

**Zebulon Board of Commissioners**  
**Minutes**  
**January 6, 2020**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Larry Loucks, Shannon Baxter, Glenn York, 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, 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 Madison Lebron-Hendrickson.

**APPROVAL OF AGENDA**

Commissioner Loucks asked to amend the agenda to add Sunday Alcohol sales under Old Business. Commissioner Baxter made a motion, second by Commissioner Moore to approve the agenda as amended. There was no discussion and the motion passed unanimously.

**SCHOOL RECOGNITION**

Mayor Matheny recognized student Madison Lebron-Hendrickson and teacher Garren Barna, both from Wakelon Elementary School.

**PUBLIC HEARING**

*A. SUP 2019-11 – 715 Shepard School Road*

Michael Clark, Planning Director, was sworn in by Lisa Markland, Town Clerk.

The quasi-judicial hearing request was for the Board to consider a special use permit for a rooming house located at 715 Shepard School Road. The zoning was Residential-10, but was now Downtown Periphery under the new UDO. It was explained the property would consist of seven rooming units with a kitchen, living area, and eight parking spaces. The developer agreed to bring this nonconforming site into current code compliance.

Michael Clark gave a PowerPoint presentation which provided background information on the property and showed the zoning data, vicinity map, and sketch plan. The six findings of fact were 1) will not materially endanger the public health or safety if located where proposed, 2) complies with all required standards, conditions, and specifications of this Ordinance including Article 4: Uses; 3) will not substantially injure the value of the abutting land, 4) will be in harmony with the area in which it is to be located, 5) is in general conformity with the Town's adopted policy guidance; and 6) includes a concept plan that accurately depicts the proposed use's configuration. The Board was reminded under the new UDO the findings of fact increased from four to six. Staff found the applicant met Findings of Fact 2, 5, and 6. Mr. Clark asked the Board to accept the staff report and packet provided as well as the presentation to be entered into

Board of Commissioners  
Minutes  
January 6, 2020

the record as evidence. Mr. Clark recommended the Board accept presentation of the evidence and testimony as submitted at the meeting for consideration at the February 3, 2020 meeting.

Eric Vernon, Town Attorney clarified that the evidence included the staff report and testimony provided by Michael Clark.

Mayor Matheny asked if anyone wished to speak in favor.

Mike Burrows was sworn in by Lisa Markland, Town Clerk. Mr. Burrows of 5025 Upchuch Lane, Wake Forest, North Carolina, stated the property was purchased in 2009 and refurbished to provide affordable housing to female tenants. In 2011 a group home had been approved by the Board of Commissioners and was not being used as that due to the fact clients were in breach of the contract. The property had been brought up to code and all of the planning department's issues had been addressed when refurbished.

Commissioner Baxter asked about the concerns of the Planning Department and the property being in violation. Mr. Burrows stated he had met the concerns of the Planning Department.

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

Mayor Matheny closed the public hearing.

Commissioner Loucks made a motion, second by Commissioner York to table SUP 2019-11 – 715 Shepard School Road until the February 3, 2020 meeting. 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 Baxter to approve the minutes of the December 2, 2019 meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the December 9, 2019 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the minutes of the December 18, 2019 work session. There was no discussion and the motion passed unanimously.

Board of Commissioners  
Minutes  
January 6, 2020

*A. Finance*

Commissioner Clark made a motion, second by Commissioner Baxter to approve the tax report for October 2019. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Baxter to approve the financial report as of December 13, 2019. There was no discussion and the motion passed unanimously.

**OLD BUSINESS**

*A. Finance*

1. Resolution 2020-07 - Non-Profit Funding Policy Amendments

Bobby Fitts stated the Board's feedback from the December 18, 2019 work session had been incorporated into the proposed policy. The changes were reflected in sections five and six.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Resolution 2020-07.

Mayor Matheny suggested changing the wording under 6.0 Exceptions from "non-profit" to "not for profit" entities so the Martin Luther King, Jr. breakfast would not be excluded and could be funded into the Town's budget. Commissioner Clark asked to keep the "non-profit" language. Commissioner York asked for legal staff to provide input. Eric Vernon gave an explanation of non-profit vs. not for profit.

There was no further discussion and the motion to approve Resolution 2020-07 passed unanimously.

*B. Planning*

1. Ordinance 2020-38 (AN 2019-01) Annexation 201 Green Pace Road

Michael Clark presented the annexation request for approximately 32.4 acres located at 201 Green Pace Road. The site was currently vacant and zoned as heavy commercial. The applicant was proposing to put in a commercial center.

The Planning Board unanimously recommended approval at the December 9, 2019 meeting. The vicinity map, ETJ map, and land use map, which showed the property to be mixed use, were presented. Staff recommended approval of Ordinance 2020-38.

Commissioner Loucks made a motion, second by Commissioner Clark to approve Ordinance 2020-38 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 unanimously.

2. Ordinance 2020-39 (AN 2019-03) Annexation 704 Pearces Road

Michael Clark presented the annexation request for approximately 0.78 acres located at 704 Pearces Road. The site was a single family residential parcel located in the ETJ and zoned as R-2 Residential Suburban. The applicant was requesting the annexation so the property could attach to municipal water and sewer service.

The Planning Board unanimously recommended approval at the December 9, 2019 meeting. The vicinity map, ETJ map, and land use map, which showed the property to be medium density residential, were presented. Staff recommended approval of Ordinance 2020-39.

Commissioner Loucks made a motion, second by Commissioner York to approve Ordinance 2020-39 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 unanimously.

*C. General*

1. Sunday Early Alcohol Sales

Commissioner Loucks asked about approving the sale of alcohol at 10:00am on Sunday. Joe Moore explained the matter was brought before the Board at their December 18<sup>th</sup> work session to see if there was interest in adopting an ordinance on Sunday early alcohol sales. Staff would create an ordinance along with a fiscal analysis and operational analysis for the Board's consideration at the February 3, 2020 meeting.

**NEW BUSINESS**

*A. Administration*

1. Board Appointments

There were five in town residents (Arlanda Miles, Dale Beck, David Lawry, Michael Germano, and Eric House) who expressed interest in serving on the Planning Board. Each person explained their qualifications and interests in wanting to serve on the Planning Board.

Joe Moore explained staff would present a text amendment at the February meeting recommending the Board disband the Board of Adjustment and have the Planning Board serve as the Board of Adjustment. Michael Clark offered some detail on the upcoming text amendment.

Commissioner Baxter made a motion to appoint David Lowry to the Planning Board. Motion died for lack of a second.

Commissioner York made a motion, second by Commissioner Clark to appoint Michael Germano to the Planning Board as an in town member. There was no discussion and the motion passed with a vote 4 to 1 with Commissioners York, Clark, Moore, and Loucks voting in favor and Commissioner Baxter voting against.

Mayor Matheny explained Damon Damphie withdrew his application to the Parks and Recreation Advisory Board, but Garrett Underhill had submitted his interest after the agenda packets went out.

Garrett Underhill explained his qualifications and interests in serving on the Parks and Recreation Advisory Board.

Commissioner York made a motion, second by Commissioner Clark to appoint Garrett Underhill to the Parks and Recreation Advisory Board. There was no discussion and the motion passed unanimously.

**BOARD COMMENTS**

Commissioner Baxter thanked everyone who applied for the Planning Board position.  
Commissioner York stated there were other opportunities citizens could get involved in and encouraged them to do so.  
Commissioner Clark was happy to see the large crowd at the meeting.  
Commissioner Moore wished everyone a Happy New Year.  
Commissioner Loucks thanked the crowd for coming to the meeting and everyone who applied for the Planning Board.

**MANAGER’S REPORT**

Bobby Fitts gave the following budget transfer:  
Parks and Recreation transferred \$1,500 from equipment maintenance to vehicle maintenance.

**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.

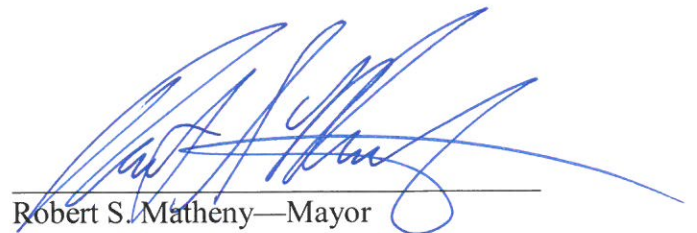
Commissioner Loucks made a motion, second by Commissioner York to go into closed session as permitted by NC GS § 143-318.11(a)(5) for the purpose of property acquisition.  
There was no discussion and the motion passed unanimously.

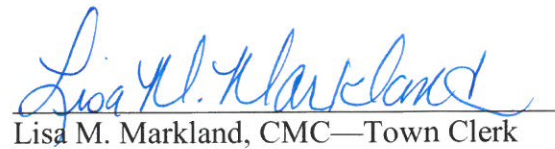
NOTE: In closed session Commissioner Loucks made a motion, second by Commissioner Clark to come out of closed session. There was no discussion and the motion passed unanimously.

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

Adopted this the 3<sup>rd</sup> day of February, 2020.



  
Robert S. Matheny—Mayor

  
Lisa M. Markland, CMC—Town Clerk