

## **Zebulon Board of Commissioners**

### **Minutes**

**April 6, 2015**

Present: Robert S. Matheny-Mayor, Curtis Strickland, Beverly Clark, Don Bumgarner, Dale Beck, Glenn York, Lisa Markland-Town Clerk, Sidney Perry-Interim Town Manager Greg Johnson-Parks & Recreation, Bobby Fitts-Finance, Mark Hetrick-Planning, Tim Hayworth-Police, Chris Ray-Public Works, Chris Perry-Fire, Toby Hampson-Attorney

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

#### **APPROVAL OF AGENDA**

Mayor Matheny asked that the agenda be amended to add item B under old business to call for two special meetings and a Closed Session for the purpose of personnel.

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

#### **PUBLIC COMMENT PERIOD**

Mayor Matheny stated that all those that signed up to speak would have three minutes to share their comments.

Ray Kaess of 2302 Joneshurst Way came forward and spoke about the gazebo located in the Shepard's Point subdivision. He stated that he was not happy with its location and the fact that his property was damaged during its construction.

Mr. Kaess said when he spoke to the developer he was told that he did not care and it was not his problem. He also spoke with the builder who told him the area was a common area for children to play and he thought it would be swings or something of that sort.

Derrick Avent of 2013 Bunnfield Drive stated that he was new to Zebulon and had some safety concerns in Shepard's Point. The roads and entryway were in very bad shape and needed to be fixed for the safety of the residents in the neighborhood. He stated that all the property owners in the neighborhood wanted was for the Town to listen to their concerns.

Kathy Mayo Cuffee of 2009 Bunnfield Drive stated that she was born and raised in Zebulon and stated that she also was not pleased with the placement and appearance of the gazebo since it did not match the quality of the homes in the neighborhood. Ms. Cuffee stated that she purchased that lot because she had land behind her home. She did not want others to encroach on her property.

Barrett Keyes of 3010 Bunnfield Drive said that he shared the same concerns as his neighbors and thought that the gazebo was very sloppy and not something to be proud of. They also had no idea that it was going to be erected. The roads were also a huge concern and they were getting worse each day. He was concerned that the developer was not doing what he thought should be done and the pressure should be placed on that person.

David Covington of 2011 Bunnfield Drive read his comments and stated that he and his neighbors wanted to make sure the issue that Shepard's Point was facing were not an issue for other subdivisions in Zebulon. He said that the tract of land was too small, the picnic area was too close to the adjacent properties, it threatens the safety and privacy of the residents, obstructs the views, and it was also not communicated to the current residents prior to lot purchases.

Mr. Covington asked what the options of the residents would be in the current situation.

Mayor Matheny stated that the Board was always willing to hear what the residents have to say and the public comment portion of the meeting was open to anyone that wished to speak. The road issue was being addressed by staff and they were working to get the issues rectified.

## **CONSENT**

### **A. Minutes**

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of March 2, 2015. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of the March 18, 2015 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of the March 18, 2015 closed session. There was no discussion and the motion passed unanimously.

### **B. Finance**

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the tax report for January 2015. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve ordinance 2015-19. There was no discussion and the motion passed unanimously.

## **PRESENTATION**

### **A. Christina Covington Request to Speak**

Christina Covington came forward and read her comments and stated that she and the neighbors were concerned about the picnic and common area behind lots #38-41. All the views from Mrs. Covington's home were obstructed from their home and they specifically chose the lots they did because they were told it was open space not that it would have a structure on it.

Mrs. Covington recommended that the area be reduced to an option that was less intrusive or a privacy issue for the residents. It was requested that the Town give them some remedies and to point the homeowners in the right direction.

Mayor Matheny said that the Board understands their concerns and explained that the recreational amenities were required in all subdivisions. To change what was in place the

Homeowners Association, when 85% of the properties were built out, would be placed in the hands of the homeowners, and could choose to change what was there by working with the Planning Director to recommend a change that they were happy with and would be allowed. Christina Covington asked what they could do to get some approved options prior to the HOA going into the hands of the homeowners. Mayor Matheny said that they did not have to wait to get a plan but would have to wait to get the HOA in their hands to make the actual change.

There were questions about what the developer, builder and Town were responsible for at the site. Mayor Matheny said that developer was responsible for the amenities, entrance, roads until completed to the Town standards and then the Town would take over the roads. The Town did do sweeping and cleaning but the completion of the roads was the responsibility of the developer.

There was discussion about the code of ordinances and the only involvement that Wake County had with the Town ordinances was building inspections. The amendment that was done last year and the open space plan were available for inspection. Mark Hetrick explained that improvements were approved at TRC back in 2007 and were to have been completed in 2013 but did not get done. Staff worked with the developer to get them completed. Finally, the Town had to hold permits and CO's to get them completed and since there were no bonds to guarantee that the work was completed on the recreation amenities that was the method used to get that work completed.

There was discussion about the holding of permits and what they could be held for and the roads were not something that we could hold them for. Mayor Matheny stated that staff was working with the developer on the road issues and hoped to have that rectified quickly. The Mayor also said that it would not be done overnight and as quickly as they could get the roads taken care of they would.

## **OLD BUSINESS**

### **A. Planning**

*Ordinance 2015-03—Request by Skyway Towers to locate a cell tower at 704 W. Barbee St.*

Julie Spriggs gave a PowerPoint presentation about the request and stated that the Planning Board was recommending approval without any conditions.

Julie reviewed the findings of fact for the Board that the Board had to consider when making their decision on the case.

Commissioner Bumgarner stated that at the public hearing the Skyway Towers representative stated that there was a dead zone in that area and the tower would help to cure that problem.

Commissioner Bumgarner made a motion, second by Commissioner York to adopt Special Use Permit 2015-03. There was no discussion and the motion passed unanimously.

B. General

Call for Special Meetings

Mayor Matheny stated that two special meetings needed to be called. One meeting needed to be on April 13, 2015 at 4:30 in the executive conference room at the Town Hall Building. The second needed to be called for April 14, 2015 at 4:30 in the executive conference room at the Town Hall Building.

Commissioner Clark made a motion, second by Commissioner York to call for a special meeting on April 13, 2015 at 4:30 to be held in the executive conference room. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to call for a special meeting on April 14, 2015 at 4:30 to be held in the executive conference room. There was no discussion and the motion passed unanimously.

**BOARD COMMENTS**

Commissioner Beck thanked the citizens for sharing their comments with the Board and staff. There were no other comments.

**MANAGERS REPORT**

Sidney Perry stated there would be a greenway meeting on April 7 from 5-7; a joint public hearing on April 13; a worksession on April 22 and finally there would be a community recycling day on April 25 from 8-12 at the Municipal Complex parking lot.

Commissioner Strickland made a motion, second by Commissioner York to go into closed session for the purposed of personnel discussions. 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 Clark made a motion, second by Commissioner Bumgarner to adjourn. There was no discussion and the motion passed unanimously.

5/4/15

Date

SEAL



Robert S. Matheny—Mayor

Lisa M. Markland  
Lisa M. Markland, CMC—Town Clerk