

**Zebulon  
Joint Public Hearing  
Minutes  
January 12, 2015**

Present: Robert S. Matheny, Dale Beck, Curtis Strickland, Don Bumgarner, Beverly Clark, Sidney Perry-Interim Town Manager, Lisa Markland-Town Clerk, Mark Hetrick-Planning, Matt Watterson-Planning, Toby Hampson-Attorney

Absent: Glenn York

Planning Board Present: Darrell Jones, Gene Blount, Sam Hayes, Kenny Waldroup, Wallace Jenkins

Absent: Avon Privette, Larry Ray

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

Mayor Matheny declared the public hearing open and asked for staff report.

*ZA 2015-01—Amendment of Off Premise Signage for New Developments—152.225, 152.257, 125.263*

Mark Hetrick gave a presentation to explain the proposed changes to the sections 152.225, 152.257 and 152.263 by amending the definition, permitting and the sign table. It would allow for an off premise sign at the major intersection for new development such as Taryn Meadows or Weaver's Pond. The items presented were size and makeup of the sign, placement and permission of the property owner on which the sign would be located.

Mark stated that there had to be a minimum of 10 vacant lots in the development and once the development was 75 percent built out the sign would need to be removed. A permit would be required and would need to be renewed every six months.

Mayor Matheny thought that 75 percent was low and needed to be increased especially if the subdivision was large lots in size with many lots. He asked that the Planning Board review that as well. Mayor Matheny thought that the length of time for the permit seemed short, as well, and thought it should be at least one year and was there going to be a newel fee. The Mayor asked that the Planning Board review that as well.

Commissioner Strickland asked if portable signs were an option and Mark stated that they were not. The signs had to be permanently in the ground for public safety issues.

Commissioner Bumgarner asked about the requirement of treated lumber and that there were other options that were just as good as treated lumber. He stated that red wood or PVC posts type of fencing would work. Mayor Matheny said that said that was covered in the documents presented.

Joint Public Hearing  
Minutes  
January 12, 2015

Gene Blount asked why the posts had to be a maximum of 4x4 posts. Mark said that was the standard that was seen in other ordinances that were reviewed but it could easily say no less than a 4x4 post.

Mayor Matheny asked if there was anyone who wished to speak in favor.

David Berry with the Weaver's Pond Development stated that he was in favor of the amendment to the ordinance. The ability to let people know where the development was located since it was off the main thoroughfare was critical. He did ask that the 75 percent be reviewed to be a higher number.

Kenny Waldroup asked Mr. Berry what he thought was a good number. David Berry said that he thought that 85-90 percent would be much better.

Mayor Matheny asked if there was anyone who wished to speak against. There were none.

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

*ZA 2015-02—Amendment to Telecommunication Tower Ordinance – 152.1465*

Mark Hetrick stated that they were presenting an amendment to the ordinance as it addressed the fall zone requirement. Mark explained that a special use permit would be required for the locating of a cell tower. Upon looking at other municipalities and their requirements Zebulon's seemed a little excessive according to staff. The ordinance would still only allow for monopoles without guidewires. The purpose of the fall zone would be to protect from hazards such as falling debris.

The tower height cannot exceed 195' and the proposed fall zone requirement would 125 percent in a residential area and 100 percent in an industrial area.

Mayor Matheny asked about the fall zone where it stated that it should fall under a single parcel of land and he thought that as long as it fell within land that was owned by the tower owners it should not matter if it was a single parcel or multi-parcels. The easement should be under the tower ownership and not someone else's property.

Mayor Matheny asked if there was anyone who wished to speak in favor.

Tom Johnson the Attorney with Nexson Pruet who represented Skyway Towers the applicant. Mr. Johnson stated that in large storms the issues with towers that normally occurred had to do with storm surge or flying debris that might hit the tower. Tower failure was exceedingly rare. Monopoles were much more stable and in many jurisdictions the fall zones were 50-60 percent. He did agree with the reductions recommended by staff.

Kenny Waldroup asked about the multiple property issues and if the easement would be perpetual and ran with the property. He also wanted to know what the issue would be if it were sold. Tom Johnson said that there were occasions where easements would prohibit development

Joint Public Hearing  
Minutes  
January 12, 2015

within the setback area. Normally, when the special use permit was recorded it gave notice that there was a tower with a setback. The easement process was cumbersome. Mayor Matheny stated that his thinking was that they could not sell part of the fall zone. The fall zone would have to be surveyed out and they would continue to own the property, and an easement would be registered.


Mayor Matheny asked if there was anyone who wished to speak against. There were none.

Mayor Matheny asked if there was anyone who wished to speak on the matter. There were none.

Mayor Matheny declared the public hearing closed and referred the matter to the Planning Board for their recommendation.

Commissioner Strickland made a motion, second by Commissioner Beck to adjourn the meeting. There was no discussion but the motion passed unanimously.

9/8/15  
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Date

  
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Robert S. Matheny—Mayor



  
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Lisa M. Markland, CMC—Town Clerk