

**Zebulon Board of Commissioners**  
**Minutes**  
**November 6, 2017**

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

Absent: Robert S. Matheny

Mayor Pro Tem Bumgarner called the meeting to order at 7:02pm.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Brad Holley from East Wake High School.

**AGENDA**

Mayor Pro Tem Bumgarner expressed sympathy in the passing of Mayor Matheny's wife Ann and asked for a moment of silence.

Mayor Pro Tem Bumgarner asked for a motion to approve the agenda.

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

**SCHOOL RECOGNITION**

Mayor Pro Tem Bumgarner recognized student Brad Holley and teacher Clarissa Messina both from East Wake High School.

**PUBLIC HEARING**

A. AN 2018-01—Annexation Request by Autumn Lakes

Mayor Pro Tem Bumgarner called the public hearing to order and asked for staff report.

Julie Spriggs gave a PowerPoint on the annexation request for 105 acres located at 605 Parks Village Road and 0 Old Bunn Road. Sufficiency had been met and certified by the Town Clerk.

The special use permit required annexation prior to final plat approval. Julie Spriggs reviewed the land use plan, transportation plan and the greenway plan. Water and sewer allocation was for 200 dwellings but anything that was not used would be returned to the pool for future allocation. The cost benefit analysis that was done and showed a positive impact.

Mayor Pro Tem Bumgarner asked if there was anyone who wished to speak in favor. There were none.

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Mayor Pro Tem Bumgarner asked if there was anyone who wished to speak in opposition. There were none.

Mayor Pro Tem Bumgarner asked if there was anyone who wished to speak in general. There were none.

Mayor Pro Tem Bumgarner declared the public hearing closed.

### **PROCLAMATION**

Mayor Pro Tem Bumgarner read a proclamation for Geography Week and GIS Day.

Commissioner Beck made a motion, second by Commissioner York to approve the proclamation. There was no discussion and the motion passed unanimously.

### **PUBLIC COMMENT PERIOD**

There was no one who wished to speak.

### **CONSENT**

#### A. Minutes

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of the September 11, 2017 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of October 2, 2017. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of the October 2, 2017 closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to approve the minutes of the October 18, 2017 worksession. There was no discussion and the motion passed unanimously.

#### B. Finance

Commissioner Clark made a motion, second by Commissioner York to approve the tax report for August 2017. There was no discussion and the motion passed unanimously.

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

C. General

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

**PRESENTATIONS**

A. Fire Facility Plan Review

Chris Perry gave a brief overview of the project. Chris introduced Paul Brooks of Brooks Innovative Solutions who had been hired to help guide the Town in determining the facility needs as it related to the Fire Department.

Paul Brooks gave an overview of the project. Mr. Brooks stated that there were four objectives of the project which were engagement, plan, timeline and expected outcomes. The goal was for the Board to be able to answer several questions including, where would resources be deployed for emergency services; when would the resources be deployed – which would include the financial obligation; finally, why would the resources be deployed and what would the expected outcome be.

Mayor Pro Tem asked if there were any questions and there were none.

B. Audit Presentation FY 2017

Bobby Fitts introduced Keith Joyce with Joyce and Associates to present the audit for FY 2017.

Keith Joyce presented that there was a good management letter with a thoroughly clean audit opinion. The CAFR was reviewed as well as the audit highlight sheet.

Mayor Pro Tem Bumgarner thanked Keith Joyce.

**OLD BUSINESS**

A. Planning

*SU 2018-02—Weaver's Pond Special Use Permit Amendment Request*

Julie Spriggs stated that on October 9, 2017 there was a public hearing on the requested amendment to the special use permit for Weaver's Pond.

Commissioner Beck asked if all the conditions recommended by the Planning Board were those recommended by staff. Julie stated that was correct and the developer had agreed to all those recommended.

The conditions recommended were as follows:

Stipulations Specific to the Development

1. Recordation: Special use permit and updated Master Plan must be recorded with the Wake County Register of Deeds.

2. Illustrative Concept Plan: Special use permit and an updated Master 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): Entry monuments shall be brick, stone or masonry material that includes identification signs not to exceed thirty-two square feet (32 SF). All signage shall obtain zoning and building permit approval.
7. Open Space: All open space shall be permanently protected from development with a conservation easement and/or restrictive covenant to be recorded upon final plat approval.

Stipulations Specific to the Homeowner's Association

8. Homeowner's Association: All owners of developable lots shall immediately become members of the Homeowner's Association.
9. Homeowner's Association: Homeowners Association shall be in place to enforce and abate violations of restrictive covenants to include the abatement of nuisances as defined by the Town of Zebulon Code of Ordinances to include, but not limited to, grass, trash, debris, rubbish and the removal of junked, abandoned, or nuisance automobiles.
10. Homeowner's Association: Homeowner's Association, or if applicable a Homeowner's Association management firm, shall be in place to enforce and abate all community association covenants, conditions, and restrictions.
11. Homeowner's Association: Homeowner's Association, or if applicable a Homeowner's Association management firm, shall be responsible for the maintenance and upkeep of all open space and improvements built therein, and landscaped center islands, located throughout the development.
12. Homeowner's Association: Homeowner's Association, or if applicable a Homeowner's Association 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 and Specifications Manual.

Stipulations Relating to Setbacks

13. Setbacks: Setbacks along Pippin Road a minimum of fifty feet (50') from a lot line and one hundred feet (100') from any foundation (house or accessory structure) in areas that have a berm. Any area along Pippin Road that does not have a berm shall be provided with a one-hundred-foot (100') setback to the lot line.
14. Setbacks (Residential Buildings): Setbacks shall be measured from the lot line to the building wall. 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 to the buildings for each residential use type shall be as follows:

<i>Land Use Type</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Side Setback (Adjacent to Street)</i>	<i>Minimum Rear Setback</i>
Single Family Dwelling	20'	5'	15'	20'
Townhomes	15'	15' (Building to Building)	15'	20'

Stipulations Relating to Recreation Amenities

15. Recreation Amenities: An active recreation area including, at a minimum, a competition size pool, swim pavilion (bathhouse), tot lot (with playground equipment), regulation commercial grade permanent soccer goals, and parking lot will be constructed by July 1, 2013. The playground equipment will serve ages 2-5 years and 5-12 years as well as include trashcans, benches and pet waste stations sized to sufficiently serve phases 1 and 2.
16. Pocket Park: Installation of parking spaces to access Pocket Park Area #3 south of Pippin Road and north side of Weavers Pond as shown on revised Master Plan dated September 27, 2017. No parking will be provided if single-family lots are developed in this area.
17. Staff's Condition: Pocket Park Area #3: Installation of amenities in Pocket Park Area #3 shall match in scope, size, and detail to the greenway amenities installed on the pond between Phases 1 and 4 as shown on the revised Master Plan.
18. Playground Equipment: A tot lot shall be installed in Pocket Park Area #4, Pocket Park Area #6, and Pocket Park Area #7 as shown on the revised Master Plan dated September 27, 2017. Playground equipment shall be included for toddlers ages 2-5 and children ages 5-12. A minimum of two (2) benches, two (2) trash receptacles, one (1) bike rack

holding four (4) bikes, and one (1) dog waste station shall be provided at each Pocket Park.

Stipulations Relating to Greenways

19. Greenway Trail (General): Greenways are required to be established, built, and maintained in accordance with the Town of Zebulon's Greenway, Bicycle, and Pedestrian Master Plan. A greenway master plan for Weavers Pond Community must be submitted with each plat for approval by TRC.
20. Greenway Trail (East Side of Pond North of Golden Plum Lane): Only if townhomes are built in Phase 6 as shown on the *revised Master Plan dated September 27, 2017*, a minimum five-foot (5') private paved trail with three (3) benches, three (3) trash receptacles, and three (3) pet waste stations shall be approved by ZTRC, and installed. Grass on the eastern shoreline of the pond shall be maintained at all times by the HOA with accessibility to the water as per DWQ standards. The Greenway Development Agreement between the Developer and the Town remains in effect. When the Town is ready to develop a public greenway trail on the eastern side of the pond, the Town will resume maintenance responsibilities from the HOA as agreed to in the Greenway Development Agreement.

Stipulations Relating to Transportation

21. Driveway Permit: An updated driveway permit with NCDOT is required.
22. Traffic Impact Analysis: NCDOT will require a TIA as part of the updated driveway permit. The Town will work with NCDOT on scope of analysis.
23. Traffic Improvements: Install all improvements as required per NCDOT review of updated driveway permit and TIA review.
24. New Roadways: Installation and dedication of any roadway infrastructure, improvements, or right-of-way widths for any and all phases of the development as shown on the Revised Master Plan for Weaver's Pond Subdivision shall be in accordance with the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual. Engineer certification of the roadway must be provided by a licensed engineer with acceptable bonding information during the final plat process for the development.
25. Public Roadways: All streets throughout the subdivision shall be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual.
26. Curb and Gutter: All curb and gutter installations throughout the subdivision and along all rights-of-way should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual.
27. Bonding: Developer is responsible for posting a bond for final roadway, sidewalk, and/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.

28. Bonding: Developer will post a bond for final asphalt lift and stop bars for Vineyard Ridge Drive and remainder of Lacewing Drive. Bond estimate will be reviewed and approved by the Zebulon Public Works Department. Overlay will be completed once 80% of homes have been constructed along Vineyard Ridge Drive and remainder of Lacewing Drive or within three years, whichever comes first. As future phases develop, the same procedures with regards to bonding of outstanding improvements will be followed.
29. Sidewalks: Provide four-foot wide sidewalks along both sides of Pippin Road. If the sidewalk is outside of the NCDOT right-of-way, the sidewalk installation should be in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual and a dedicated sidewalk easement will be required.
30. Sidewalks: Phase 3 and subsequent phases of development will provide sidewalks in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual. Sidewalks in current phases will be provided on both sides of street except along Lacewing Drive (west side only 4-feet in width to Whispermute Lane and 5-feet in width north of Whispermute Lane), Vineyard Ridge Drive (south side only 5-feet in width), Cattail Pond Drive (west side only 5-feet in width), and Tulip Spring Drive (west side only 5- feet in width). All improvements should be completed prior to final plat approval of the last phase of the development.
31. Sidewalks: Installation of a sidewalk or boardwalk meeting permitting agency requirements necessary to span the creek located approximately five hundred linear feet (500' LF) east of the Weaver's Pond Drive and Pippin Road intersection.
32. Sidewalks: Installation of a ten-foot (10') wide sidewalk from the greenway connection to the pond adjacent to Phase 1 on the southern side of Pippin Road to the greenway trailhead on Pippin Road adjacent to Phase 2B as shown on the revised Master Plan. A pedestrian crossing across Pippin Road shall be installed for connectivity.
33. 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.
34. Street Lights: The developer is responsible for coordination with Duke Energy on the lighting plan layout; however, the Town of Zebulon will approve the lighting plan.
35. Street Lights: The developer is responsible for paying the current Duke Energy fee per pole to the Town of Zebulon prior to installation.

36. Street Lights: All street lights shall be decorative Mitchell 50-Watt Series LED, without band or ribbon, unless otherwise specified and authorized by the Town of Zebulon Public Works Director.
37. Street Lights: All street lights 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.
38. Entrances: All entrances shall be reviewed and approved by the Town of Zebulon and the NCDOT during the appropriate site plan approval process.
39. Driveways: All individual driveways shall be concrete, able to accommodate at least two vehicles outside of the public right-of-way and in accordance with the latest version of the Town of Zebulon Street and Storm Drainage Standards and Specifications Manual.
40. Additional Parking: Local streets shall incorporate off-street parking where practical.

Stipulations Relating to Landscaping/Buffers

41. Open Space: All lands within areas required to be maintained as open space by the Homeowner's Association, or if applicable a Homeowner's Association management firm, shall be protected by a permanent conservation easement and restrictive covenant, prohibiting further development, and recorded upon final plat approval as "Open Space".
42. Lot Tree Requirement: One deciduous shade tree shall be planted in the front yard of each single-family dwelling with a minimum caliper of two and a half inches (2.5") at time of planting.
43. Lot Tree Requirement: The phases including townhomes will submit a landscaping plan as part of the ZTRC review for that phase. Landscaping will include a mixture of trees, shrubs, and plantings to the equivalent of one tree per lot consistent with the landscaping for single-family dwellings.
44. Landscaping: Landscaping shall be installed in the open space along Pippin Road.
45. Landscape Buffer: Installation of at least a ten foot (10') wide landscaped strip along both sides of Pippin Road.
46. Landscape Buffer (Property Perimeters): A thirty foot (30') wide buffer will be installed around the perimeter of the subdivision.

Stipulations Relating to Architecture

47. Garages: All homes within the subdivision will be required to have a garage.
48. Building Materials: Exterior building materials will be brick or stone veneer, vinyl or fiber cement (such as hardi-plank) siding.
49. Building Façade: Fifty percent (50%) of all homes must have a front façade comprised of brick or stone.
50. Foundations: Foundations will be slab on grade and crawl space.



51. Housing Square Footage: The minimum heated square footage for each residential use type shall be as follows:

<i>Land Use Type</i>	<i>Lot Width</i>	<i>Minimum Heated Square Footage (SF)</i>
Single Family Detached Dwelling	40 feet	1,200 SF
Townhomes	18 feet	1,300 SF

Stipulations Relating to Environment

52. 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.
53. Floodplain: No portion of any lot shall contain wetlands, riparian buffers, floodplain, or floodway.

Stipulations Relating to Utilities

54. Water and Sewer Allocation: Water and sewer allocation shall be authorized during the final plat process.
55. Solid Waste and Recycling, Yard Waste and Leaf Collection: All homes within the subdivision will receive trash collection, recycling, yard waste, and leaf collection services.
56. 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 plat recording. Best Management Practices (BMP's) are not converted from erosion control to permanent stormwater devices until most of the home construction is complete. BMP certification will be completed as directed by the Stormwater Administrator.
57. 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.
58. Water, Sewer and Pump Station Improvements: Developer is responsible for the installation of an eight-inch sewer gravity line from the subdivision to the Taryn Meadows lift station. Once a contractual agreement between the City of Raleigh and the Town of Zebulon is reached on the Beaverdam Creek Sewer Outfall project, the eight-inch sewer gravity line extension from the subdivision to the Taryn Meadows lift station (Zebulon Pump Station #5) will no longer be required.
59. Water, Sewer and Pump Station Improvements: At such time as it is necessary to increase the capacity of the Taryn Meadows lift station (Zebulon Pump Station #5) so that adequate sewer service is not interrupted to this subdivision, the developer will

install the necessary upgrades at the Taryn Meadows lift station site as well as any additional required force main. Once a contractual agreement between the City of Raleigh and the Town of Zebulon is reached on the Beaverdam Creek Sewer Outfall project, the installation of the necessary upgrades at the Taryn Meadows lift station site as well as any additional required force main improvements will no longer be required.

- 60. Individual Water Booster Pump: An individual water booster pump must be installed for all lots created after the adoption of the special use permit and for existing undeveloped lots in Phases 1 and 2.
- 61. Offsite Waterline Easement Acquisition: Developer shall pay \$32,000 fee for the offsite waterline easement acquisition.
- 62. Beaverdam Creek Sewer Outfall Fee: In lieu of the developer installing improvements to the Taryn Meadows lift station and force main, payment of a fee for the Beaverdam Creek Sewer Outfall project (currently approximated to be \$1,614.09 per dwelling) will be required to be paid prior to the building permit issuance for each lot. Listed below is the method of calculation for each lot’s proportional share to the Beaverdam Creek Sewer Outfall project:

<i>Title</i>	<i>Calculation Method</i>	<i>Value</i>
Flow capacity for the Beaverdam Creek Sewer Outfall project	1,107,301 gallons per day (GPD)	1,107,301 GPD
Average household wastewater flow per day	250 gallons per day (GPD)	250 GPD
Total project cost (estimated)	<ul style="list-style-type: none"><li>• \$6,500,000 – based on City of Raleigh Public Utilities construction bid subtotal</li><li>• \$324,800 - Engineering Budget</li><li>• \$324,000 - Land Acquisition</li><li>• Project Total = \$7,148,800</li></ul>	\$7,148,800
Number of total homes in Weaver's Pond (all phases)	776 homes	776 homes
Number of total homes in Weaver's Pond (Phases 1 and 2)	217 homes	217 homes
Total number of homes served by the Beaverdam	1,107,301 outfall capacity / 250 GPD per home =	4,429 homes

Creek Sewer Outfall project	4,429 homes served	
Total cost per home (estimated)	\$7,148,800 project cost / 4,429 homes served = \$1,614.09 cost per home	\$1,614.09 cost per home
Weaver's Pond homes that will need to contribute to the Beaverdam Creek Sewer Outfall project	776 total homes in Weaver's Pond - 217 homes in Phases 1 and 2 = 559 homes in Weaver's Pond will need to contribute to the Beaverdam Creek Sewer Outfall project	559 homes
Total amount Weaver's Pons Subdivision will need to contribute to the Beaverdam Creek Sewer Outfall project (estimated)	\$1,614.09 cost per home x 559 homes = \$902,276.31 amount needed to contribute toward the Beaverdam Creek Sewer Outfall project	\$902,276.31

The Town will review during its annual budget process the annual estimates or actual construction costs and will adjust its fee accordingly to ensure the Town is receiving full cost reimbursement and the developer is treated reasonably to respect the cost.

Stipulations Relating to Mailbox Kiosk

- 63. Mailbox Kiosk: Installation and maintenance of mailbox kiosks shall be accordance to the United States Post Office 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.
- 64. Mailbox Kiosk: A mailbox kiosk shall be installed prior to final plat approval. There shall be a minimum of one (1) mailbox kiosk installed for each final plat phase of the development.

Stipulations Relating to Fire Code and Blasting

- 65. 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.
- 66. Blasting: Blasting operations shall be conducted in accordance with the provisions of the NC Fire Prevention Code.

Commissioner Beck made a motion, second by Commissioner Clark to approve SU 2018-02 with the conditions as recommended by staff. There was no discussion and the motion passed unanimously.

B. Planning

*Ordinance 2018-02*

Julie Spriggs presented that Autumn Lakes was requesting annexation of two parcels equaling approximately 105 acres as required by the special use permit.

Commissioner Beck made a motion, second by Commissioner Strickland to approve Ordinance 2018-02. There was no discussion and the motion passed unanimously.

**NEW BUSINESS**

A. General

*Board Appointment to the Board of Adjustment*

Lisa Markland stated that James Mitchell had submitted an application to be appointed as an in-town member of the Board of Adjustment.

Commissioner Clark made a motion, second by Commissioner York to appoint James Mitchell as an in-town member of the Board of Adjustment. There was no discussion and the motion passed unanimously.

**BOARD COMMENTS**

Commissioner Beck recognized the loss of Ann Matheny.

Beverly Clark reminded everyone to get out and vote.

**MANAGERS REPORT**

Joe Moore stated that the Veteran’s Day breakfast was Thursday, November 9<sup>th</sup> at 9am at the Community Center; Strategic Plan Kickoff for Zebulon 2030 was scheduled for November 14<sup>th</sup> at 6:30; Zebulon Farm Fresh Market holiday fair would be on November 18<sup>th</sup> from 9-3; Holiday Happenings was December 2<sup>nd</sup> and the Parade was December 3<sup>rd</sup>.

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

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Date

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk