

Zebulon Board of Commissioners
Minutes
November 6, 2023

Present: Mayor Glenn York, Quentin Miles, Larry Loucks, Jessica Harrison, Shannon Baxter, Beverly Clark, 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, Adam Culpepper-Planning, Chris Medina-Planning, Eric Vernon-Town Attorney

Mayor York called the meeting to order at 6:00pm.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Miles.

APPROVAL OF AGENDA

Mayor York removed Health Insurance Renewal from the agenda and added Manager's review under New Business.

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

SCHOOL RECOGNITION

Mayor York recognized student Daniel Antonio Velasquez and teacher Ashely Smith both from Zebulon Middle School.

PROCLAMATIONS

The Proclamation for MacLellan Bagpipes was read by Mayor York.

The Proclamation for Operation Green Light was read by Mayor York.

PUBLIC COMMENT

Bruce Davis wanted more information about the lot near his home on Gannon Avenue and information about the Town's workforce diversity.

Desiree Blakeney spoke about the mission of her company DE Whitley Operations, LLC and asked for the Board's support.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Miles to approve the minutes of the September 21, 2023 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Miles to approve the minutes of the October 9, 2023 Joint Public Hearing. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Miles to approve the Wake County tax report for August 2023. There was no discussion and the motion passed unanimously.

C. Public Works

Commissioner Clark made a motion, second by Commissioner Miles to approve Resolution 2024-10 - Sidney Creek Phase 1D Infrastructure Acceptance. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Administration

i. Remote Meeting Policy (Ordinance 2024-12)

Joe Moore explained at the regular meeting on September 11, 2023, the Board requested the draft Remote Meetings procedures to be further refined which were included in the agenda packet. The Board could adopt the procedure and the Ordinance to budget \$15,000 to transform the Council Chambers to be compatible for virtual meetings.

Commissioner Baxter asked about the word usage in section 2 and Attorney Eric Vernon confirmed the intent would not change.

Commissioner Miles asked for an itemized list of the costs. Lisa Markland confirmed the list was provided to the Board at their last meeting.

Commissioner Harrison made a motion, second by Commissioner Miles to approve the Remote Meeting Policy. There was no discussion and the motion passed unanimously.

Commissioner Harrison made a motion, second by Commissioner Loucks to approve Ordinance 2024-12. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Planning

i. Chamblee Lake Annexation (Ordinance 2024-19)

Adam Culpepper spoke about the annexation and zoning process.

The standards under section 2.2.2.G for an annexation were:

1. Owner approval
2. Services can be provided
3. Debt obligations
4. Public Health, safety and welfare

The standards under section 2.2.6.K for a rezoning were:

1. Health, safety and welfare
2. Appropriate for location
3. Reasonable in the public interest
4. Concept plan consistent with regulations
5. Other relevant factors

Adam stated the request was to annex 136 acres located at 1509 Chamblee Road and was owned by Jim Edwards. The public hearing notification was done in accordance with required standards. The annexation standards were reviewed again.

Commissioner Baxter asked about the building materials for the homes. Mr. Culpepper stated the Board could not discuss the planned development submittal in the annexation process.

There was a question about the Board's choices for annexation. Adam Culpepper stated the Board could approve the annexation, continue, or deny. Commissioner Baxter wanted more details about approval of the annexation with time restrictions. Eric Vernon stated the state statute allowed for deferral of annexation to a fiscal year.

Commissioner Loucks spoke about the Traffic Impact Analysis ("TIA") showing a problem area at Old US 264 and 39. Adam Culpepper stated the TIA was part of the planned development and could be discussed during the planned development discussion.

Ashley Honeycutt Terrazas, the attorney representing the property owner, spoke about the planned annexation and that the property owner would like the Town to receive the impact fees instead of the County.

ii. Public Hearing

Mayor York declared the public hearing open.

Mayor York asked if anyone wished to speak in favor. There were none.

Mayor York asked if anyone wished to speak in opposition.

James Fountain of Perry Ridge Court spoke about his concerns on traffic, infrastructure and emergency response times.

Mayor York asked if anyone wished to speak neither for nor against but had a comment. There were none.

Mayor York closed the public hearing.

Commissioner Clark made a motion, second by Commissioner Loucks to approve Ordinance 2024-19 - Chamblee Lake Annexation.

Commissioner Baxter stated she wanted to defer the annexation to June 30, 2025 to give time to think about infrastructure improvements.

Commissioner Miles stated the additional time would give Sidney Creek time to build out.

Commissioner Loucks stated building would not begin until possibly the summer of 2024 and spoke about the work that would need to be done before construction started.

Adam Culpepper stated the Town could not approve construction drawings until the annexation occurred.

There was no further discussion and the motion passed with a vote 4 to 1 with Commissioners Clark, Miles, Harrison and Loucks voting in favor and Commissioner Baxter in opposition.

iii. PD 2023-01 Chamblee Lake

Adam Culpepper reviewed the planned development standards.

The standards under section 2.2.24.J were:

- i. Health, safety and welfare
- ii. Appropriate for location
- iii. Reasonable in the public interest
- iv. Other relevant factors

The Planned Development request was for a residential neighborhood to be rezoned from its current zoning of R-30 Wake County to PD. The property located at 1509 Chamblee Road was 136 acres and owned by Jim Edwards. The aerial map, zoning map, future land use plan, timeline of activity, concept plan and proposed elevations were shown.

The proposed road improvements were at the following locations:

- Chamblee Road and Site Drive #1
- Chamblee Road and Site Drive #2
- Chamblee Road and Site Drive #3
- Perry Curtis Road and Site Drive #4
- Perry Curtis Road and NC 96
- Wake County Line Road and NC 39
- Perry Curtis Road/Wake County Line Road and Chamblee Road
- NC 39 and Old US 264 Hwy

The applicant earned 68 points under the Utility Allocation Policy with items including a fishing dock on the pond, a walking trail around the pond and exercise equipment, fountains as part of the stormwater SCM's, a pollinator garden, installation of native shade trees, a pocket park, and a resort style pool.

The applicant made changes after hearing comments during the October Joint Public Hearing. The changes included adding covered seating at the mobile food vendor area, pedestrian crossing on Chamblee Road, and appointing residents to the HOA Advisory Board.

Adam Culpepper reviewed the standards for a zoning map amendment under section 2.2.24.J:

- i. Health, safety and welfare
- ii. Appropriate for location
- iii. Reasonable in the public interest
- iv. Other relevant factors

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The Planning Board voted unanimously to recommend approval at their October meeting and staff recommended approval of Ordinance 2024-21.

Commissioner Baxter asked staff to explain the legislature change on the requirement of what can be asked of building materials.

Michael Clark spoke about the change and when municipalities could ask for particular conditions for one and two-family residential structures. NC GS §160D allowed municipalities to encourage developers to accept conditions specific to architecture styles and material, but could not require them without developer's approval.

Commissioner Baxter asked if the homes that were built six feet apart would be built using flame resistant materials. Michael Clark stated all the homes in the proposed neighborhood would be built with hardie plank siding or comparable materials.

Commissioner Loucks asked who would be responsible for monitoring the intersections. Adam Culpepper stated it would be a joint effort between the Town and the developer and a condition could be added to the motion.

Mayor York stated there would be a five-minute recess.

The meeting reconvened at 7:16pm.

Ashley Terrazas Honeycutt gave a project overview and reviewed the Utility Allocation Policy updates. Some points highlighted included: removed points for 10% of townhomes deed-restricted affordable for families earning 80% AMI, an HOA Advisory Board resident participation, pedestrian beacon at the Chamblee Rd crosswalk, and a mobile vendor pavilion. There was discussion about how the proposed development met the Town's goals and policies from the Comprehensive Plan.

Commissioner Baxter stated using area median income ("AMI") for affordable housing did not represent affordable housing for the Town of Zebulon and suggested the developer add three more affordable housing units or three of the twelve be sold at Zebulon's AMI. Ashley Terrazas Honeycutt explained how the HUD AMI numbers were calculated and the metric that was used.

Commissioner Harrison thanked the developer for working on bringing affordable housing to residents but wanted the affordable housing to be throughout the neighborhood instead in just one area.

Commissioner Loucks asked if the developer would be agreeable to the time requirement on the intersection monitoring to be 25%, 50% and 75% of buildout. Ashley Terrazas Honeycutt was agreeable.

Commissioner Miles asked how the HOA representative would be chosen. Cameron Jones stated it would be by volunteer and votes. It was asked if the developer would be agreeable to having two representatives at 25% build out. Mr. Jones stated he was not against it.

Commissioner Loucks made a motion, second by Commissioner Clark to approve PD 2023-01 Chamblee Lake with the conditions of traffic monitoring at 25%, 50%, 75% and 100% buildout and to add two HOA Board members at 25%, two more at 50% and two more at 75%. There was no discussion and the motion passed unanimously.

B. Police

- i. Text Amendment – Town Code §98.02: “Functions, Events, or Dances where alcohol is served”: (Ordinance 2024-20)

Jacqui Boykin explained there were questions from a business owner about hiring off duty officers for events where alcohol was sold. The Department’s practice was not consistent with the Town’s ordinance and there were concerns about officer safety. The ordinance was revised to reflect current practice and to make it compliant with best practice for officer safety.

Some questions were raised by Commissioner Miles about why motels were excluded, the impact on special events, and Chief Boykin responded to the questions explaining the intent of the ordinance. An exception could be added to adjust the number of officers for large scale events per the special event committee’s recommendation.

Commissioner Baxter asked Chief Boykin to polish up the text amendment to bring back before the Board.

Commissioner Baxter made a motion, second by Commissioner Miles to defer Town Code §98.02: “Functions, Events, or Dances where alcohol is served”: (Ordinance 2024-20) to the December 4, 2023 meeting. There was no discussion and the motion passed unanimously.

C. Administration

- i. Manager Review

Commissioner Miles made a motion, second by Commissioner Harrison to increase the manager’s salary by 2% effective August 30, 2023. There was no discussion and the motion passed with a vote 3 to 2 with Commissioners Loucks, Harrison, and Miles voting in favor and Commissioners Clark and Baxter voting in opposition.

BOARD COMMENTS

Commissioner Baxter spoke about upcoming events including Election Day, Veteran’s Day, Mighty Con, Thanksgiving Bingo and Candy Cane Lane and recognized promotions in the Fire and Police Departments.

Commissioner Miles spoke about the upcoming election, Veteran’s Day and Operation Greenlight

Commissioner Clark encouraged everyone to vote in the election.

Commissioner Harrison thanked everyone who came to the meeting, reminded everyone to vote and stated the Rotary Club would put out flags on November 7 at 4:00pm and needed volunteers.

Commissioner Loucks stated the Economic Development meeting was scheduled for November 9 at Zebulon United Methodist Church at 5:30pm.

Mayor York reminded everyone to vote.

MANAGER'S REPORT

Michael Clark introduced Planner 1 Chris Medina.

Adam Culpepper gave a monthly development update.

Lisa Markland gave an HR update.

Commissioner Miles asked about the Program Coordinator and if the Board could give input on the Town Clerk position. Mayor York stated there was a deadline to provide input for the Town Clerk and it had passed. Lisa Markland gave details of the Program Coordinator position.

Bobby Fitts reported the following budget transfers:

Property & Project Management:

Moved \$10,000 from Sidewalk Cleaning to Salaries;
Moved \$10,000 from Equipment Shed to Fuel Station

Engineering:


Moved \$10,000 from Salaries to Professional Services


Commissioner Baxter asked what money was transferred to professional services. Bobby Fitts explained the transfer was for LBJ and Associates for development review.

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

Adopted this the 13th day of February 2024.




Glenn L. York—Mayor


Lisa M. Markland, CMC—Town Clerk