width, provide an exclusive westbound left-turn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive westbound right-turn lane with maximized (approximately 125 feet) storage and appropriate taper and deceleration length. Appears to already to be in place. See aerial Photo.
    - iii. Utilizing the existing pavement width, provide an exclusive eastbound left-turn lane with maximized (approximately 50 feet) storage and appropriate taper and an exclusive eastbound right-turn lane with maximized (approximately 100 feet) storage and appropriate taper and deceleration length.
    - iv. Extend the existing southbound right-turn lane with a minimum of 100 feet of storage and appropriate taper and deceleration length.
  - Chamblee Road and Street A
    - i. Construct the westbound approach (Street A) with one ingress lane and one egress lane.
    - ii. Provide stop-control for the westbound approach.
    - iii. Dedicate right-of-way meeting ½-80' section along the entire Chamblee

frontage

- NC 39 and Street A
  - i. Dedicate right-of-way meeting ½-5 Lane Highway cross section as referenced in the Transportation Plan.
  - ii. Construct the eastbound approach (Street A) with one ingress lane and two egress lanes.
  - iii. Provide stop-control for the eastbound approach.
  - iv. Construct an exclusive northbound left-turn lane with a minimum of 50 feet of storage and appropriate taper and deceleration length.
  - v. Construct an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate taper and deceleration length.
- 13. Storm Drainage Infrastructure: a licensed engineer must provide Certification of the storm drainage infrastructure. Certification must be provided, reviewed, and approved prior to the issuance of a final plat for each phase.
- 14. Greenway Path Chamblee Road – 10’ Asphalt path/sidewalk is required along the entire road frontage of Chamblee Road as part of the roadway/Street A connection to Chamblee Road.
- 15. Greenway Path NC Hwy 39– 10’ Asphalt path/sidewalk is required along the property road frontage on Hwy 39 and connect to Five County Stadium Property Line. Construction shall be completed as part of the roadway improvements for site 2/Road A entrance improvements along Hwy 39.
  - Construction scope parameters:
    - curb and gutter with adjacent 10-foot wide asphalt path per NCDOT standards or a block retaining wall with 10-foot path with graded drainage swell.
    - 10’ Greenway path at railroad shall be at grade with appropriate required signage.
    - Easement Acquisition if needed will be within 110% of appraised value for such easement.
    - Crosswalk striping as needed with appropriate H/C ramps
    - Fee-in Lieu payment will be considered if at grade crossing is not permitted by Railroad agency or cost of easement acquisition exceed 110% of appraised cost.
- 16. Greenway Trail: Greenway, Bicycle, and Pedestrian Master Plan: Greenways are required to be established, built and maintained in accordance with the most recent adopted version of the Town of Zebulon Greenway, Bicycle, and Pedestrian Master Plan. The public greenway trail is to be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual and Town of Zebulon Greenway, Bicycle, and Pedestrian Master Plan specifications. A complete design for a minimum ten-foot (10’) public greenway trail with a minimum twenty-foot (20’) wide public greenway easement and associated trailhead connections along Little Creek. Greenway trailhead connections shall be provided at each cul-de-sac near the greenway (Street G, C, I). Greenway trail based on a minimum pavement width of ten feet (10’) and a minimum 6.25-ton load capacity for any necessary bridges or boardwalks. Greenway engineered drawings are required to be submitted with each phase of construction to the Technical Review Committee for approval. Installation and dedication of the required Little Creek public greenway trail and trailhead connection improvements must be completed prior to final plat approval for each individual phase’s construction. Upon dedication and acceptance, all maintenance of the Little Creek public greenway trail and trailhead connections will be the responsibility of the Town.

17. Greenway Connectivity: Connectivity to greenways shall be provided at 3 locations. This shall be accomplished through trailheads, sidewalks, and internal trail connections. All internal trail connections shall be designated as common area and maintained by the Homeowner's Association, or if applicable a Homeowner's Association management firm. A 10' wide asphalt path connecting the Recreation Center and the public Little Creek Trail as part of the recreation amenity construction.
18. Greenway Amenities: Developer to provide benches, trash receptacles, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.
19. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
20. Setbacks: single-family detached – front – 20', side – 6.5', rear, 15' corner side - 20';  
Townhome  
– front – 20', building to building – 12', rear – 15', corner side – 20'
  - Architectural projections may encroach 1.5' into the side yard setback.
21. Mail Kiosk: Installation of mailbox kiosk will be reviewed/approved as part of the Technical Review Committee process.
  - Constructed prior to 1st certificate of occupancy of any dwelling unit.
  - Off-street parking will be provided for kiosk.
  - A kiosk shelter will be constructed using materials similar to what is being used throughout the neighborhood.
22. All dwellings within the subdivision will be required to have a garage.
23. All dwellings will have a minimum driveway length of 18' measure from the right-of-way.
24. All buffers will be located in open space/common areas.
25. Streetscape:
  - All residential streets shall have a 4' tree lawn between the curb and the sidewalk. If sidewalk is not required along that section of street, then the trees should be planted between 2-5 feet behind the curb.
  - A 100' in width buffer will be provided along NC 39.
  - A 30' buffer will be provided along Chamblee Road.
  - Another streetscape may be approved by staff along Chamblee Road or NC Hwy 39 if the standard does not require trees located in the right-of-way.
  - Trees should be considered shade trees and deciduous, planted 40' on center.
26. Pocket Parks: A minimum of six Pocket Park Areas will be constructed throughout the development. These Pocket Parks will be a choice with a combination of butterfly gardens with benches, athletic fields, fire pit locations, playground equipment (to be approved by Parks and Recreation Director), etc.
27. Model Homes: Must meet Wake County ADA standards and provide paved parking areas.
28. Exterior Elevations:
  - Masonry component to dwellings
    - i. 100% of the single-family detached (not age targeted).
    - ii. 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component).

- iii. 30% of the single-family detached (age targeted).
  - All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.
  - Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
  - Landscaping shall be provided at both front corners of each dwelling either planted at a rate of 2 shrubs spaced horizontally or along the sides of the homes. An understory tree can substitute for the 2-shrub requirement.
29. Street Stubs will be required to the following properties:
- Wake County Pin Number Pin Number – 2715101559 (Deed Book 001789 PG 00402)
  - Wake County Pin Number – 2715327642 (Deed Book 013337 PG 00895)
  - Either:
    - i. Johnston County id – 11M01012F (Book 05068 PG 0419)
    - ii. Johnston County id – 11M01009B (Book 00524 PG 0615)
    - iii. Johnston County id – 11M01007 (Book 01473 PG 0408)
    - iv. A parcel not listed which is adjacent to the subject property located within Johnston County
30. Open Space/Common Area: 40% of the development will be open space/common area
31. Signage: Will be located in open space/common area at the entrance of the subdivision.
32. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan. The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation. All streetlights shall be decorative and must in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. All streetlights shall be decorative Mitchell 50 Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director. All streetlights shall be a minimum of 125 linear feet with a maximum of 140 linear feet apart with alternate spacing on either side of the street.
33. Bonding: Developer is responsible for posting a bond for final roadway, sidewalk or amenities improvements for each phase prior to the issuance of the first building permit. Developer is fully responsible for all necessary roadway repairs of dedicated streets prior to final overlay and striping. Regardless of residential construction progress, the final overlay of dedicated streets shall be over-laid within eighteen (18) months of the original roadway acceptance date for that phase.
34. Driveway Restrictions: No driveways to individual lots should be located within the circulating roadway of any internal roundabouts and should be located as far away from the entrance to the circulating roadway as practical. No driveway entrances within 100' from the entrances of Chamblee and Hwy 39.
35. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the Technical Review Committee Process.

**Outstanding Items Recommended by Staff**

- Sidewalk locations on both sides of all streets
- Exterior Elevations:

- 30% Masonry component to front façade of the dwellings
  - 100% of the single-family detached (not age targeted).
  - 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component.
  - 30% of the single-family detached (age targeted).
- All elevations must have windows on all exterior sides of dwellings.
- Traffic Impact Analysis Recommendation
  - Monitor the intersection of NC Hwy 39 and Old US 264 for signalization and conduct a signal warrant analysis prior to the build-out of the proposed Sidney Creek development.
    - This shall be completed prior to the recording of Phases 3, 4, or 5. If warrant analysis is met, Construction and design cost are 100 % by the developer. The construction shall be completed prior to the platting of the final phase.
- Greenway Path NC Hwy 39– 10’ Asphalt path/sidewalk is required along the property road frontage on Hwy 39 and connect to Five County Stadium Property Line. Construction shall be completed as part of the roadway improvements for site 2/Road A entrance improvements along Hwy 39.
  - i. Construction scope parameters:
    - curb and gutter with adjacent 10-foot wide asphalt path per NCDOT standards or a block retaining wall with 10-foot path with graded drainage swell.
    - 10’ Greenway path at railroad shall be at grade with appropriate required signage.
    - Easement Acquisition if needed will be within 110% of appraised value for such easement.
    - Crosswalk striping as needed with appropriate H/C ramps
    - Fee-in Lieu payment will be considered if at grade crossing is not permitted by Railroad agency or cost of easement acquisition exceed 110% of appraised cost.
- Greenway Amenities: Developer to provide benches, trash receptacles, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30’ on center.

#### 4. SUP 2019-07 – Weavers Ridge

Meade Bradshaw explained the property located at 2340 Zebulon Road was approximately 34 acres and zoned R-10. The aerial map, zoning map, and site pictures were presented.

The Planning Board recommended approval of the Special Use Permit with the proposed conditions including the outstanding items suggested by staff.

Meade presented the findings of fact and explained that the motion must be tied back to the findings of fact.

There was discussion about road improvements. Meade explained that staff recommended the applicant improve 50% of three lanes along the Town property and watershed. The applicant proposed an alternative plan and staff agreed with the proposed plan with the applicant providing 100% of the three lane road along the Town portion.

There was discussion about sidewalks along the road and the speed limit along that road as well. The subdivision would connect to Weavers Pond once completed and the roads would be considered residential collector streets.

Commissioner Bumgarner made a motion, second by Commissioner Beck to approve SUP 2019-07 – Weavers Ridge with staff conditions as amended since it has met the findings of fact and with staff conditions as follows. There was no discussion and the motion passed unanimously.

#### Conditions approved by the Board

1. Homeowners Association: Homeowners Association or management firm shall be in place to enforce and abate all community association restrictive covenants, conditions, and restrictions. This document will be recorded prior to lot recordation of the 1st subdivision phase. The following elements need to be added to the restrictive covenants addressing the following regulations:
  - Restricting on-street parking for a maximum of 24 hours. This matter will be enforced by the Homeowners Association.
  - Maintenance and upkeep of Open Space/Common Areas, drainage easements and stormwater control measures as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual. Any landscaping located within the right-of-way shall be considered common area.
  - Enforcing tall grass, trash, debris and rubbish, removal of any junk/nuisance vehicles as defined by the adopted town policies.
2. All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.
3. No unauthorized disturbance of environmentally sensitive areas as defined by US Army Corps of Engineers, NC DENR, Wake County Environmental Services and the Town of Zebulon.
4. No portion of any developable lot shall contain wetlands, riparian buffers, floodplain or floodway.
5. Development must comply with Appendix D of the 2000 International Fire Code.
6. A 75' in width buffer will be installed along Zebulon Road. 1 deciduous tree and 8 shrubs will be planted every 30'.
7. Install improvements required on Zebulon Road in accordance with the requirements of the Transportation Impact Analysis.
  - Northbound right turn lane 100' of storage. This will be required to be constructed/shown with the 1<sup>st</sup> submitted phase for TRC Review.
  - Southbound left turn lane 150' of storage. This will be required to be constructed/shown with the 1st submitted phase for TRC Review.
8. A 5' sidewalk will be required along Zebulon Road. If the sidewalk is outside of the NCDOT right-of-way, then the sidewalk installation should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications and a dedicated sidewalk easement will be required.
9. No driveway will be located within 100' of Zebulon Road.

10. Model Homes: Must meet Wake County ADA standards and provide paved parking areas.
11. Mail Kiosk: Installation of mailbox kiosk will be reviewed/approved as part of the Technical Review Committee process.
  - Constructed prior to 1st certificate of occupancy of any dwelling unit.
  - Off-street parking will be provided for kiosk.
  - Will meet USPS standards. If a kiosk shelter is required by USPS, the shelter will be constructed using materials consistent with the neighborhood.
12. All dwellings within the subdivision will be required to have a garage.
13. All dwellings will have a minimum driveway length of 18' measure from the right-of-way.
14. A 30-foot wide buffer will be provided around the eastern and southern property lines of the subdivision utilizing existing vegetation. Where the existing vegetation cannot be saved, a Type A standard will be planted.
15. All buffers will be located in open space/common areas.
16. Streetscape: All residential streets shall have a 4' tree lawn between the curb and the sidewalk. If sidewalk is not required along that section of street, then the trees should be planted between 2- 5 feet behind the curb. The tree spacing shall be one tree per lot, but located in the tree lawn. Trees should be considered shade trees and deciduous.
17. Installation of decorative street signs and streetlights within the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. Signs should be installed prior to lot recordation.
18. All curb and gutter installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
19. All street installations throughout the subdivision should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. Collector Streets - Street A from Arendell to Golden Plum Drive shall be constructed to Collector streets standards.
20. See Existing Weavers Pond SUP – Water Pressure Requirement Language – 50 Psi @ Meter
21. To get required dwelling unit count, the adjacent parcel (PIN # 1796577710; BM2017 PG 01330) must be incorporated into the development and recorded as common area/open space. This parcel may be developed as an amenity area.
22. Bonding: Developer is responsible for posting a bond for final roadway, sidewalk or amenities improvements for each phase prior to the issuance of the first building permit. Developer is fully responsible for all necessary roadway repairs of dedicated streets prior to final overlay and striping. Regardless of residential construction progress, the final overlay of dedicated streets shall be overlaid within eighteen (18) months of the original roadway acceptance date for that phase.
23. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the Technical Review Committee Process.
24. A street connection will be made to the Golden Plum Lane in Weavers Pond Phase 5 as shown on the concept plan. This will be constructed prior to lot recordation.
25. The traffic signal at Pippin Road and NC HWY 96 should be installed prior to 1st Certificate of Occupancy.
26. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan. The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation. All streetlights shall be decorative and must in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. All streetlights shall be decorative Mitchell 50 Series LED unless otherwise specified and authorized

by the Town of Zebulon Public Works Director. All streetlights shall be a minimum of 125 linear feet with a maximum of 140 linear feet apart with alternate spacing on either side of the street.

27. Greenway: A new greenway shall be constructed throughout the development. Connectivity to the existing greenway from the adjacent north to the school to the adjacent south shall be provided. This connection should be a 10' wide asphalt path within a 20' greenway easement. Greenway Amenities: Developer to provide benches, trash receptacles, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.
28. Amenity Area: Area will be minimum of one acre consisting of playground equipment, athletic field, picnic shelter, benches, parking area, benches, picnic tables, and pet waste stations.
29. Exterior Elevations:
  - Masonry component to dwellings
    - i. 100% of the single-family detached (not age targeted).
    - ii. 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component).
  - All front windows should have shutters or trim. Corner side yard windows should be treated as a front elevation.
  - Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
  - Landscaping shall be provided at both front corners of each dwelling either planted at a rate of 2 shrubs spaced horizontally or along the sides of the homes. An understory tree can substitute for the 2-shrub requirement.
30. Construct the eastbound approach (Street A) with one ingress lane and two egress lanes.
  - i. Provide stop-control for the eastbound approach.
  - ii. Construct an exclusive northbound right-turn lane with a minimum of 50 feet of storage and appropriate taper and deceleration length.
  - iii. Construct an exclusive southbound left-turn lane with a minimum of 150 feet of storage and appropriate taper and deceleration length.

#### Outstanding Items

- Sidewalk locations on both sides of all streets
- Single-family detached dwellings should not have the same elevation with parcels adjacent to or directly across the street as the subject parcel's elevation.
- Exterior Elevations:
  - 30% Masonry component to dwellings
    - 100% of the single-family detached (not age targeted).
    - 50% of townhome cluster (ie: if the cluster is 6 attached townhome units, 3 units will have the masonry component).
    - 30% of the single-family detached (age targeted).
  - All elevations must have windows on all exterior sides of dwellings.
- Zebulon Road:
  - AMENDED: Construct the entire 3-Lane Divided as referenced in the Multimodal Transportation Plan with sidewalks and bikeways along entire property frontage of Arendell located within the Town limits.
- Model Homes: Must meet Wake County ADA standards and provide paved parking areas.
- Greenway: A new greenway shall be constructed throughout the development. Connectivity to the existing greenway from the adjacent north to the school to the adjacent south shall be



provided. This connection should be a 10' wide asphalt path within a 20' greenway easement. Greenway Amenities: Developer to provide benches, trash receptacles, pet waste stations, signage, trail head landscaping to provide screening from residential homes. Once these amenities have been installed, the Town of Zebulon will be responsible for the maintenance of these amenities. Landscaping shall be either 1-tree or 2-shrubs planted 30' on center.

5. SUP 2019-09 – Zebulon Green

Michael Clark explained the request was to re-obtain a special use permit for a 72-unit apartment complex located at 451 Pony Road. The Planning Board unanimously recommended approval with the original approved conditions from 2017.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve SUP 2019-09 – Zebulon Green with staff conditions as follows and the findings of fact have been met. There was no discussion and the motion passed unanimously.

Conditions approved by the Board

1. Recordation: Special use permit and updated Illustrative Land Plan must be recorded with the Wake County Register of Deeds.
2. Proposed Site Plan: Special use permit and an updated Proposed Site Plan addressing the approved special use permit conditions and applicable timelines shall be submitted no later than ninety (90) days following approval.
3. Site Plan: Site plan review and approval by the Zebulon Technical Review Committee (ZTRC) shall be required.
4. Site Plan (Phasing): Site plan review by the ZTRC may be submitted by phase or through submittal of an overall development plan. If a phased approach is preferred, phases shall require a separate submittal. The applicant may group phases together and phases may be submitted out of numerical order as shown on the recorded Illustrative Plan.
5. Adopted Plans/Policies: All town ordinances, plans, and adopted policies shall be adhered to and enforced by the ZTRC in addition to the special use permit approved conditions.
6. Signage (Main Entrance): One main entrance monument sign will be allowed along Pony Road and shall be made of brick, stone, or masonry material. Signage shall not exceed sixty-four square feet (64 SF) and must be setback at least ten feet (10') from the public right-of-way.

Stipulations Specific to the Management Association

7. Management Association: There shall be a Management Association. Office hours when staff will be present on-site shall be posted at the Community Building.
8. Management Association: A rental payment drop-box shall be designed to be theft-deterrent and well-lit for after-hour drop payments.
9. Management Association: Emergency maintenance service contact information shall be on-site at the Community Building.
10. Management Association: Management Association, or if applicable a management firm, shall enforce tall grass, trash, debris and rubbish along with the removal of any junked, abandoned, or nuisance automobiles as defined by the adopted town ordinances.

- 11. Management Association: Management Association, or if applicable a management firm, shall be responsible for the maintenance and upkeep of all open space and improvements built therein, landscaped center islands, roadway medians, or roundabouts located throughout the development.
- 12. Management Association: Management Association, or if applicable a management firm, shall be responsible for the maintenance and upkeep of all drainage easements and Detention/Retention/Water Quality Pond Areas as described in the Town of Zebulon Street and Storm Drainage Standards & Specifications Manual.

Stipulations Relating to Setbacks

- 13. Setbacks (Residential Buildings): Setbacks shall be measured from the lot line. Building eaves, at-grade patios, and at-grade stoops shall be allowed in the setback area. Decks, porches or other building extensions shall not be permitted in the setback area. The minimum setbacks from the lot lines shall be as follows:

<i>Land Use Type</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
Residential Multi-Family Dwelling	20'	10'	30'

Stipulations Relating to Recreation Amenities

- 14. Recreation Amenities: All recreation amenities shall be detailed on a site plan and recreation master plan to show the location and proposed use of all parks, open spaces, and passive recreation areas. This plan will be reviewed and approved by the Zebulon Technical Review Committee.
- 15. Recreation Amenities: Permits for the construction of the community building, covered seating area, picnic area, tot lot and playground shall be pulled at the same time, included or separately, as permits for the construction of Phase I of the development.
- 16. Playground and Tot Lot Equipment: Equipment shall be included for toddlers ages 2-5 and children ages 5-12. A minimum of two (2) bike racks holding eight (8) bikes each shall be provided. A minimum of two (2) benches, and two (2) trash receptacles shall be provided.

Stipulations Relating to Transportation

- 17. Sidewalks: Installation of five foot (5') wide sidewalk is required along Pony Road. Sidewalks shall be continuous and not interrupted along the interior roadway development perimeters or as directed by the North Carolina Department of Transportation. The sidewalk shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation during the appropriate site plan approval process. The sidewalk shall be dedicated to the Town of Zebulon after installation.
- 18. Street Signage: All street signage shall be decorative and must be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications. The Management Association shall own and maintain all street signage.

19. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will be approving the lighting plan.
20. Street Lights: All street lights shall be decorative and must in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual specifications.
21. Street Lights: All street lights shall be decorative Mitchell 50 Watt Series LED unless otherwise specified and authorized by the Town of Zebulon Public Works Director.
22. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the North Carolina Department of Transportation (NCDOT) during the appropriate site plan approval process. Approved encroachments and driveway permits will be required. Any conditions required by NCDOT as part of their approval process shall be reviewed and approved by the Town of Zebulon and the NCDOT during the appropriate site plan approval process.
23. Parking: All parking dimensions shall be in accordance with the latest version of the Town of Zebulon ordinances and specifications.
24. Parking: There shall be a minimum of 144 parking spaces, including those designated as ADA compliant, with a minimum of 3 parking spaces for the community building and 2 parking spaces for the mail kiosks. The community building and mail kiosks shall have a minimum of 1 ADA compliant parking space each.
25. Streets and Parking: The Management Association shall own and maintain all streets and parking as part of this development. All streets shall be labeled as private.

#### Stipulations Relating to Landscaping/Buffers

26. Open Space: All lands within areas required to be maintained as open space by the Management Association, or if applicable a management firm, shall be protected by a permanent conservation easement and restrictive covenant, prohibiting further development, and recorded upon recombination plat approval as "Open Space".
27. Streetscaping: Pony Road shall have streetscaping along the development side of the street. A minimum of one large shade tree every thirty-five feet (35') with at least five (5) bushes minimum three (3) gallon container and eighteen inches (18") in height must be planted three feet (3') apart.
28. Landscape Buffer (Property Perimeters): A ten-foot (10') wide Type "A" landscape buffer with two and a half inch (2.5") caliper trees shall be installed along all outer property perimeters. Preservation of any existing trees are encouraged and may be used as a credit toward the buffer requirement.

#### Stipulations Relating to Architecture

29. Building Materials: Exterior building materials will be brick or stone veneer, vinyl or fiber cement (such as hardieplank) siding.
30. Building Façade: Fifty percent of all buildings must have a front façade comprised of brick or stone equal to a minimum of thirty-three percent (33%) overall coverage.

31. Foundations: Foundations will be slab on grade, stem wall, crawl space or basement as determined by the site grading and topography or as determined by the builder.

Stipulations Relating to Environment

32. Environmentally Sensitive Areas: No unauthorized disturbances of environmentally sensitive areas as defined by U.S. Army Corps of Engineers, NCDEQ, Wake County Environmental Services and the Town of Zebulon Planning Department.
33. Floodplain: No portion of any lot shall contain wetlands, riparian buffers, floodplain or floodway.
34. Rock Formations: Rock outcropping appearing above the surface prior to construction in the pre-determined Open Space areas shall be preserved.

Stipulations Relating to Utilities

35. Water and Sewer Allocation: Water and sewer allocation shall be authorized during the special use process. The industry standard is 250 GPD per two-bedroom unit and an additional 120 GPD per additional bedroom. 48 units are two bedrooms or less. 24 units will have three bedrooms. The community building will house the business office and laundry facilities. Industry standards for the business office is 25 GPD per employee and 500 GPD per laundry machine. The allocation request shall be 26,000 GPD. Unused allocation shall be returned to the Town during the site plan approval process.
36. Dumpster Sites: Dumpster sites shall be located off parking areas.
37. Dumpster Sites: Dumpster sites shall be ADA accessible.
38. Dumpster Sites: Shall be screened in accordance with the latest version of Town of Zebulon ordinances and standards.
39. Yard Waste and Leaf Collection: Yard waste and leaf collection must be provided by the Manager's Association, or if applicable a management firm.
40. Storm Drainage Infrastructure: Certification of the storm drainage infrastructure must be provided by a licensed engineer. Bonding will be applied to drainage structures not completed prior to final Certificates of Occupancy. Best Management Practices (BMP's) are not converted from erosion control to permanent stormwater devices until most of the construction is complete. BMP certification will be completed as directed by the Stormwater Administrator. The Management Associate shall own and maintain all stormwater infrastructure and devices.
41. Water, Sewer and Pump Station Improvements: All water, sewer and pump station improvements will be reviewed and approved by the City of Raleigh Public Utilities during the Zebulon Technical Review Committee site plan review process. The utility improvements must be in accordance with the City of Raleigh adopted plans, policies, ordinances, and handbook requirements.

Stipulations Relating to Mailbox Kiosk

42. Mailbox Kiosk: Installation and maintenance of mailbox kiosks shall be accordance to the United States Post Office and ADA compliance standards. Access and parking for the mailbox kiosk site should be in accordance with the latest version of the Town of Zebulon

Code of Ordinances and the Street and Storm Drainage Standards and Specifications Manual specifications. There shall be a minimum of two (2) parking spaces. A minimum of one (1) space of the two (2) parking spaces provided must be ADA compliant.

43. Mailbox Kiosk: A mailbox kiosk shall be installed prior to issuance of the first Certificate of Occupancy.

#### Stipulations Relating to Fire Code and Blasting

44. Fire Code: Development must comply with the 2012 NC Fire Prevention Code or current edition adopted for use by the Town of Zebulon. This includes, but is not limited to, the access roadway requirements, hydrant locations, and blasting.
45. Blasting: Blasting operations shall be conducted in accordance with the provisions of the NC Fire Prevention Code.

6. Ordinance 2020-26 – Proposed Text Amendment to Chapter 152: Zoning Code  
Michael Clark explained the amendments to revise the existing special use permit regulations and apply regulations to allow for conditional zoning and planned developments. The text amendments would simplify the development process, create transparency, and become more in line with surrounding communities.

The Planning Board voted unanimously to recommend approval.  
Mayor Matheny inquired about special use permit expirations. State statute allowed for special use permits to have a two year vested period. The Town ordinance was one year and was changed to two years in the proposed Unified Development Ordinance to remain consistent with state statute.

Commissioner Clark made a motion, second by Commissioner Strickland to approve Ordinance 2020-26 – Text Amendment to Chapter 152: Zoning Code. There was no discussion and the motion passed unanimously.

#### *B. Administration*

##### 1. Planning Board Appointment

Mayor Matheny explained there were two candidates Jessica Luther and Edward Sander. Jessica Luther presented her interest and qualifications to the Board at the August worksession. Edward Sanders was not present at the worksession.

Commissioner Bumgarner made a motion, second by Commissioner Clark to appoint Jessica Luther to the Planning Board. There was no discussion and the motion passed unanimously.

## **NEW BUSINESS**

### *A. Public Works*

#### 1. Ordinance 2020-27 – Little River Dam Archaeological and Architecture Surveys

Chris Ray asked the Board to consider funding for the Little River Dam archaeological and architectural surveys. It was explained FEMA and NC State Historic Preservation Office (SHPO) asked for an archaeological and architecture surveys to identify any historic structures and evaluate the significance of cultural sites in the project area.

The project was estimated to cost \$35,500 and would be reimbursed by FEMA as long as the procurement process was consistent with the Uniform Guidance Act since the surveys were necessary to accomplish the repairs.

There was discussion to confirm that the cost of the work proposed would be reimbursed by FEMA even if the Town did not receive funding from FEMA for the project. There was also discussion on how SHPO became involved with the project. Chris explained that FEMA requested that we work with SHPO.

Commissioner Strickland made a motion, second by Commissioner Clark to approve Ordinance 2020-27. There was no discussion and the motion passed unanimously.

#### 2. Streetscape Match Grant Request – Zebulon Downtown Arts Council

Chris Ray presented a request for a streetscape match of \$1,000 from the Zebulon Downtown Arts Council (ZDAC) for a mural on Whitley Galleries. Staff stated the request was consistent with the Town's Streetscape Match Policy.

Mayor Matheny asked about the message of the mural. Dallas Pearce, the Chair from ZDAC, explained the hands represented the older generation giving to the younger generation and passing on traditions.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the Streetscape Match Grant to the Zebulon Downtown Arts Council. There was no discussion and the motion passed unanimously.

#### **BOARD COMMENTS**

No comments from the Board.

#### **MANAGER'S REPORT**

Movie night was Friday, September 13 with the movie Wonder Park.

Tim Hayworth introduced new police officer Joseph Morris.

#### **CLOSED SESSION**

Mayor Matheny explained 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) for the purpose of discussing personnel.

Commissioner Bumgarner made a motion, second by Commissioner Clark 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) for the purpose of discussing personnel. There was no discussion and the motion passed unanimously.

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

Board of Commissioners  
Minutes  
September 9, 2019

Commissioner Clark made a motion, second by Commissioner Bumgarner to award the Town Manager a 3.5% raise. There was no discussion and the motion passed unanimously.

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

Adopted this the 7<sup>th</sup> day of October, 2019.

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk

**Zebulon Board of Commissioners**  
**Work Session**  
**Minutes**  
**September 18, 2019**

Present: Robert S. Matheny, Don Bumgarner, Dale Beck, Curtis Strickland, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Michael Clark-Planning, Wayne Dupree-Fire, Chris Ray-Public Works, Sheila Long-Parks and Recreation, Tim Hayworth-Police, Eric Vernon-Attorney

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

**APPROVAL OF AGENDA**

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

**NEW BUSINESS**

*A. Finance*

1. Non-Profit Funding Policy Amendments

Joe Moore explained the Town had received numerous nonprofit funding requests in FY 2020 and the Board would look at doing policy amendments to add criteria in choosing the non-profit.

Bobby Fitts gave a PowerPoint presentation regarding the proposed amendment to the Town's Non-Profit Funding Policy. It was stated the current policy was adopted in 2007 with a total of \$5,000 with no more than \$1,000 to any single non-profit organization. The FY 2020 timeline and background was explained. The purpose was to choose groups that focused on the goals of the Town's strategic plan. There was discussion about the groups who received funding in FY 2020 and if they fit in with the strategic plan. There was a comparison of the current and proposed Non-Profit Funding Policy.

In the proposed policy the following conditions applied:

- Non-profits who were granted funds had to report back to the Board with how the funds were spent and that would be a condition to receive any future funding
- Non-profit status had to be verified by submitting a tax exempt letter from the IRS, confirming 501(c)(3) status, IRS 90 Form, current solicitation and license from the Secretary of State, adhere to all accountability standards
- Must have operated for two years by December 31 of the previous year
- Applicants must identify what program they would use the funds for and how it meets one or more of the goals in the Town's strategic plan
- All applicants would be required to appear and make a presentation at the Board of Commissioners' March meeting
- Grant reporting and monitoring was a new recommendation in the proposed amendment
- Failure to report or appear at the meeting eliminated the non-profit from future funds



Board of Commissioners  
Minutes  
September 18, 2019

There was discussion about whether to allow a written report instead of requiring the non-profit to appear at a Board meeting. Bobby Fitts stated he would rework the policy amendment according to the Board's comments and would bring back to a future meeting for discussion.

B. Planning

1. Unified Development Ordinance

Joe Moore explained there would be a Joint Public Hearing on the UDO on October 14 and the UDO would go before the Board for possible adoption on November 4.

Chad Meadows gave a review of the proposed Unified Development and the goals and key changes were explained in each area. An overview of the old and new districts was given to the Board. There was a discussion about parking in the downtown core and periphery, signage standards. Key changes of the subdivision requirements were mentioned including requesting street connectivity requirements and minimum amount of entry points for developments.

Chad Meadows reviewed the adoption schedule for the UDO.

- Draft would be delivered on October 4.
- Joint Public Hearing was scheduled for October 14
- Planning Board meeting on October 21
- Possible adoption by Board at the November 4 meeting
- effective date of January 1, 2020

There was discussion about the UDO schedule. It was explained that the Board could schedule more meetings to review the draft if they needed more time. Staff was unable to make form changes, or fully begin training and development of processes until the Board adopted the UDO.

**MANAGER'S REPORT**

Joe Moore stated the Joint Public Hearing was scheduled for September 23.

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

Adopted this the 7<sup>th</sup> day of October, 2019.

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk



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

TEL 919 856 6160  
FAX 919 856 5699

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

September 4, 2019

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 3, 2019, 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,

Denise Hogan  
Clerk to the Board  
Wake County Board of Commissioners

Enclosure(s)



**Wake County Revenue Department**

Rebate Details  
 07/01/2019 - 07/31/2019  
**ZEBULON**

DATE 08/06/2019  
 TIME 2:41:58 PM  
 PAGE 1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
733430	16,349.48	0.00	0.00	0.00	16,349.48	07/25/2019	0006880589	2019	2019	GLAXOSMITHKLINE
732406	436.83	0.00	43.68	0.00	480.51	07/15/2019	0006467558	2018	2018	LTC PHARMACY LLC
<b>SUBTOTALS FOR BUSINESS ACCOUNTS</b>					<b>16,829.99</b>			<b>2</b>	<b>Properties Rebated</b>	

INDIVIDUAL PROPERTY ACCOUNTS	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
731022	21.98	0.00	0.00	0.00	21.98	07/11/2019	0006880615	2019	2018	GAINES, KHAIRI IHSAAAN
731224	4.45	0.00	0.00	0.00	4.45	07/11/2019	0006880842	2019	2018	MCALLISTER, ANTOINETTE FERRELL
731334	6.28	0.00	0.00	0.00	6.28	07/11/2019	0006880968	2019	2018	GAINES, CLEVA ANNETTE
731351	65.74	10.00	0.00	0.00	75.74	07/11/2019	0006880985	2019	2018	GIBSON, KIMBERLY NICOLE
731969	18.15	0.00	0.00	0.00	18.15	07/11/2019	0006881664	2019	2018	PUTNEY, DARNETTE
732117	23.52	0.00	0.00	0.00	23.52	07/11/2019	0006881816	2019	2018	ROBERTS, EVA MAE-PULLEY
732605	33.44	0.00	0.00	0.00	33.44	07/16/2019	0006833719	2018	2017	MONNIN, APRIL LYNN
730832	224.92	10.00	0.00	0.00	234.92	07/11/2019	0006880394	2019	2018	LUCAS, AL WAYNE JR
730792	9.88	10.00	0.00	0.00	19.88	07/11/2019	0006880351	2019	2018	LANGSTON, FRANKLIN DELANO JR
731931	10.00	10.00	0.00	0.00	20.00	07/11/2019	0006881622	2019	2018	SEDILLO, SAUL JR
<b>SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS</b>					<b>458.36</b>			<b>10</b>	<b>Properties Rebated</b>	

INDIVIDUAL PROPERTY ACCOUNTS	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
<b>SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS</b>					<b>418.36</b>			<b>40.00</b>	<b>0.00</b>	<b>0.00</b>



Wake County Revenue Department

Rebate Details

07/01/2019 - 07/31/2019

ZEBULON

PAGE

2

DATE

08/06/2019

TIME

2:41:58 PM

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
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WILDLIFE BOAT ACCOUNTS

733428	301.74	0.00	0.00	0.00	301.74	07/25/2019	0004189866	2019	2019 000000	CRITZER, CHRISTOPHER MORRIS
733426	29.25	0.00	0.00	0.00	29.25	07/25/2019	0004194800	2019	2019 000000	CRITZER, CHRISTOPHER MORRIS

SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS 330.99 0.00 0.00 0.00 330.99 2 Properties Rebated

TOTAL REBATED FOR ZEBULON 17,535.66 40.00 43.68 0.00 17,619.34 14 Properties Rebated for City



STAFF REPORT  
FINANCIAL STATEMENTS UPDATE  
OCTOBER 7, 2019

**Topic: FY 2020 Monthly Financial Statement Update**

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

**Executive Summary:**

The attached financials are for Board of Commissioners review only. See discussion below for details on statements.

**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.

**Information:**

These financial statements are through September 23, 2019. We've received all twelve months of sales tax and all four quarterly distributions of utilities sales in FY 2019. These revenues for FY 2020 will not be received until starting in October. As usual, the majority of property taxes will be received later in the year as well (November – December). See notes below for analysis on those and other revenues.

For FY 2020, approximately 3 months in to the new year, the Town has spent about 20% (approximately \$2,513,000) of its General Fund budget of \$12,475,826. It is too early in the year to discuss trends in revenues or expenditures. It is important to note some larger early year expenditures – debt service payments have been made on the ladder and pumper trucks totaling approximately \$174,000, Police vehicles have been purchased and Sanitation debt service payment of \$53,500). This is why these departments have disproportionate amounts of percent of budget spent at this early point in the year. Some discussion on some early revenue activity such as zoning fees and property taxes are below. The revenue and expenditure statements are included for your review.

A few highlights to date include:

**Sales Tax**

- Sales taxes collected in June 2019 were received and were 8.6% (\$8,428) more than the distribution received for the same period in FY 2018.
- For the total of all twelve months of FY 2019 they are 7.39% (\$76,878) ahead of FY 2018.
- Article 39 receipts, proceeds returned to the county of origin, were 11.5% (\$4,991) more than the distribution received for the same period in FY 2018.
- Article 39 receipts for the total of the twelve months for FY 2019 were 7.34% (\$34,635) more than FY 2018.(Ref. attached Sales Tax Collections spreadsheet).



STAFF REPORT  
FINANCIAL STATEMENTS UPDATE  
OCTOBER 7, 2019

**Utilities Sales Tax (Sales tax on natural gas, electricity, telecommunication services and video programming)**

- The fourth and final distribution for FY 2019 (quarter ending June 30, 2019) was received September 15 and was 7.0% (\$9,050) more than the same quarter last year.
- For the total of all four quarters of FY 2019 they are up 8.63% (\$50,304) compared to the total for FY 2018.
- For the FY 2019 total sales tax on electricity, the largest portion of the Utility Sales Tax, is 10.5% (\$55,216) more than the total for FY 2018.

**Property Tax**

- Property taxes collected so far in FY 2020 are approximately \$444,000. This is 6.6% of budgeted revenues (\$6,716,779).
- This is 6% less than what was collected to date in FY 2019 (\$473,600).

**Permits & Zoning**

- Permit and zoning fees collected to date in FY 2020 are \$42,006.
- This is 30.0% of budgeted revenues (\$140,000) for the year.
- It is about 163% more than what was collected to date in FY 2019 (\$15,941).

**Transportation Impact Fees**

- Transportation Impact fees collected to date for FY 2020 are \$60,027.
- It is 324% more than what was collected to date in FY 2019 (\$14,149).
- The unaudited balance to date of Transportation Impact fees is \$304,587.
- This revenue is placed into a reserve for current and future transportation projects to be spent within 10 years.

**Policy Analysis: N/A**

**Financial Analysis:** Budgeted revenue is \$12,475,826 while year to date revenue collected is \$928,712 (7.4% of budgeted). As shown in the chart on the Revenue Statement, 55% 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 2020 Expenditure Statement and Revenue Statement (as of September 23, 2019)
2. Sales Tax – FY 2019



TOWN OF ZEBULON

Expenditure Statement: 2019 - 2020  
for Accounting Period 6/30/2020  
GENERAL FUND

As of 9/23/2019

<u>Dept #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$405,476	\$59,531	14.7%
420	FINANCE	\$355,900	\$149,110	41.9%
430	ADMINISTRATION	\$991,045	\$152,117	15.3%
450	CONTRACTED SERVICES	\$22,500	\$2,417	10.7%
470	STADIUM	\$50,550	\$13,444	26.6%
490	PLANNING AND ZONING	\$852,987	\$83,319	9.8%
500	BUILDINGS & GROUNDS	\$1,283,101	\$205,717	16.0%
510	POLICE	\$2,435,165	\$657,117	27.0%
530	FIRE	\$2,170,686	\$503,073	23.2%
560	STREETS AND HIGHWAYS	\$1,120,465	\$109,256	9.8%
570	POWELL BILL	\$126,000	\$2,378	1.9%
580	SANITATION	\$1,175,075	\$289,777	24.7%
590	STORMWATER	\$343,430	\$59,318	17.3%
620	PARKS & RECREATION	\$1,021,976	\$175,662	17.2%
690	SPECIAL PROJECTS	\$121,470	\$51,209	42.2%
	<b>Total Expenditures</b>	<b>\$12,475,826</b>	<b>\$2,513,444</b>	<b>20.1%</b>

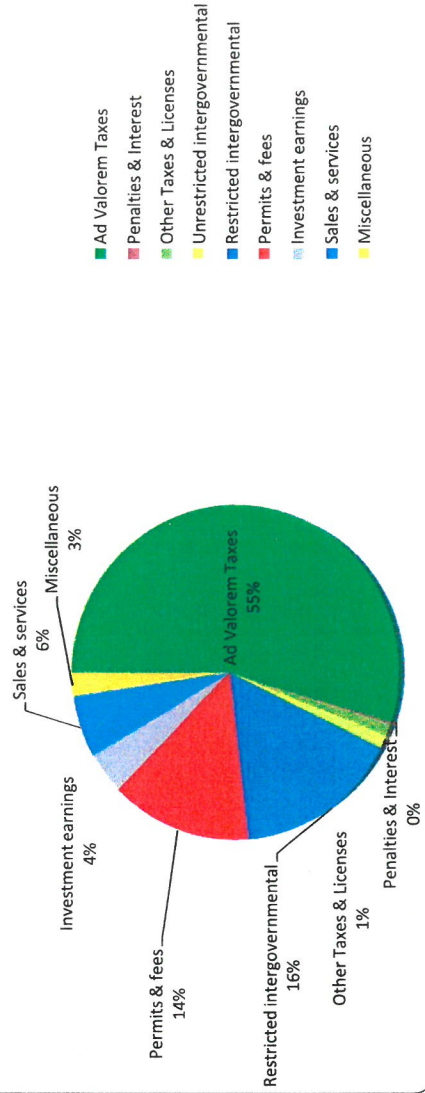


TOWN OF ZEBULON  
 Revenue Statement: 2019 - 2020  
 for Accounting Period 6/30/2020  
 GENERAL FUND

As of 9/23/2019

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$6,770,779	\$507,197	7.5%	54.6%
Penalties & Interest	\$11,000	\$1,929	17.5%	0.2%
Other Taxes & Licenses	\$69,500	\$11,011	15.8%	1.2%
Unrestricted intergovernmental	\$1,796,050	\$11,394	0.6%	1.2%
Restricted intergovernmental	\$823,540	\$146,854	17.8%	15.8%
Permits & fees	\$262,500	\$131,783	50.2%	14.2%
Investment earnings	\$140,000	\$39,098	27.9%	4.2%
Sales & services	\$681,400	\$57,180	8.4%	6.2%
Miscellaneous	\$172,630	\$22,268	12.9%	2.4%
Fund Balance Appropriated	\$1,748,427	\$0	0.0%	0.0%
<b>Total Revenues</b>	<b>\$12,475,826</b>	<b>\$928,712</b>	<b>7.4%</b>	<b>100%</b>

Town of Zebulon General Fund % of Total Revenue To Date - FY 2020





Sales Tax

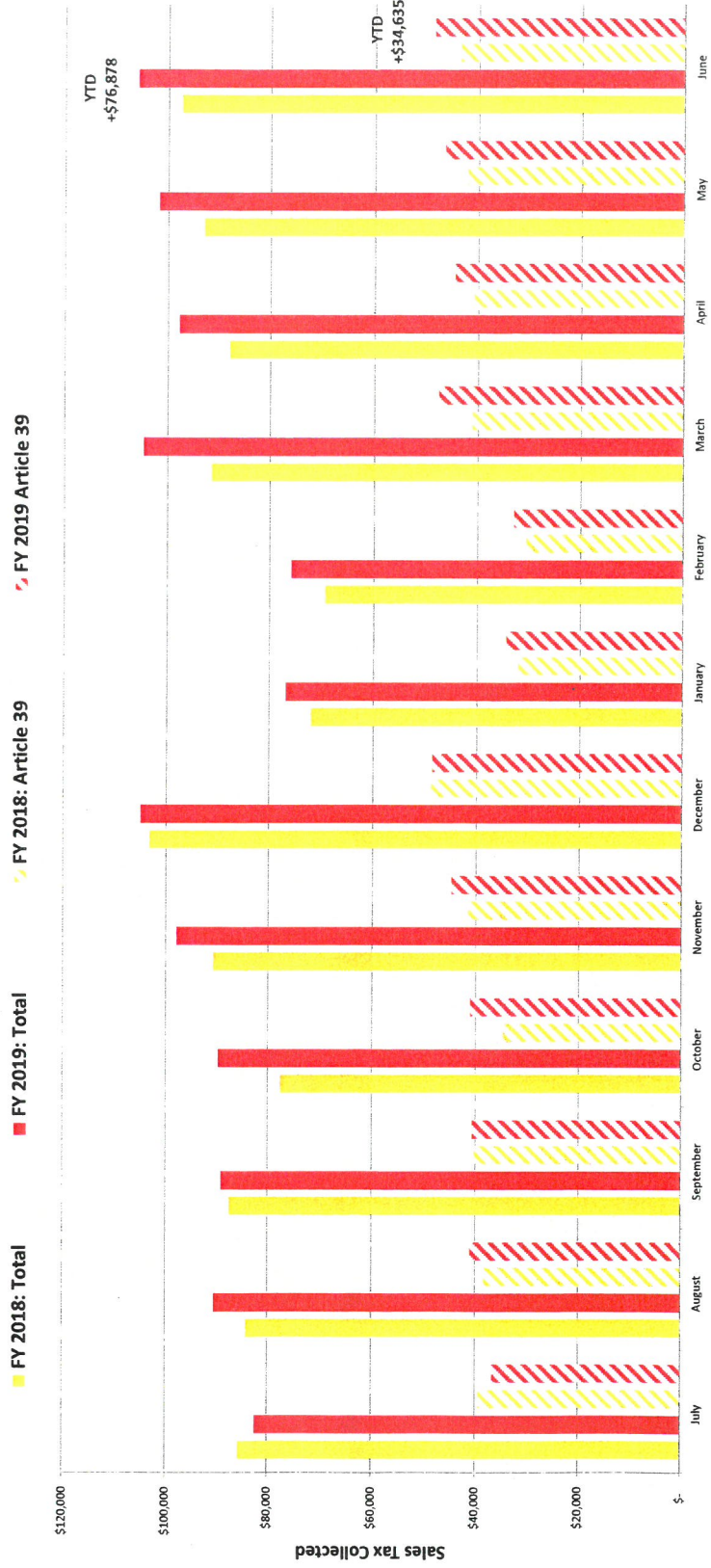
FY 2019

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%

FY 2018

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 18 Totals	Prior Year (FY 2017)	% Inc (Dec) from Prior Yr
July	\$ 39,291	\$ 15,388	\$ 19,542	(205)	\$ 11,766	\$ 85,782	\$ 75,359	13.8%
August	38,167	15,189	18,990	0	11,909	84,256	82,879	1.7%
September	40,136	15,606	19,988	(4)	11,763	87,489	80,395	8.8%
October	34,599	14,293	17,203	(11)	11,526	77,610	80,741	-3.9%
November	41,413	16,168	20,614	0	12,527	90,722	82,777	9.6%
December	48,633	17,785	24,242	3	12,695	103,358	100,663	2.7%
January	31,988	13,416	15,916	(1)	10,761	72,080	67,521	6.8%
February	30,459	13,038	15,127	0	10,763	69,386	72,155	-3.8%
March	40,989	16,725	20,435	0	13,270	91,420	89,323	2.3%
April	40,662	15,444	20,227	1	11,559	87,894	85,773	2.5%
May	42,066	16,797	20,917	(6)	13,288	93,063	82,182	13.2%
June	43,512	17,893	21,693	2	14,365	97,465	92,134	5.8%
Total	\$ 471,915	\$ 187,743	\$ 234,894	(220)	\$ 146,191	\$ 1,040,523	\$ 991,902	4.9%

# Monthly Summary of Sales Tax Collected





STAFF REPORT  
ORDINANCE 2020-28  
BUDGET AMENDMENT APPROPRIATING FUNDS  
FOR REIMBURSEMENT OF POLICE & FIRE OFF-DUTY  
EMPLOYMENT AT FIVE COUNTY STADIUM  
OCTOBER 7, 2019

**Topic: Ordinance 2020-28 – Appropriating Funds for Reimbursement of Police & Fire Off-Duty Employment at Five County Stadium**

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 appropriate \$13,780 in revenues received and expenditures for Town Police and Fire Departments staff's off-duty employment at Five County Stadium.

**Background:**

In the past the Carolina Mudcats have hired off-duty Town of Zebulon Police officers for security at Five County Stadium. They have always been paid directly by the Carolina Mudcats. Also, Town Fire department staff (typically part-time employees) have staffed the stadium on nights that there were fireworks. They too were paid directly by the Carolina Mudcats. With an ownership change before the 2018 season, some changes were made in the Mudcats operations. Now, the ownership wishes for the off-duty employees to be paid through the Town and the Mudcats reimburse the Town.

**Fiscal Impact:**

When determining an acceptable rate of pay between the Mudcats and Town staff, it was negotiated that the benefits the Town is responsible for were to be paid by the Mudcats as well. This includes FICA and retirement that is applicable. For fiscal year-to-date 2020, this total of \$13,780 will cover employment for games worked in July through the end of the season in August.

**Procedure:**

Per NCGS 159-15, the Board must recognize revenue received in order to assign that revenue to a particular function or line item.

**Policy Analysis:**

NCGS 159-15, as part of The Local Government Budget and Fiscal Control Act, allows amendments to the budget ordinance with Board approval.

**Staff Recommendation:**

Staff recommends approval of Ordinance 2020-28.

**Attachments:**

1. Ordinance 2020-28

ORDINANCE 2020-28

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Police/Fire Off-Duty Employment Reimbursement	\$13,780.00	
EXPENDITURES		
Police—Salaries	\$10,050.00	
Police—Part-time Salaries	350.00	
Police—FICA	800.00	
Police—Retirement	1,500.00	
Fire—Salaries	175.00	
Fire—Part-time Salaries	805.00	
Fire—FICA	75.00	
Fire—Retirement	25.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: October 7, 2019

Effective: October 7, 2019

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Robert S. Matheny - Mayor

ATTEST:

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Lisa M. Markland, CMC - Town Clerk



STAFF REPORT  
ORDINANCE 2020-29  
ROLLOVER FOR UDO PROJECT  
OCTOBER 7, 2019

**Topic: Ordinance 2020-29 – Budget Amendment to Rollover UDO Project Funds**

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 this budget amendment request reappropriating unspent FY 2019 approved funds for the Unified Development Ordinance.

**Background:**

This project was approved in FY 2019 but was not completed last fiscal year. Reappropriation of these funds is necessary to continue with the completion of this project.

**Discussion:**

Ordinance 2020-29: This is reappropriating \$30,000.00 in unspent funds that were budgeted in FY 2019. The project is nearing completion with an anticipated adoption at the November 4, 2019 meeting.

**Policy Analysis:**

NCGS 159-15, as part of The Local Government Budget and Fiscal Control Act, allows amendments to the budget ordinance with Board approval.

**Staff Recommendation:**

Staff recommends approval of Ordinance 2020-29

**Attachments:**

1. Ordinance 2020-29

ORDINANCE 2020-29

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$30,000.00	
EXPENDITURES		
Planning—Unified Development Ordinance	\$30,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: October 7, 2019

Effective: October 7, 2019

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Robert S. Matheny – Mayor

ATTEST:

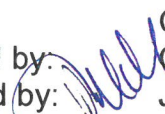
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Lisa M. Markland, CMC – Town Clerk



STAFF REPORT  
ORDINANCE 2020-30 & ORDINANCE 2020-31  
N. ARENDELL ACCESS AND OPERATIONAL PROJECT  
LAND ACQUISITION CONTRACT FUNDING  
OCTOBER 7, 2019

**Topic: Ordinance 2020-30 and Ordinance 2020-31 - N. Arendell Access and Operational Project: Land Acquisition Contract Funding**

Speaker: Chris D. Ray, Director of Public Works  
From: Chris D. Ray, Director of Public Works  
Prepared by: Chris D. Ray, Director of Public Works  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider contracting land acquisition services for the North Arendell Avenue Access and Operational Project.

**Background:**

In 2009, the Town completed an Access Management Plan for NC 96 (Arendell Avenue) and subsequently developed a "Gateway" Concept Plan. In 2012, the Town completed an Engineering Report for the same area and subsequently produced a 2014 Conceptual Plan. A request to fund the design and construction of the Plan was submitted for a Locally Administered Projects Program (LAPP) grant in spring 2015, but that request did not score as high as other grant requests.

Knowing designed, or "shovel-ready", projects fare better in competition for LAPP grant funds, the Board appropriated \$215,000 on October 5, 2015 and hired Volkert, Inc. to design the N. Arendell Avenue Access and Operational Improvements Plan. The Town was awarded a LAPP grant in spring 2016, and executed an agreement in August, 2016 to receive \$956,000 in federal funds, in exchange for \$239,000 in town funds, to acquire right-of-way and construct road improvements.

As the design passed 65% completion, a robustly recovering construction market within the region revealed construction cost estimates were significantly increasing. Design work was suspended while the project was re-scoped and additional funds were sought. Savings through project rescoping was limited because the project already represented the minimum amount of work necessary to meet the access management criteria and goals of the LAPP grant funds. Design was re-initiated by the Board on March 5, 2018 after financial commitments from CAMPO, to cover 50% of overruns, and from NCDOT, to provide a \$215,000 grant and funds for paving, were promised.

On April 30, 2019, the project received Right of Way (R/W) Authorization. R/W Authorization (the approval to acquire easements and right of way), and completion of Specifications and Estimate (PSE) are the last milestones prior to Construction Authorization (the approval to advertise and bid the construction contract and obligation of CAMPO funds).

Staff secured easements and right of way from Waffle House and BB&T before the EF-2 tornado struck on May 31, 2019. R/W acquisition was suspended for 4 months while Staff attended to emergency clean-up operations. During this timeframe, CAMPO's Executive Board determined all funds for LAPP grant projects from FFY 2018 and



STAFF REPORT  
ORDINANCE 2020-30 & ORDINANCE 2020-31  
N. ARENDELL ACCESS AND OPERATIONAL PROJECT  
LAND ACQUISITION CONTRACT FUNDING  
OCTOBER 7, 2019

before (N. Arendell is a grant project from this time frame) would be deprogrammed if they were not in a position to request funds before the end of the calendar year (December 31, 2019). The Executive Board offered the opportunity for a case-by-case grace period up to June 30, 2020.

Staff cannot secure the remaining properties (23 easements and 1 right of way) and accomplish the PSE and Construction Authorization milestones before December 31, 2019.

Staff may be able to secure all properties and achieve remaining milestones before June 30, 2020, but must contract out the Right of Way acquisition work.

**Discussion:**

The discussion before the Board is whether to continue pursuit of LAPP grant funds for the N. Arendell project. If disinterested, the Board will direct Staff to have the project deprogrammed from funding and recompetete in a future cycle. If interested, the Board will adopt the attached budget ordinances.

**Fiscal Analysis:**

With minor exception of some expenses spent on right of way staking and attorney fees, the funds spent to date are sunk costs (meaning they were Town funds and not eligible for reimbursement). The majority of remaining grant funds are connected with construction activity (currently \$916,000 with the possibility for more when adding the earlier referenced CAMPO and NCDOT financial commitments). If disinterested, the Town would forego the current grant funds and other financial commitments, and construction funding would depend upon success in a future LAPP grant competition cycle or Town funding the complete project.

If interested, the Town would spend an additional \$30,000 in contracting Right of Way acquisition work, and remain eligible for LAPP grant assistance on the construction activity (assuming CAMPO's Executive Board grants an extension to June 30,2020 and the Town meets that deadline). The \$30,000 would be funded through a refund from the South Arendell Avenue sidewalks project and existing Powell Bill funds.

**Staff Recommendation:**

Staff recommends approval of Ordinances 2020-30 and 2020-31 to fund contracting land acquisition services on the N. Arendell Avenue Access and Operational Improvements Project.

**Attachments:**

1. Ordinance 2020-30
2. Ordinance 2020-31



ORDINANCE 2020-30

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the **N. Arendell Avenue Capital Project Fund** budget as follows:

	INCREASE	DECREASE
<b>REVENUES</b>		
Transfer from the General Fund	\$30,000.00	
<b>EXPENDITURES</b>		
Right-of-way Acquisition-Professional Services	\$30,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: October 7, 2019

Effective: October 7, 2019

\_\_\_\_\_  
Robert S. Matheny - Mayor

ATTEST:

\_\_\_\_\_  
Lisa M. Markland, CMC - Town Clerk

ORDINANCE 2020-31

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$17,368.00	
EXPENDITURES		
Streets—Transfer to N. Arendell Ave Cap Proj Fund	\$30,000.00	
Powell Bill—Professional Services		12,632.00

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: October 7, 2019

Effective: October 7, 2019

\_\_\_\_\_  
Robert S. Matheny - Mayor

ATTEST:

\_\_\_\_\_  
Lisa M. Markland, CMC - Town Clerk