

Zebulon Board of Commissioners
Minutes
April 4, 2022

Present: Glenn York, Beverly Clark, Quentin Miles, Larry Loucks, Shannon Baxter, Jessica Harrison, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Eric Vernon-Town Attorney, Sam Slater-Town Attorney

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

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Baxter.

APPROVAL OF AGENDA

Commissioner Baxter amended the agenda to add a request for information and action under New Business.

Lisa Markland asked to add Ordinance 2022-36, Ordinance 2022-35 and a second closed session for personnel discussion.

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

SCHOOL RECOGNITIONS

Mayor York recognized student Je'Shaun Cooper and teacher Edward Thomas, both from East Wake High School.

RECOGNITION

Mayor York recognized Green for Life employees, Adrian Wall and Braxton Moore, and read a Proclamation honoring both men for saving a citizen's life. Green for Life presented a plaque to both men.

PUBLIC HEARING

Mayor York opened the public hearing.

Michael Clark explained the public hearing was informational only and staff was not making any recommendations at this time. The results of the survey regarding alcohol beverage consumption in the public right-of-way were given. It was stated out of the 609 respondents 54% strongly agreed, 29% agreed, 7% strongly disagreed, 6% disagreed and 4% were indifferent with allowing alcohol beverages in the public areas adjacent to an establishment. Over 400 of the survey respondents had a Zebulon address.

The proposed amendment allowed for consumption of alcohol on the sidewalks and adjacent public right-of ways. It was clarified that the proposed regulations did not create a social district. Pictures and examples of permitted areas in Town were shown. Some of the economic implications of the amendment would allow restaurant recruitment, downtown vibrancy and visual activity.

Board of Commissioners
Minutes
April 4, 2022

Additional examples from Apex, Holly Springs, Wendell, New Bern, Wilmington and Raleigh were shown. It was explained how outdoor dining created downtown vibrancy.

It was stated the proposed regulations did not allow someone to walk down the sidewalk to neighboring businesses with alcohol. The regulations did allow the consumption of alcohol on sidewalks and adjacent public areas where businesses were located.

Police Chief, Jacqui Boykin, spoke about the enforcement of alcohol regulations and explained the Police Department's philosophy was to educate, warn and then cite.

The department's calls had increased 100% in the first three months of 2022. The existing ordinance had placed a burden on the police and the proposed ordinance change was more intuitive and inviting to the community.

Lisa Markland read comments submitted by Tom Schmidt.

Cyrus Stacey, co-owner of the Fall Line, wanted to continue to work with the Town and come up with a solution for patrons to enjoy the outdoor space adjacent to his business.

Kacie Germano, Weavers Pond resident and business owner, spoke about her desire for the Town to inspire a cohesive and attractive downtown. Ms. Germano stated the boundary would allow the downtown to flourish and make it more walkable and vibrant.

John Saffold from the Zebulon Chamber of Commerce stated the proposed regulation would make a positive impact in Zebulon's downtown.

Domenick Schilling spoke about his positive experience at the Fall Line and supported the amendment to the ordinance. Mr. Schilling asked staff how foot traffic would be addressed if sidewalk seating was added downtown.

Michael Clark explained there was a provision in the UDO and Code of Ordinances that prohibited blocking the sidewalk and an ADA accessible path needed to be maintained on the sidewalk areas.

Susan Pearce, a downtown property owner, asked the amendment to be passed for the immediate future, but not the long range. It was asked for additional steps to move toward having a social district downtown and spoke about the positive impacts the amendment would have.

Greg Goldberg, a downtown business owner, spoke about bringing his business to downtown Zebulon and the change to the ordinance was necessary to benefit his establishment, should he come to Zebulon.

Robert Brown, a resident of Weaver's Pond, spoke about his concerns of people turning the wrong way out of Sheetz gas station.

Mayor York asked if anyone else wished to speak. There were none.
Mayor York closed the public hearing.

PUBLIC COMMENT PERIOD

No one signed up to speak.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Loucks to approve the minutes of the February 17, 2022 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to approve the minutes of the March 7, 2022 regular meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to approve the minutes of the March 14, 2022 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to approve the minutes of the March 17, 2022 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to approve the minutes of the March 24, 2022 special called meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Loucks to approve the minutes of the March 24, 2022 closed session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Loucks to approve the Wake County tax report. There was no discussion and the motion passed unanimously.

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

OLD BUSINESS

A. Planning

1. Ordinance 2022-36 – Rezoning E. Gannon Ave. at Old US 264

Michael Clark gave a follow-up presentation from the March 14, 2022 Joint Public Hearing. The applicant, Bunn Farms, Inc. requested a rezoning of a 9.8-acre parcel from Residential Suburban (R2) to Heavy Commercial (HC). The property was located on the south side of E. Gannon Avenue and Old US 264 Hwy intersection. The vacant parcel was located within the Town’s ETJ.

The aerial map and zoning map were shown. The subject property showed a future use of General Commercial which was typically along primary roadways with high visibility and accessibility. Primary land use types within the General Commercial designation included commercial retail, office and service.

Board of Commissioners
Minutes
April 4, 2022

The Town's Transportation Plan designated Old US 264 Hwy as a four lane divided highway and E. Gannon Avenue as a two lane divided roadway. Upon development of the property, the developer was responsible for road improvements from the center line to the property line.

At the March 14, 2022 Planning Board meeting, the motion to approve failed due to a tie vote and a motion to deny was made, but died for lack of a second. The Planning Board did not have a recommendation.

Staff recommended approval of the E. Gannon Avenue at Old US 264 rezoning based upon the consistency with the Town of Zebulon Comprehensive Lane Use Plan in that the Heavy Commercial District was compatible with the future land use designation of General Commercial and all other applicable plans.

Commissioner Miles asked about a Traffic Impact Analysis. It was explained that it would depend on the use and activity of the business if a Traffic Impact Analysis would be required. The developer would be responsible for any additional traffic improvements from the center line to the property line.

Ethan Connolly, from Bell Commercial, was ready to move forward with the project and spoke about the interested tenants in the project. The developer would work with NCDOT on the road improvements and traffic studies.

Matt Lowder, from Bowman Engineering, stated there was a need for commercial business and wanted to compliment commercial development in the growth of Zebulon.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve Ordinance 2022-36. There was no discussion and the motion passed unanimously.

B. Fire

1. Fire/EMS Station
 - a. Memorandum of Understanding
 - b. Ordinance 2022-35 Site Evaluation

Chris Perry gave a follow-up from the questions asked at the March 17, 2022 work session.

It was stated there were tax advantages for selling land to the Town for less than fair market value.

Wake County was open to sharing the cost in land purchase but would need more information. Chris Perry talked with the realtor and was told there was not any flexibility of the seller's price for the property in option B.

There was discussion about the Memorandum of Understanding being updated to reflect the entire state of affairs. The Town Attorney clarified that if the Board was inclined to approve the Memorandum, they could give direction to staff on how to finalize the document and bring back for final approval.

Commissioner Baxter made a motion, second by Commissioner Miles to instruct staff to update the Memorandum of Understanding to reflect the Board's changes then to bring back before the Board for final approval. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Administration

1. Board Appointments

Lisa Markland stated there were three in-Town vacancies on the Planning Board. Domenick Schilling submitted an application to fill one of the three-year open positions.

Commissioner Baxter made a motion, second by Commissioner Miles to appoint Domenick Schilling to the Planning Board with a term expiring on June 30, 2025. There was no discussion and the motion passed unanimously.

2. Bond Work Session

Joe Moore reviewed the bond process. If the Board wanted to place a bond referendum on the November 2, 2022 ballot they would need to adopt a notice of intent by their May 2, 2022 meeting.

Commissioner Baxter expressed concerns about moving forward without having the totals for each project.

Commissioner Loucks asked to have the bond referendum added to the April 21, 2022 work session so the Board had more time to discuss the details and options.

B. General

1. Election of Mayor Pro Tem

Mayor York opened the floor for nominations.

Commissioner Clark nominated Quentin Miles as Mayor Pro Tem.

Commissioner Baxter nominated Larry Loucks as Mayor Pro Tem.

Mayor York closed the floor for nominations.

The Board voted by paper ballot.

Lisa Markland collected the ballots.

Quentin Miles received three votes and Larry Loucks received two votes. Quentin Miles was appointed as Mayor Pro Tem.

C. Information Request and Action

Commissioner Baxter asked staff to respond to Carolyn Spencer's appropriation request.

It was suggested to add a reassessment for permitted uses in the Heavy Commercial District at a work session meeting.

Board of Commissioners
Minutes
April 4, 2022

Commissioner Baxter asked about a policy for the Town's website and social media pages, a list of ARPA funds requested from Wake County and a breakdown of the 400 Zebulon residents who responded to the alcohol beverage consumption survey.

Joe Moore clarified that the ARPA funds from Wake County were restricted to non-profits, so the Town was not able to make a request.

BOARD COMMENTS

Commissioner Baxter spoke about upcoming April events including the teen egg decorating event on April 7, the Artisan Market on April 23, City Vision April 26 – 29 in Wilmington and the Boys and Girls Club charity golf tournament on April 29.

Commissioner Miles thanked everyone who spoke at the public hearing, thanked Adrian Wall and Braxton Moore for their life saving act and stated opening day at the Mudcats was April 8, 2022.

Commissioner Clark thanked everyone who spoke at the public hearing and for the participation of the citizens.

Commissioner Harrison thanked those who participated in the St. Patrick's Day event and thanked all who attended the Board meeting.

Commissioner Loucks thanked everyone for their work at the St. Patrick's Day event and making it a success and reminded everyone the Spring Fest was scheduled for May 14.

Mayor York thanked everyone for their comments at the Public Hearing and spoke about the importance of citizen engagement.

MANAGER'S REPORT

Joe Moore stated a Joint Public Hearing was scheduled for April 11, 2022, a Board mini retreat was scheduled for April 14, 2022 and the April 21, 2022 work session would begin at 6:00pm. Mr. Moore spoke about the topics to be discussed at each meeting.

The following employees were recognized for their years of service:

Five Years

Josh Manning
Jordan Perry
Joe Beck

Ten Years

Corbin Johnson

Fifteen Years

Edwin Killelte
Jason Bridges

Board of Commissioners
Minutes
April 4, 2022

Twenty-Five Years
Bobby Fitts

Bobby Fitts reported the following budget transfers:

Property & Project Management:

Moved \$3,510 from ZCC/Maintenance Bldg. Maintenance - \$260 to ZMC Natural Gas, \$750 to ZCC Water and Sewer and \$2,500 to Part-time Salaries; Moved \$2,500 to Salaries (Overtime) - \$1,810 from Insurance & Bonds and \$690 from Professional Services;
Moved \$500 from LED Lighting Conversion to ZPW Natural Gas; Moved \$2,000 from Janitorial Contracted Service to Part-time Salaries

Operations: Moved \$2,500 from Salaries to Salaries (Overtime)

Police:

Moved \$5,000 from Salaries - \$3,500 to Salaries (Overtime) and \$1,500 to Part-time Salaries;

Fire:

Moved \$5,000 from Insurance & Bonds to Vehicle Maintenance;

CLOSED SESSION

As permitted by NC GS §143-318.11(a)(3 & 6) - for the purpose of consulting with our attorney and personnel discussion.

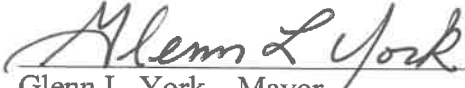
Commissioner Baxter made a motion, second by Commissioner Miles to go into closed session. There was no discussion and the motion passed unanimously.

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

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

Adopted this the 2nd day of May 2022.




Glenn L. York—Mayor


Lisa M. Markland, CMC—Town Clerk