

ZEBULON
BOARD OF COMMISSIONERS
AGENDA
August 5, 2019
7:00pm

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA

III. PUBLIC COMMENT PERIOD

All wishing to speak must sign up prior to 6:50pm. The comment period will be no longer than 15 minutes with speakers having three minutes each to speak. No speaker can speak on a public hearing item or any item that would need to be discussed under closed session. Speakers cannot give their minutes to another speaker.

IV. PUBLIC HEARING

A. SC 2017-01 Eddins Street

V. CONSENT

A. Minutes

1. May 13, 2019 – Joint Public Hearing
2. May 22, 2019 – Work Session
3. May 30, 2019 – Work Session
4. June 3, 2019 – Regular Meeting
5. June 10, 2019 – Joint Public Hearing

B. Finance

1. Monthly Items
 - a. Tax Report – April 2019
 - b. Financial Report as of July 22, 2019
 - c. Budget Amendment – Rollovers
 - i. Ordinance 2020-01 – Parks and Rec Grounds Maintenance
 - ii. Ordinance 2020-02 – Wellness Program
 - iii. Ordinance 2020-03 – Parks and Rec Part-time salaries
 - iv. Ordinance 2020-04 – Farmers Market
 - v. Ordinance 2020-05 – Shop with a Cop
 - vi. Ordinance 2020-06 – Zebulon Night Out
 - vii. Ordinance 2020-07 – Planning Travel and Training
 - viii. Ordinance 2020-08 – Tornado Clean-up
 - ix. Ordinance 2020-09 – Town Hall 1200 AMP GFCI
 - x. Ordinance 2020-10 – Little River Master Plan
 - xi. Ordinance 2020-11 – Fire Station P.E.R.

- xii. Ordinance 2020-12 – Sidewalk/Handicap Ramp Maintenance
- xiii. Ordinance 2020-13 – Professional Services
- xiv. Ordinance 2020-14 – Street Resurfacing
- xv. Ordinance 2020-15 – Sanitation GPS vehicles
- xvi. Ordinance 2020-16 – Streets – Computers
- xvii. Ordinance 2020-17 – Storm Drainage Maintenance
- xviii. Ordinance 2020-18 – Administration/HR/IT
- xix. Ordinance 2020-19 – Board Travel and Training
- xx. Ordinance 2020-20 – Police Station Masonry Repair

C. Planning

- 1. Façade Grant Policy Revision

D. Administration

- 1. Quarterly Report for Planning, Fire Department, and Public Works

VI. OLD BUSINESS

A. Planning

- 1. RZ 2019-05 – Sidney Creek
- 2. RZ 2019-06 – Weavers Ridge

VII. NEW BUSINESS

A. Administration

- 1. Business Retention and Expansion Program Agreement
- 2. Board Appointments
- 3. Personnel Policy Amendments
 - a. Maternity/Paternity Leave

B. Fire

- 1. Fire Truck Funding Agreement with Wake County
 - a. Ladder Truck Funding Agreement
 - b. Pumper Truck Funding Agreement
- 2. Radio Interoperability Solution
 - a. Ordinance 2020-21

C. Planning

- 1. SC 2017-01 Eddins Street
 - a. Resolution 2020-01

D. Public Works

- 1. Streetscape Match Grant Request – Preservation Zebulon
- 2. Beavertdam Creek Greenway – NCDOT/CMAQ grant agreement
 - a. Ordinance 2020-22


VIII. BOARD COMMENTS

IX. MANAGER'S REPORT



STAFF REPORT
PUBLIC HEARING
RIGHT OF WAY ABANDONMENT
SC 2017-01
AUGUST 5, 2019

Topic: SC 2017-01 Eddins Street

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider whether or not to adopt a resolution for the right-of-way abandonment of Eddins Street.

Background:

The applicants initially proposed the closure of Eddins Street in January 2017 and in accordance with North Carolina General Statutes §160A-299 the council adopted resolution 2017-12 declaring its intent to close the street or alley and called a public hearing on the question. During the public hearing, the commission expressed concerns about the potential creation of a land locked parcel. The applicant has since provided an agreement to close the street, but create an access easement that would allow for perpetual access to the adjacent parcels through the Church Parking Lot and utility easements.

Staff Recommendation:

Based on the documentation, staff recommends opening the public hearing to seek input from the general public.

Attachments:

1. Right of Way Abandonment Application for SC 2017-01
2. April 3, 2017 and May 1, 2017 Board of Commissioner Meeting Minutes
3. Resolution 2017-12
4. NCGS §160A-299
5. Proposed Agreement



APPLICATION FC
Right-of-Way Abandonment

STATE OF NORTH CAROLINA

COUNTY OF WAKE

TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
ZEBULON, WAKE COUNTY, NORTH CAROLINA

WAKEFIELD CENTRAL BAPTIST CHURCH respectfully files this

Name of Petitioner

Petition and requests that (a portion or all of),
Eddins Street as shown on plat recorded in Book of Maps 1918, Page 75, Wake County Registry

Official name of street or location of alley

lying west of Proctor Street (SR 2320), north of property owned by Connie Pearce and Wakelon Townhomes Homeowners Association and east and south of property owned by Wakefield Central Baptist Church.

General description of location

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. The Petitioner's existing asphalt parking lot now extends into the right of way of Eddins Street and the Petitioner is planning an expansion of its current facilities adjoining Eddins Street which will require a further expansion of its parking facilities into the current right of way of Eddins Street. The dedication of Eddins Street has been withdrawn pursuant to N.C.G.S. 139-96 by a Declaration Withdrawing Dedication of Streets Pursuant to N.C.G.S 139-96 recorded in Book 015552, Page 01058. Wake County Registry (Copy of declaration is attached hereto as "Exhibit C").

Give reason for requested closing

2. The closing of Eddins Street
street is not contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of
Eddins street or in the subdivision in which it is located will be deprived of
Reasonable means of ingress or egress to his or her property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and abandoned is more particularly described in "Exhibit B", attached hereto and made a part thereof.

Wherefore, petitioner respectfully requests the Board of Commissioners of the Town of Zebulon consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted the 20th day of March, 2017

Signature of Petitioner

WAKEFIELD CENTRAL BAPTIST CHURCH

BY:

J. Michael Weeks
J. Michael Weeks

Attorney for the Petitioner

Post Office Box 1097, Zebulon, NC 27597

Telephone: (919) 269-9626



APPLICATION FC Right-of-Way Abandonment

We, the undersigned property owners, owning land abutting the street or alley shown on the attached map, hereby petition the Zebulon Board of Commissioners to close and withdraw acceptance of dedication of such land for street purposes. The parcel identification numbers below refer to parcels as shown on the attached		Date of Map July 20, 2016
Parcel Identification Number : 2706022043	Road frontage (from Deed): 150 feet	
Property Owner(s): Connie Pearce		
Mailing Address: 400 Proctor Street		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Connie M. Pearce</i>		
Parcel Identification Number: 2706011950	Road frontage (from Deed): 150 feet	
Property Owner(s): Connie Pearce		
Mailing Address: 400 Proctor Street		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Connie M. Pearce</i>		
Parcel Identification Number: 2706012606	Road frontage (from Deed): 58.24 feet	
Property Owner(s): Wakelon Townhomes Homeowners Association		
Mailing Address: 13037 NC Highway 39		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Peter Eggem</i>		
Parcel Identification Number: 1796917959	Road frontage (from Deed): 424.56 feet	
Property Owner(s): Wakefield Central Baptist Church		
Mailing Address: 308 Proctor Street		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Connie Randall Pearce</i>		
Parcel Identification Number:	Road frontage (from Deed):	
Property Owner(s):		
Mailing Address:		
City:	State:	Zip:
Signature(s):		

"EXHIBIT A"

LEGEND

- PP POWER POLE
- DI DUCTAL IRON
- SSMH Sanitary Sewer Manhole
- SSCO Sanitary Sewer Cleanout
- Water Meter
- Water Valves
- FH Fire Hydrant

THE PLAT IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Robert G. Williams 7-10-16

ROBERT G. WILLIAMS, PLS, PLLC DATE
L-1417 P-0412

WAKEFIELD CENTRAL BAPTIST CHURCH
WAKE COUNTY PIN # 1796927031

New Pin #assigned 03/08/2017 ---1796917959

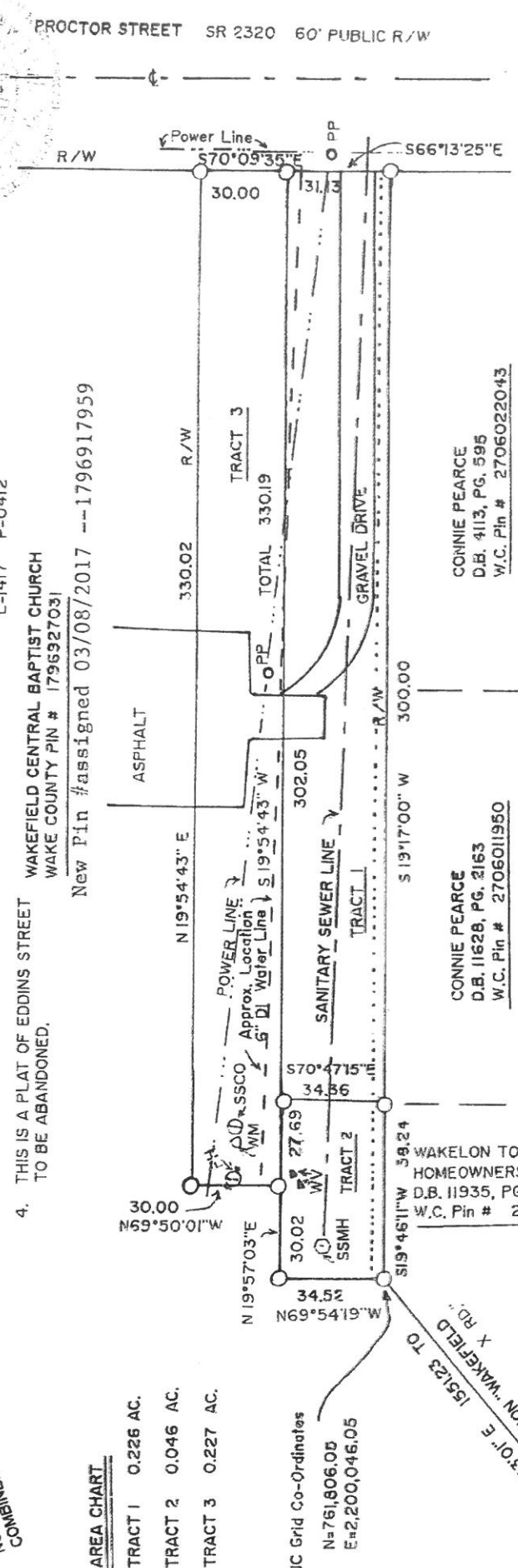
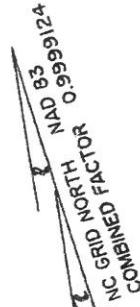
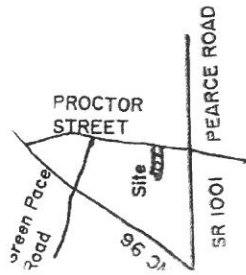
NOTES:

1. THIS IS NOT AN ACTUAL CURRENT FIELD SURVEY BY ROBERT G. WILLIAMS, PLS, PLLC. ALL BEARINGS AND DISTANCES EITHER TAKEN FROM OR CALCULATED FROM THE FOLLOWING REFERENCES:
 - A. BOOK OF MAPS 2014, PG. 408
 - B. BOOK OF MAPS 2005, PG. 2269
 - C. BOOK OF MAPS 2000, PG. 126
 - D. BOOK OF MAPS 2004, PG. 519
2. EDDINS STREET IS SHOWN ACCORDING TO BOOK OF MAPS 2014, PG. 408. THERE IS A GAP ON THE EASTERN SIDE OF THE R/W TO THE ADJOINING PROPERTIES, TRACTS 1 AND 2 INCLUDE THE GAP AND IS SHOWN FROM THE PROPERTY LINE TO THE CENTER OF EDDINS STREET.
3. GRID TIE TAKEN, CALCULATED, FROM BOM 2000, PG. 126.
4. THIS IS A PLAT OF EDDINS STREET WAKEFIELD CENTRAL BAPTIST CHURCH TO BE ABANDONED.

AREA CHART

TRACT 1	0.226 AC.
TRACT 2	0.046 AC.
TRACT 3	0.227 AC.

NC Grid Co-Ordinates
N=761,806.00
E=2,200,046.05



CONNIE PEARCE
D.B. 4113, PG. 595
W.C. Pin # 2706022043

CONNIE PEARCE
D.B. 11628, PG. 2163
W.C. Pin # 2706011950

WAKELON TOWNHOMES
HOMEOWNERS ASSOCIATION
D.B. 11935, PG. 1569
W.C. Pin # 2706012606

N = 760,347.29
E = 2,200,573.64



ROBERT G. WILLIAMS
PROFESSIONAL LAND SURVEYOR, PLLC
P.O. BOX 1234
ZEBULON, N.C. 27597

RIGHT-OF-WAY ABANDONMENT FOR

EDDINS STREET

TOWN OF ZEBULON

WAKE COUNTY

Telephone: 319-269-5700

Drawn By: RGW & ELW

Checked By: RGW

EXHIBIT B

The BEGINNING POINT is an existing iron pipe located North 19 deg. 53' 01" West 1,551.23 feet from NCGS Station "WAKEFIELD X RD" (N=760,347.29, E=2,200,573.64); runs thence from the BEGINNING POINT along the property line of Wakefield Central Baptist Church (DB 15634, P. 2561) North 69 deg. 54' 19" West 34.52 feet to an existing iron pipe; runs thence along the property line of Wakefield Central Baptist Church (DB 15532, P. 0228) North 19 deg. 57' 03" East 30.02 feet to an existing iron pipe and North 69 deg. 50' 01" West 30.00 feet to an existing iron pipe; runs thence along the property line of Wakefield Central Baptist Church (DB 04233, Page 0784) North 19 deg. 54' 43" East 330.02 feet to an existing iron pipe in the West right-of-way line of Proctor Street (SR 2320); runs thence along the West right-of-way line of Proctor Street South 70 deg. 09' 35" East 30.00 feet to an existing iron pipe and South 66 deg. 13' 25" East 31.13 feet to an existing iron pipe; runs thence along the property line of Connie Pearce (DB 4113, P. 595 and DB 11628, P. 2163) South 19 deg. 17' 00" West 300.00 feet to an existing iron pipe; runs thence along the property line of Wakelon Townhomes Homeowners Association (DB 11935, P. 1569) South 19 deg. 46' 11" West 58.24 feet to the BEGINNING POINT, and being Tract 1, Tract 2 and Tract 3 as shown on that map by Robert G. Williams, Professional Land Surveyor, PLLC, dated 7-20-16 entitled "Right-of-Way Abandonment for Eddins Street, Town of Zebulon, Wake Co., Zebulon, North Carolina".

03173759.description

EXHIBIT C WAKE COUNTY, NC 174
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
01/08/2014 AT 14:39:45

BOOK:015552 PAGE:01058 - 01070

Prepared by/mail to: *Hold Box 206*
J. Michael Weeks
Attorney at Law
PO Box 1097
Zebulon, NC 27597

NORTH CAROLINA

DECLARATION WITHDRAWING
DEDICATION OF STREETS
PURSUANT TO N.C.G.S. 136-96

WAKE COUNTY

THIS DECLARATION is adopted by WAKEFIELD CENTRAL BAPTIST CHURCH, a North Carolina Nonprofit Corporation, with its principal office at 308 Proctor Street, Zebulon, NC 27597; CONNIE M. PEARCE of 400 Proctor Street, Zebulon, NC 27597; WAKELON TOWNHOMES HOMEOWNERS ASSOCIATION, a North Carolina Nonprofit Corporation, with its principal office at 13037 NC 39 Highway, Zebulon, NC 27597; STEPHEN JORDAN PROPERTIES, L.L.C., a North Carolina Limited Liability Company with its principal office at 2645 Jack Mitchell Road, Zebulon, NC 27597; JULIA M. HICKS of 1620 N. Arendell Ave. (PO Box 576), Zebulon, NC 27597; and GLORIA ANN LANGSTON of 214 Proctor Street, Zebulon, NC 27597, hereafter collectively referred to as the "Declarants";

WITNESSETH:

WHEREAS, R. J. Whitley and others (the "Dedicator") caused to be recorded in Book of Maps 1918, Page 75, Wake County Registry, a map entitled "Map of Proctor Land, Wakefield, North Carolina" dated November 1919 (hereafter the "Wakefield Plat");

WHEREAS, the Wakefield Plat offered for dedication several parcels of land for public and/or private use as a road, highway, street or avenue including those parcels shown as "Moore

Street”, “Eddins Street”, “Un-named and Un-opened 60’ R/W extending from the right of way of Proctor Street to the right of way of N C 96 Hwy” and “Un-named and Un-Opened 60’ R/W located on the Stephen Jordan Properties, LLC (D.B. 13544, PG 1490)”, all as shown on the Plat recorded in Book of Maps 2013, Page 1472, Wake County Registry (hereafter collectively referred to as the “Abandoned Streets”);

WHEREAS, more than 15 years have elapsed since the recording of the Wakefield Plat;

WHEREAS, the Abandoned Streets have not been open for public or private use for the past 15 years;

WHEREAS, the Declarants are the owners of those certain tracts or parcels of land more particularly described in the schedule attached hereto as “Exhibit 1”;

WHEREAS, the Declarants derive their title and claim to the land described in Exhibit 1 from the Dedicator;

WHEREAS, the Declarants are the owners of all of the tracts of land subject to or abutting the Abandoned Streets;

WHEREAS, the Declarants have resolved that it is in their mutual interest to withdraw the dedication of the Abandoned Streets from public or private use pursuant to the provisions of North Carolina General Statute Section 136-96; and,

WHEREAS, the use of the Abandoned Streets is not necessary to afford convenient ingress or egress to the Declarants’ land or to any lot or parcel of land heretofore conveyed by the Dedicator or the Dedicator’s successor in title;

NOW, THEREFORE, the Declarants, acting pursuant to and as authorized by North Carolina General Statute Section 136-96, do declare that those parcels shown as “Moore Street”, “Eddins Street”, “Un-named and Un-opened 60’ R/W extending from the right of way of Proctor Street to the right of way of N C 96 Hwy” and “Un-named and Un-Opened 60’ R/W located on the Stephen Jordan Properties, LLC (D.B. 13544, PG 1490)”, all as shown on the Plat recorded in Book of Maps 2013, Page 1472, Wake County Registry (herein collectively referred to as the “Abandoned

WAKEFIELD CENTRAL BAPTIST CHURCH

By: Raymond O. Massey, Jr.
President

North Carolina
Franklin County

I, Gail C. Cone, a notary public of the aforesaid County and State, do hereby certify that Raymond C. Massey Jr. appeared before me and acknowledged the execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96 as President for and on behalf of the WAKEFIELD CENTRAL BAPTIST CHURCH, a North Carolina Non-Profit Corporation.

This 18th day of ^{December} ~~November~~, 2013.

Gail C. Cone
Notary Public

Gail C. Cone
(Print name)

My commission expires: 6-12-2014

(Affix Notary Seal or Stamp)



Connie M. Pearce (SEAL)
Connie M. Pearce

North Carolina
WAKE County

I, Joe D Medlik, a Notary Public for the aforesaid County and State,
do hereby certify that CONNIE M. PEARCE did appear before me and acknowledged the execution
of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96.

This 28 day of ^{December 18th} ~~November~~, 2013.

Joe D Medlik Joe D Medlik
Notary Public

Joe D. Medlik
(Print name)

My commission expires: 05-17-14



WAKEFIELD TOWNHOMES HOMEOWNERS ASSOCIATION

By: Jana H Binder,
President

North Carolina
Wake County

I, Cheryl Duke Wallace notary public of the aforesaid County and State, do hereby certify that Jana H. Binder appeared before me and acknowledged the execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96 as President for and on behalf of the WAKEFIELD TOWNHOMES HOMEOWNERS ASSOCIATION, a North Carolina Non-Profit Corporation.

This 02 day of ~~November, 2013.~~ January, 2014

Cheryl Duke Wallace
Notary Public

Cheryl Duke Wallace
(Print name)

My commission expires: June 30, 2015

(Affix Notary Seal or Stamp)



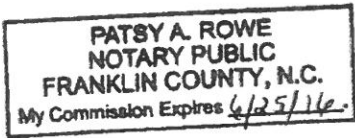
STEPHEN JORDAN PROPERTIES, L.L.C.

By: Stephen T. Perry
Member-Manager

North Carolina
Wake County

I, Patsy A Rowe a notary public of the aforesaid County and State, do hereby certify that Stephen T Perry appeared before me and acknowledged the execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96 as Member-Manager of STEPHEN JORDAN PROPERTIES, L.L.C., a North Carolina Limited Liability

Company.
This 13 day of ^{PAR}~~November~~ December, 2013.



Patsy A Rowe
Notary Public
Patsy A Rowe
(Print name)

My commission expires: 6/25/2016

(Affix Notary Seal or Stamp)

Julia M. Hicks (SEAL)
Julia M. Hicks

North Carolina
Franklin County

I, Angela G. Winstead, a Notary Public for the aforesaid County and State,
do hereby certify that JULIA M. HICKS did appear before and acknowledge the execution of the
foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96.

This 17th day of ~~November~~, 2013.
December,

Angela G. Winstead
Notary Public

Angela G. Winstead
(Print name)

My commission expires: 4-27-2018

(Affix Notary Seal or Stamp)



Gloria Ann Langston (SEAL)
Gloria Ann Langston

North Carolina
Franklin County

I, Gail C. Cone, a Notary Public for the aforesaid County and State,
do hereby certify that GLORIA ANN LANGSTON did appear before and acknowledge the
execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-

96. 8cc

This 18th day of December, 2013.
~~November~~

Gail C. Cone
Notary Public

Gail C. Cone
(Print name)

My commission expires: 6-12-2016

(Affix Notary Seal or Stamp)



EXHIBIT 1

(A) Owner-WAKEFIELD CENTRAL BAPTIST CHURCH

- Tract 1: PIN# 2706020163
- Tract 2: PIN# 1796919970
- Tract 3: PIN# 1796916944
- Tract 4: PIN# 1796927136
- Tract 5: PIN# 1796916944
- Tract 6 PIN# 1796919875

MB 204/408

Being all of Tract 1, Tract 2, Tract 3, Tract 4, Tract 5 and Tract 6 as shown on that Plat of a survey by Robert G. Williams, Professional Land Surveyor, PLLC entitled "Combination survey for Wakefield Central Baptist Church, Town of Zebulon, Wake County, North Carolina" recorded in Book of Maps 2013, Page 1472, Wake County Registry.

(B) Owner-CONNIE M. PEARCE

- Parcel 1: PIN# 2706022043 ✓
- Parcel 2: PIN# 2706011950 ✓

Parcel 1:

FIRST TRACT: A portion of that certain lot or parcel of land in the Village of Wakefield in Square 23 as shown by map and survey of A. W. Shaffer dated May 1889, and described as follows: BEGINNING at a point 100 feet from Franklin Street, the northwest corner of Square No, 23, thence easterly along the South side of Proctor Street 32.92 feet to T. L. Honeycutt's line, now' . or formerly; thence South along said Honeycutt's line 170 feet to a point; • thence westerly and parallel to Proctor Street 32.92 feet; thence northerly and parallel to Franklin Street 170 feet to the point and place of beginning, being a portion of the "First Tract" conveyed to J. R. Alford and wife by deed recorded in Book 1771, Page 310, Wake County Registry.

SECOND TRACT: That certain lot or parcel of land in the Village of Wakefield in Square 23 as shown by map and survey of A. W. Shaffer dated May 1889, and described as follows: BEGINNING at the northwest corner of Square No. 23 on Proctor Street, thence easterly along South side of said street 92.28 feet; thence southerly and parallel to Franklin Street 170 feet to a point; thence westerly and parallel to Proctor Street 92.28 feet to Franklin Street; thence northerly along the East side of Franklin Street 170 feet to the point of beginning, being a portion of the "Second Tract" deeded to J. R. Alford and wife by deed recorded in Book 1771, Page 310, Wake County Registry.

Parcel 2:

Beginning at an iron in the eastern right of way of Eddins St. at the corner of the Wakelon Townhomes property, thence running with the line of Eddins St., North 19° 17' 00" East 130.00 feet to an iron in Roy Pearce's corner; thence with Pearce's line, South 70° 47' 15" East 132.13 feet to an iron; thence South 19° 14' 06" West 130.00 feet; thence with Wakelon's line, North 70° 47' 15" West 132.24 feet, to the beginning, and containing .0394 acre, more or less, according to a survey of the property of the Roslyn H. Alford heirs property by Robert G. Williams, dated May 25,2005.

(C) Owner-WAKELON TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

PIN# 2706012606 ✓

BEING all of the "Amenities", "Association Common Property" and "Association Common Area" of Wakelon Townhomes, as such is defined, described and referenced in Article I of Declaration of Covenants, Conditions and Restrictions for Wakelon Townhomes recorded in Book 10895, Page 1908, Wake County Registry, and as shown and referenced on map recorded in Book of Maps 2004, Page 070, Wake County Registry and re-recorded in Book of Maps 2004, Page 519, Wake County Registry, including, without limitation, utility easements, private right of way easements and common area as shown on the referenced plats.

(D) Owner-STEPHEN JORDAN PROPERTIES, LLC
1796916698 & 1796918469

Tract 1: PIN# 179616714

Tract 2: PIN# 1796918469

BEING all of Tracts 1 and 2 as said tracts are shown on map recorded in Book of Maps 2005, Page 2269, Wake County Registry.

(E) Owner-JULIA M. HICKS

PIN# 1796922199

BEGINNING at an iron stake at the intersection of the northern right-of-way line of North Carolina Highway 96 with the eastern right-of-way line of SR 2368, and runs thence with the eastern right-of-way line of SR 2368 North 24° 17' East 160.76 feet to an existing iron stake at the southwestern corner of Mrs. Otis Hicks; runs thence South 70° 02' East 185.00 feet to an iron stake in the line of Cunningham; runs thence with the line of Cunningham South 70° 02' East 39.20 feet to an existing iron stake in the line of Bobbitt; runs thence with the line of Bobbitt South 19° 41' West 50.00 feet to an iron stake; runs thence with the line of Bobbitt South 70° 02' East 47.42 feet to an iron stake; runs thence with a new line for Hendricks South 52° 30' West 245.85 feet to an iron stake in the northern right-of-way line of North Carolina Highway 96 ; runs thence with the northern right-of-way line of North Carolina Highway 96 North 37° 30' West 100.00 feet to an iron stake; runs thence with the northern right-of-way line of North Carolina Highway 96 North 37° 30' West 80.00 feet to the point of beginning, being all of Lots 1 and 2 and a portion of Lot 5 of Section J of the R. F. Hendricks Subdivision in Wakefield, North Carolina, as shown by survey and map of Harold B. Mullen, R.L.S., dated 9-30-71, and entitled "Property Survey for Nathan Phillip Hicks, Little River Township, Wake County, N. C."

(F) Owner-GLORIA ANN LANGSTON

PIN# 1796925286

First Parcel:

BEGINNING at a point where the center line of Proctor Street Intersects the center line of an unnamed street, said unnamed street being parallel to and the next street west of Franklin Street as shown on the map referred to below and sometimes called Foster Street; thence along the center line of Proctor Street, north 66 deg. 30 minutes west 125 feet to a point; thence south 23

Page 12 of 12

deg. 30 min. west, 180 feet to a point; thence south 66 deg. 30 min. east, 125 feet to the center of said unnamed street; thence along the center of said unnamed street, north 23 deg. 30 min. east, 180 feet to the point of beginning and being a part of Lot or Tract No. 16, as shown on that certain map entitled, "Proctor Land, Owned by R. J. Whitley," made November, 1919, R. I. Pool, C. E., recorded in Book of Maps 1918, Page 75 Office of the Register of Deeds for Wake County, North Carolina.

Second Parcel:

Being all of Lot 6 and part of Lot 5 in Section J of the Hendricks Subdivision as shown by map and survey recorded in Book of Maps 1960, Page 77 Wake County Registry and being the Second Tract described by deed of trust recorded in Book 1541, Page 145, Wake County Regis

Board of Commissioners
Minutes
April 3, 2017

Mayor Matheny stated that currently it was serving no purpose. Chris Ray stated that they were planning for the future and trying to maximize grant dollars. Mayor Matheny asked if they could look at it again when the grant came in. Chris stated that they could. Mayor Matheny asked if it would be bid as an alternate and Chris said that they could.

Commissioner Bumgarner made a motion, second by Commissioner York to approve Resolution 2017-13. There was no discussion and the motion passed unanimously.

Beaverdam Creek Greenway Phase I – Engineering Contract

Chris Ray presented the engineering contract from Kimley Horn for the design of the project. Kimley Horn had completed 25 greenways in the last several years; the contract was a 14 month contract for design and permitting. The attorney's had reviewed the contract and approved what was being presented.

Commissioner Beck made a motion, second by Commissioner Clark to approve the engineering contract for Kimley Horn. There was no discussion and the motion passed unanimously.

C. Planning

SC 2017-01—Right of Way Abandonment

Julie Spriggs presented that they needed to set a date for a public hearing if the Board wanted to show that they were interested in closing Eddins Street behind Wakelon Townhomes.

Resolution 2017-12 would set the date for the public hearing to May 1, 2017 meeting and did not tie the Board to approval of the request to close Eddins Street.

Commissioner Beck made a motion, second by Commissioner Strickland to approve Resolution 2017-12. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

No Board Comments.

MANAGERS REPORT

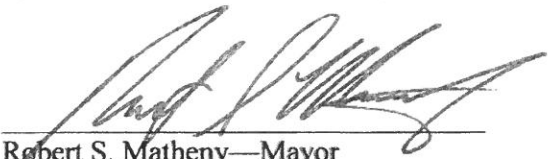
Joe Moore stated that there would be a worksession on April 19; the budget would be presented on May 1, 2017. Recycling day would be on April 8 in the parking lot of the Municipal Complex.

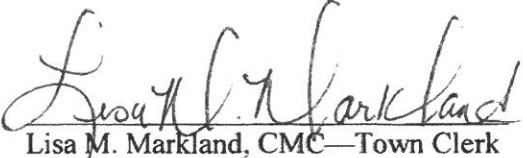
Commissioner Strickland made a motion, second by Commissioner Clark to adjourn. There was no discussion and the motion passed unanimously.

Date

May 1, 2017




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk

Board of Commissioners
Minutes
May 1, 2017

PUBLIC COMMENT PERIOD

There was no one who wished to speak.

PUBLIC HEARING

A. SC 2017-01—Street Closing Request to Close Eddins Street

Julie Spriggs presented that there was a request from Wakefield Central Baptist Church to close a 60' right of way that ran along the southern border of the church and behind the Pearce property.

Julie shared that there was a possibility that a parcel could end up being landlocked with the closure of the right of way as well as an issue with interconnectivity. There was a water and sewer easement that the City of Raleigh needed since those lines were within the right of way.

There were two options and one was to not close the alley or to table the case to give the applicant the opportunity to answer questions with the landlocked properties and the utility issues. Mayor Matheny asked who owned the landlocked properties. Julie stated it was Connie Pearce and the Pearce heirs owned three parcels along the right of way. It was possible that they could recombine the parcels and allow for the drive to continue being the access to those properties. Julie explained that they could not land lock a property and that was why they would need to combine the parcels to address that problem. Julie also said that if the Board closed the right of way 30' would go to the church and 30' would go to the Pearce property owners.

Commissioner Beck asked why an access easement could not be put along the Pearce property. Julie stated that it did not make sense to close a right of way only to require an access easement for those properties. If that was the case it would be best to not close the right of way.

Mayor Matheny asked if there was anyone who wished to speak on the case.

Ray Fulghum stated he was a member of Wakefield Central Baptist Church and said that he thought the right of way was an eye sore and did not think that the Town would ever open the right of way for use and that was why it needed to be closed. Mr. Fulghum said that the properties would not be landlocked since they would have access from the drive which would be located on the church property.

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

Mayor Matheny declared the public hearing closed.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of April 3, 2017. There was no discussion and the motion passed unanimously.

Board of Commissioners
Minutes
May 1, 2017

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of the April 10, 2017 joint public hearing. 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 February 2017. There was no discussion and the motion passed unanimously.

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

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

OLD BUSINESS

A. Planning

SC 2017-01—Street Closure Request of Eddins Street
Julie Spriggs reviewed the two options before the Board.

Mayor Matheny asked the Board if there was anyone on the Board that was opposed to closing Eddins Street. Mayor Matheny stated that the water and sewer easement had to be protected and staff was directed to talk with the landowners to see if they wanted an easement or to recombine the properties. Julie said that staff wanted to make sure the Board was in favor prior to getting into discussions with the property owners.

Text Amendments

Ordinance 2017-18—Solar Farm Text Amendments
Julie Spriggs presented the highlights of the proposed changes to the ordinance.

Kenny Waldroup with the Planning Board stated that they were recommending approval of the proposed changes.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve ordinance 2017-18. There was no discussion and the motion passed unanimously.

Wake Transit Master Participation Agreement

Mackenzie Day made a brief presentation and introduced Toby Hampson to discuss the participation agreement and the various entities that were a part of the agreement.

Toby Hampson stated that the agreement provided the structure for Wake County Transit planning going forward. It also provided a voice to Zebulon in the program for transit planning.

RESOLUTION 2017-12
Resolution of Intent to Permanently Close Street
In accordance with G.S. 160A-299

WHEREAS, at a meeting of the Board of Commissioners of the Town of Zebulon on April 3, 2017 a request was presented by Michael Weeks, representing Wakefield Central Baptist Church, that petitioned for the closing of an unopened alley right-of-way on the south side of Proctor Street between 308 and 400 Proctor Street; and

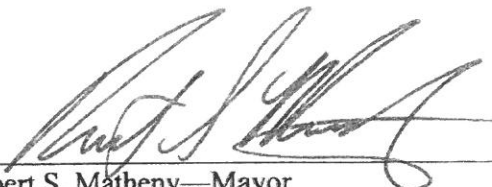
WHEREAS, the portion sought to be closed is described in the attached metes and bounds description and shown on the attached map; and


WHEREAS, the alley sought to be closed is not within the street system of the North Carolina Department of Transportation nor on the Thoroughfare Plan map of the Town of Zebulon; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON:

1. That the Board of Commissioners of the Town of Zebulon declares its intent to close the aforesaid street.
2. That the Board calls for a public hearing to be held at its regular meeting on May 1, 2017 in the Zebulon Council Chambers, 1003 N. Arendell Avenue at 7:00 p.m. regarding the intended closing of the street.
3. Directs that this resolution be published once a week for four successive weeks prior to the public hearing.
4. That the notice be prominently posted in at least two places along said street.
5. That a copy of this resolution be sent by certified mail, return receipt requested, to all owners of property that adjoins this street as shown on the Wake County Tax Records.

Adopted this the 3rd day of April, 2017.


Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk



§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)

WAKE COUNTY, NC 39
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07/11/2019 11:09:47

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Prepared by/mail to: *Hold Box 206*
J. Michael Weeks
Attorney at Law
PO Box 1097
Zebulon, NC 27597

NORTH CAROLINA
WAKE COUNTY

AGREEMENT FOR THE
ABANDONMENT AND CLOSURE
OF EDDINS STREET

THIS AGREEMENT made and entered into this 2nd day of July, 2019, by and between
WAKEFIELD CENTRAL BAPTIST CHURCH ("Wakefield Church"), a North Carolina
Nonprofit Corporation, with its principal office at 308 Proctor Street, Zebulon, NC 27597;
CONNIE M. PEARCE ("Pearce") of 400 Proctor Street, Zebulon, NC 27597; and WAKELON
TOWNHOMES HOMEOWNERS ASSOCIATION ("Wakelon Townhomes"), a North Carolina
Nonprofit Corporation (collectively the "Property Owners");

WITNESSETH:

WHEREAS, Wakefield Church filed a Petition with the Town of Zebulon for the
abandonment of "Eddins Street" as shown on that Plat recorded in Book of Maps 1918, Page 75,
Wake County Registry:

WHEREAS, the Property Owners are the owners of the property that adjoins the right of way of Eddins Street;

WHEREAS, on May 1, 2017, the Town of Zebulon Board of Commissioners held a public hearing on the Wakefield Church's Petition to Abandon Eddins Street;

WHEREAS, no action was taken on the Petition to Abandon Eddins Street by the Board of Commissioners; however, the Board of Commissioners directed the Town of Zebulon Planning Staff to enter into discussions with the Property Owners to resolve questions that arose regarding access easements and easements for existing utilities;

WHEREAS, the Property Owners have met with the Town of Zebulon Planning Staff and the Property Owners have reached an agreement to address the concerns of the Board of Commissioners and the Town of Zebulon Planning Staff;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereafter set forth and other good and valuable consideration, the Property Owners do hereby covenant and agree to the following terms and conditions as a condition precedent for the granting of Wakefield Church's Petition for the Abandonment of Eddins Street by the Town of Zebulon Board of Commissioners:

1. The Property Owners agree that the Town of Zebulon shall reserve in the ordinance adopted to close Eddins Street (a) a 20 foot wide easement within the right of way of the closed Eddins Street to maintain and/or replace the existing water line, fire hydrant and supporting structures for the water line and (b) a 30 foot wide easement within the right of way of the closed Eddins Street to maintain and/or replace the existing sewer line and supporting structures.

2. The Property Owners agree that following the adoption of the ordinance by the Board of Commissioners to abandon Eddins Street, Pearce and Wakelon Townhomes will convey to the Wakefield Church by non-warranty deed the land acceded to Pearce and Wakelon Townhomes by the Abandonment of Eddins Street.

3. Wakefield Church agrees to grant to Pearce and Wakelon Townhomes a 30 foot non-exclusive access easement within the right of way of the abandoned Eddins Street to provide access from the properties of Pearce and Wakelon Townhomes to Proctor Street (NCSR 2320).

4. Wakefield Church shall agree in the access easement to Pearce and Wakelon Townhomes (a) to maintain the access easement so that the access easement may be used by motor vehicles at all times in the prevailing weather conditions for the Zebulon, North Carolina area and (b) to maintain the access easement at Wakefield Church's expense.

(EXECUTION AND ACKNOWLEDGMENT ON SEPARATE PAGES)

IN TESTIMONY WHEREOF, the WAKEFIELD CENTRAL BAPTIST CHURCH has authorized the Chairman of the Board of Trustees to execute this Agreement by resolution adopted by its Board of Trustees in accordance with its Bylaws.

WAKEFIELD CENTAL BAPTIST CHURCH
By: Dale R. Hux
Chairmen of the Board of Trustees

NORTH CAROLINA

WAKE COUNTY

I, Anna S. Creech, a notary public for Johnston County, North Carolina, do hereby certify that Dale R. Hux appeared before me this date and acknowledged that he is the Chairman of the Board of Trustees of the WAKEFIELD CENTRAL BAPTIST CHURCH and that he executed the foregoing instrument on behalf of the Church pursuant to a resolution duly adopted by its Board of Trustees.

This 2nd day of July, 2019.



Anna S. Creech
Notary Public
Anna S. Creech
(Printed name)

My commission expires: 12-18-2019

(NOTARY SEAL)

IN TESTIMONY WHEREOF, CONNIE M. PEARCE has hereunto affixed her hand and adopted as her "SEAL" the seal adjacent to her name effective the day and year first above appearing in this document.

Connie M. Pearce (SEAL)
Connie M. Pearce

NORTH CAROLINA

WAKE COUNTY

I, Heather L. Bunting, a notary public for Wake County, North Carolina, do hereby certify that CONNIE M. PEARCE appeared before me this date and acknowledged the execution of the foregoing instrument.

This 8th day of July, 2019.

Heather L. Bunting
Notary Public

Heather L. Bunting
(Printed name)

My commission expires: 06/02/2023

(NOTARY SEAL)



IN TESTIMONY WHEREOF, the ~~WAKEFIELD~~ ^{WAKELON} TOWNHOMES HOMEOWNERS ASSOCIATION has authorized its President to execute this Agreement and affix its Corporate Seal hereto all by resolution adopted by its Board of Directors in accordance with its Bylaws.

WAKELON TOWNHOMES HOMEOWNERS ASSOCIATION

By: Peter Eggiman
President

(CORPORATE SEAL)

NORTH CAROLINA

WAKE COUNTY

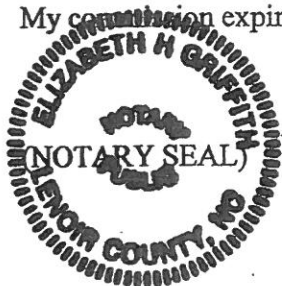
I, Elizabeth H. Griffith, a notary public for Lenoir County, North Carolina, do hereby certify that Peter Eggiman appeared before me this date and acknowledged that he is the President of the ~~WAKEFIELD~~ ^{WAKELON} TOWNHOMES HOMEOWNERS ASSOCIATION and that he executed the foregoing instrument on behalf of the Association pursuant to a resolution duly adopted by its Board of Directors.

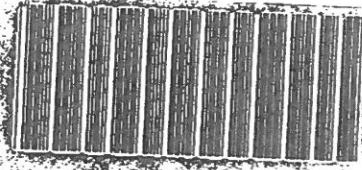
This 8th day of July, 2019.

Elizabeth H. Griffith
Notary Public

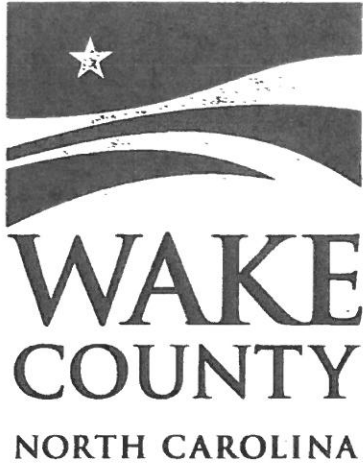
Elizabeth H. Griffith
(Printed name)

My commission expires: 2/1/2022





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It is part of the recorded document and must be submitted with the original for re-recording.

**Charles P. Gilliam
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

_____ 7 # of Pages **BW**

J

**Zebulon
Joint Public Hearing
Minutes
May 13, 2019**

Present: Robert S. Matheny, Dale Beck, Curtis Strickland, Don Bumgarner, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Michael Clark-Planning
No Planning Board members were present.

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

Commissioner Bumgarner made a motion, second by Commissioner Strickland to cancel the work session on May 14. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to recess the meeting to May 21, 2019 at 7:00pm. There was no discussion and the motion passed unanimously.

May 21, 2019

Present: Robert S. Matheny, Dale Beck, Curtis Strickland, Don Bumgarner, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Meade Bradshaw-Planning, Sam Slater-Attorney

Planning Board Present: David Covington, Larry Ray, Gene Blount, Stan Nowell, Stephanie Jenkins

Absent: Shannon Baxter and Laura Johnson

Mayor Matheny called the meeting back into session at 7:00pm reconvening the recessed meeting from May 13, 2019.

Mayor Matheny gave the process for the legislative and quasi-judicial hearings.

PUBLIC HEARING

A. Legislative

1. RZ 2019-02 Dixon Paving

The Dixon Paving request was withdrawn.

2. RZ 2019-04 on 0 N Arendell Ave

Meade Bradshaw explained the applicant was Dallas Pearce, the owner was Joseph B. Vinson and Jewel S. Vinson Trustee with a parcel size of 0.15 acres located at 0 N. Arendell Avenue. The request was a zoning map amendment from Residential 10 (R-10) to Transitional Residential (TR).

A PowerPoint presentation showed a map of the landlocked parcel. It was explained the same person also owned the adjacent parcel to the east which had frontage on N. Arendell Ave. Staff

Joint Public Hearing
Minutes
May 13, 2019

A PowerPoint presentation showed a map of the landlocked parcel. It was explained the same person also owned the adjacent parcel to the east which had frontage on N. Arendell Ave. Staff recommended approval of RZ 2019-04 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable.

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

Dallas Pearce explained the lots were going to be recombined into one lot. The front lot was zoned TR and the back lot was zoned R-10. The owner needed both to be zoned TR. The owner did not own any other adjacent lots.

Mayor Matheny asked if there were any questions from either of the Boards. There were none.

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

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

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

B. QUASI-JUDICIAL

1. SUP 2019-01 Cardinal Pines

The Board was asked if anyone on either Board had an ethics conflict, financial interest, ex-parte communication, or a fixed opinion on the matter. There were none.

Meade Bradshaw presented that the applicant Dennis Tharrington of WDT Development, LLC was requesting a special use permit for approximately seven acres located at 303 Pony Road to construct multifamily apartments. The applicant's concept plan was shown to the Board.

The findings of fact were reviewed.

Meade Bradshaw read the following conditions being recommended by staff:

- 1) sidewalk connection made behind the buildings for connectivity and a proposed outdoor amenity,
- 2) sidewalk connection from the front entrance of the building to the public sidewalk on Pony Road, and
- 3) Technical Review Committee approval through the Town of Zebulon.

It was explained a TIA was not required based upon the number of trips per day for the development. The applicant proposed the site would generate 42 trips per day.

Commissioner Bumgarner asked if any property had been designated for a possible street connecting to the Pineview subdivision to provide a second exit for the subdivision. Meade stated there was no property dedicated for such a use.

Mayor Matheny asked if anyone wished to speak in favor.

Joint Public Hearing
Minutes
May 13, 2019

The developer, Dennis Tharrington, stated the area to be the best site for affordable housing. The site would be available for people 55 and older that made 80% of the median income and below in Wake County. There were numerous amenities for elderly people to enjoy within one mile of the site.

Commissioner Strickland asked why the complex was four stories. Mr. Tharrington explained it was for economic reasons, but there as an elevator onsite.

The four findings of fact were covered and the applicant believed the site satisfied all of those needs. The applicant stated they had similar senior facilities located in Henderson, Oxford, Gastonia, Knightdale, and Clemmons.

Excel Property Management out of Raleigh would manage the property. The facility provided affordable housing for seniors 55 years and up and the facility was required to remain a senior facility for a minimum of 30 years in order to receive tax credits.

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

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

2. SUP 2019-03 The Fetching Post

Meade Bradshaw gave a PowerPoint presentation and stated the applicant and owner was Amy Brown-Pearce who was requesting a special use permit for approximately seven acres located at 571 W. Barbee Street. The applicant's request was to construct an animal kennel on the property zoned Residential-20 (R-20). It was explained the applicant currently owned the adjacent property and had run a kennel business since 2008.

The findings of fact were reviewed.

Staff recommended the following conditions:

- 1) no outdoor animal activity from 8pm to 8am,
- 2) no outdoor kennels,
- 3) any outdoor animal activity areas must be enclosed with fencing, and
- 4) an annexation petition must be filed and the property annexed by the Town of Zebulon prior to Certificate of Occupancy by Wake County.

Commissioner Strickland inquired about the 8pm to 8am timeframe. Meade Bradshaw explained the dogs could be taken out one-by-one, but not allowed to have multiple animals outside that could cause a noise issue. The kennels would be enclosed in the building.

Mayor Matheny asked if anyone wished to speak in favor.

Amy Brown-Pearce stated she was happy to answer any questions from the Board.

Joint Public Hearing
Minutes
May 13, 2019

Mayor Matheny asked if anyone wished to speak opposition. There were none.

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

Joe Moore explained May 22 was the Board of Commissioners' work session. There were three action items added to the agenda and two were storm related. A storm response and update was given to the Board.

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

The meeting was adjourned at 7:50pm.

Adopted this the 5th day of August, 2019.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Work Session
Minutes
May 22, 2019

Present: Robert S. Matheny, Don Bumgarner, Dale Beck, Curtis Strickland, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Michael Clark-Planning, Chris Perry-Fire, Chris Ray-Public Works, Tim Hayworth-Police, Eric Vernon-Attorney

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

APPROVAL OF AGENDA

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

OLD BUSINESS

A. General-Budget Process

1. Manager's Introduction

Joe Moore stated the meeting was a combination of two work sessions since the meeting on May 14 was cancelled due to the storm. A brief outline of the meeting was given to the Board. Joe Moore reviewed the budget schedule and process.

2. Presentations

a. Information Technology

Lisa Markland spoke to the Board about the need for a dedicated IT staff member to meet the needs of the staff. The IT Committee was unable to keep up with the IT demands. Cii Technology Solutions currently provided the Town's technology services. Cii logged 162.5 billable hours since July 2018 and that did not include the contracted time for monitoring the server and various devices. Projects completed this year included phase one of the police radios and updating the equipment in the AV room. Staff recommended hiring a full time IT position and spoke about their duties. It was stated nine municipalities in Wake County had at least one IT person on staff. The Fiscal Year 2020 five year CIP consisted of replacement of the police radios - \$76,000, replacement of all Windows 7 computers (approximately 45 – 50 computers) - \$82,000, council chambers audio visual upgrade.

b. Police Parking

Tim Hayworth explained the Police Department had only two parking spaces with one as a handicapped space and the other as a general parking space. It was stated the limited parking congested the driveway, confused customers, limited access to the safe exchange zone, and limited parking for lawn event access. Staff estimated the completed project to add four additional parking spaces would cost \$20,500.

There was concern about removing trees and there was discussion among the Board about widening the driveway. Staff was asked to research widening the driveway.

c. Town Commons

Sheila Long provided detail about a town commons/public space in the downtown area. It was explained how the town commons would fit with the Zebulon 2030 Strategic Plan with having a vibrant downtown, small town life, and growing smart. The Board was shown examples of public spaces including a mini-park, streets and connections and private open spaces. The areas typically featured a seating area, minor landscaping, and public art. A public space activated downtown, created a space for people to gather, was a space to support downtown events, and encouraged development and investment. Staff explained the goal to a town commons/public space was increased pedestrian traffic and spending at downtown businesses, increased opportunity for public art, and served as a catalyst for small-scale entrepreneurship.

Development opportunities and potential locations were discussed. The first phase of the project was to identify and secure the property and install basic utilities. Staff estimated a cost of \$25,000 for the town commons area.

d. Non-Profit Policy

Bobby Fitts explained the new non-profit funding committee consisted of himself, Sheila Long, and Tim Hayworth. The non-profit funding policy was reviewed stating no more than \$1,000 would go to any one organization, no more than \$5,000 to all organizations, and it must be a non-profit. In FY 2019 \$5,000 was appropriated for donations and the Town received 11 applications totaling \$10,000.

Bobby Fitts explained the committee performed an analysis of each group and gave the results. The analysis was meant to be a tool to help the Board when making their decision.

e. Business Retention & Expansion Program

Joe Moore explained staff proposed expanding the Business Retention and Expansion Program with the Chamber of Commerce in partnership with the Town.

Denise Nowell, with the Zebulon Chamber of Commerce, spoke to the Board about the goals of the Business Retention and Expansion Program. The Chamber adopted a strategic plan to align with the Town's strategic plan.

B. Public Input

Donald Horton stated he read the entire budget and thought it was very good. Joe Moore had developed a great team. Mr. Horton thanked the Board and staff for all their hard work.

Tracey Alford spoke about the Miss Zebulon scholarship program. It was asked that the Board consider giving non-profit funds to the Miss Zebulon program. Ms. Alford gave an update about her business, Simply Blush, in downtown Zebulon.

Franklin Finch spoke about the criteria for the allocation and asked the Board to consider giving less money to each organization so more organizations would receive funding. Mr. Finch stated he worked in IT and was happy to offer consulting on IT.

NEW BUSINESS

A. Storm Cleanup

a. Ordinance 2019-27 – Cost of Cleanup

Chris Ray reviewed the cost of the storm and the need for a budget amendment to cover those costs.

The Town of Wendell, Wake Forest, Clayton, Wake County, and the City of Raleigh were thanked for their help in cleaning up after the storm.

Commissioner Bumgarner made a motion, second by Commissioner Beck to adopt Ordinance 2019-27. There was no discussion and the motion passed unanimously.

b. Resolution 2019-30 – Waiving of Fees

Michael Clark explained the Planning Department wanted to waive certain permitting fees for six months to property owners to reconstruct and restore damage caused by the storm.

Commissioner Clark made a motion, second by Commissioner Bumgarner to adopt Resolution 2019-30. There was no discussion and the motion passed unanimously.

B. Sale of Ladder Truck

a. Resolution 2019-31

Chris Perry stated there was a computer error with the last ladder truck auction and all bids were rejected. Staff asked the Board to re-open the public auction for the sale of the ladder truck.

Commissioner Bumgarner made a motion, second by Commissioner Beck to adopt Resolution 2019-31. There was no discussion and the motion passed unanimously.

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

Adopted this the 5th day of August, 2019.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Work Session
Minutes
May 30, 2019

Present: Robert S. Matheny - Mayor, Don Bumgarner, Dale Beck, Curtis Strickland, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Michael Clark-Planning, Chris Perry-Fire, Chris Ray-Public Works, Sheila Long-Parks and Recreation, Tim Hayworth-Police, Eric Vernon-Attorney

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

APPROVAL OF AGENDA

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

OLD BUSINESS

A. General-Budget Process

1. Manager's Introduction

Joe Moore gave a brief budget outline and highlights presentation.

2. Presentations

a. Parks & Recreation Master Plan

Jennifer Beedle-Munley from Recreation Resources Service introduced herself to the Board.

Sheila Long explained how a Parks and Recreation Master Plan tied into the Zebulon 2030 Strategic Plan, the impacts of growth in the community, and moving forward. It was stated the Town had grown in population by 12% since 2010. The impacts of growth were explained to the Board. The Community Parks and Recreation Master Plan would help prioritize and identify the needs moving forward. Staff recommended budgeting \$95,000 for the master plan and include an impact fee. The community and town partners would be engaged in developing the master plan.

The Comprehensive Plan process involved strong community involvement by collecting data through surveys, public meetings, pop up markets and events, and focus groups. It was proposed to require a recreation impact fee from developers to go toward recreation projects. Sheila Long spoke about the various grant funds the Town could apply for.

Jennifer Beedle-Munley spoke about how a Parks and Recreation Master Plan improved the competitiveness in the grant process. It was explained a project without a master plan reduced the chances of receiving a grant. Jennifer Beedle-Munley felt the proposed \$95,000 for the master plan was a fair amount to obtain a good plan encompassing what was needed.

It was explained the open space fee-in-lieu was charged per dwelling unit. It was predicted the master plan would take six months to one year to develop. There was discussion about the community center size and other facilities for camps and sports programs. The master plan would assess the size and need of the facilities, as well as staff.

b. Sidewalks

Joe Moore explained a goal in the FY20 budget was to increase connectedness and walkability in the community through sidewalks.

Sheila Long reviewed the walkability plans and policies in place for the Town, as well as a review of the walkability projects. The missing links of the existing sidewalks on Arendell Avenue were shown

Board of Commissioners
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May 30, 2019

to the Board and it was explained the estimated cost to complete the eight missing links was \$508,000. Staff requested \$115,000 for the sidewalk project and it was explained how the money would be allocated.

There was discussion about grants the Town applied for and received.

c. Street Paving and Intersection Improvements

Chris Ray gave an update from the FY19 Paving Improvement Program and timeframes for the projects. The current paving conditions were explained. The Town's current road conditions had a weighted score of 98.7 and examples of fair condition roads and good condition roads were shown to the Board.

Staff requested \$200,000 in the FY20 Budget to install a traffic signal at Green Pace Road and Arendell Avenue. The intersection was the most requested transportation improvement by the public and met NCDOT's warrant analysis for improvement. The Town reached out to NCDOT for joint funding, but had not yet received any commitment for the project.

Staff requested \$30,000 in the FY20 Budget for intersection improvements at Shepard School Road and Old Bunn Road. The costs covered design and survey work for traffic signals.

Chris Ray explained citizen engagement was needed to obtain feedback on transportation improvements in the Town. There was discussion about the transportation impact fee developers paid for each new home built. Staff proposed an increase to the transportation impact fee in the FY20 Budget. The strategy was to use the transportation impact fees for signal improvements.

d. Fund Balance Policy

Bobby Fitts spoke about the current fund balance policy. The key scorecard of Moody's rating methodology was explained. The Town had an Aa3 final score. The 2019 projected balances were reviewed. The draft policy would be presented to the Board at a future work session. The debt was very low and the Town scored high for bond ratings.

B. Public Input

There was no one who wished to speak.

Joe Moore reviewed the FY20 Budget schedule and process.

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

Adopted this the 5th day of August, 2019.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk

Zebulon Board of Commissioners
Minutes
June 3, 2019

Present: Beverly Clark-Mayor Pro Tem, Curtis Strickland, Dale Beck, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Tim Hayworth-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Bobby Fitts-Finance, Michael Clark-Planning, Eric Vernon-Town Attorney

Not Present: Mayor Robert S. Matheny and Commissioner Don Bumgarner

Mayor Pro Tem Clark called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Zebulon Middle School student, Caelyn Davis.

APPROVAL OF AGENDA

Mayor Pro Tem Clark asked to amend the agenda to add Ordinance 2019-41 – Police Station Masonry Project and Ordinance 2019-42 – Planning Professional Services under New Business.

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

SCHOOL RECOGNITION

Mayor Pro-Tem Clark recognized student Caelyn Davis and teacher Morgan Collins, both from Zebulon Middle School.

PROCLAMATIONS

A. National Parks and Recreation Month

Mayor Pro-Tem Clark read the proclamation for National Parks and Recreation Month.

Commissioner Beck made a motion, second by Commissioner Moore to adopt the Proclamation for National Parks and Recreation Month. There was no discussion and the motion passed unanimously.

PUBLIC HEARING

Mayor Pro Tem Clark declared the public hearing open. Joe Moore gave a brief presentation of the FY 20 Budget message and outline.

Mayor Pro Tem Clark asked if anyone wished to speak. There was no one who wanted to speak and the public hearing was closed.

PUBLIC COMMENT PERIOD

John Middlesworth spoke to the Board about people who put trash in recycling bins which caused the recycling items to become trash.

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Mary Beth Carpenter spoke about the Zebulon Memory Project and the potential National Register Historic District. Letters were sent out to property owners about the process of the historic district. The information was updated on the Preservation Zebulon's website.

Denise Nowell from the Zebulon Chamber of Commerce gave an economic development update about the following businesses: 1) Enoneo had a ribbon cutting on June 6, 2) Blue Thumb Farm participated in the Zebulon Farm Fresh Market and 3) Loving Hands Wellness ribbon cutting was June 13. It was stated the population in the eastern part of Wake County had increased by 6% in 2018.

CONSENT

A. Minutes

Commissioner Strickland made a motion, second by Commissioner Moore to approve the minutes of the May 6, 2019 meeting. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Strickland made a motion, second by Commissioner Moore to approve the tax report for March 2019. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve the financial report as of May 20, 2019. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Resolution 2019-32 – FY 2020 Appointment of Tax Collector. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-28 – Stormwater Projects. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-40 – Stormwater Projects. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-29 – Closing out Water and Sewer Fund. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-39 – Closing out Water and Sewer Fund. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-30 – Off-duty Employment Stadium. There was no discussion and the motion passed unanimously.

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Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-31 – Fire Part-time Salaries. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-33 – Administration Telephone Services. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-34 – Parks & Recreation Transfer for Grounds Maintenance. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-35 – Storm Clean-up of Little River Park. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-36 – Appropriation of Insurance Proceeds. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve – Ordinance 2019-37 – Planning Department Transfer to Professional Services. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve Ordinance 2019-32 – Appropriating Unspent Capital Funds. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve renewal of the Fire Contract with Johnston County. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve the Memorandum of Understanding between the County of Wake and Town of Zebulon. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to approve the Quarterly Report for Parks and Recreation, Planning, and Police. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

1. Quasi-Judicial

a. SUP 2019-01 – Cardinal Pines

Meade Bradshaw presented the request for a special use permit by applicant Dennis Tharrington of WDT Development, LLC for the property located at 303 Pony Road totaling approximately

7.07 zcres. The request was to construct multifamily apartments on the property which was zoned Transitional Residential (TR). The Planning Board recommended approval with the following conditions:

- 1) a sidewalk connection should be made behind the building for connectivity and a proposed outdoor amenity;
- 2) there should be a sidewalk connection from the front entrance of the building to the public sidewalk on Pony Road;
- 3) the project must receive Technical Review Committee approval from the Town of Zebulon conforming to the Code of Ordinances and Land Development Regulations.

There was discussion about requiring a buffer.

Mayor Pro-Tem Clark asked if anyone had any ex-parte communication or a fixed opinion. There were none.

Commissioner Strickland made a motion, second by Commissioner Moore to approve SUP 2019-01 located at 303 Pony Road with the following conditions

- 1) a sidewalk connection should be made behind the building for connectivity and a proposed outdoor amenity;
- 2) there should be a sidewalk connection from the front entrance of the building to the public sidewalk on Pony Road;
- 3) the project must receive Technical Review Committee approval from the Town of Zebulon conforming to the Code of Ordinances and Land Development Regulations.

There was no discussion and the motion passed unanimously.

b. SUP 2019-03 – Fetching Post

Meade Bradshaw presented the request from Amy Brown-Pearce to rezone an approximately 7 acre parcel located at 571 W. Barbee Street and zoned Residential-20 District.

The Planning Board and Staff recommended approval of the request with the following conditions:

- 1) no outdoor animal activity from the hours 8 pm – 8am;
- 2) no outdoor kennels;
- 3) any outdoor animal activity areas must be enclosed with fencing;
- 4) an annexation petition must be filed and the property annexed by the Town of Zebulon prior to Certificate of Occupancy by Wake County.

Mayor Pro-Tem Clark asked if anyone had any ex-parte communication or a fixed opinion. There were none.

Commissioner Beck made a motion, second by Commissioner Moore to approve SUP 2019-03 located at 571 W. Barbee Street with the following conditions:

- 1) no outdoor animal activity from the hours 8 pm – 8am;
- 2) no outdoor kennels;
- 3) any outdoor animal activity areas must be enclosed with fencing;

4) an annexation petition must be filed and the property annexed by the Town of Zebulon prior to Certificate of Occupancy by Wake County.

2. Legislative

a. RZ 2019-04 – 0 N. Arendell Avenue

Meade Bradshaw presented the request by Dallas Pearce to rezone approximately 0.15 acres of land located at 0 N. Arendell Avenue from Residential-10 to Transitional District.

The Planning Board recommended approval based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable.

Commissioner Beck made a motion, second by Commissioner Moore to approve RZ 2019-04 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that was applicable. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Administration

1. Board Appointments

Lisa Markland explained there were two vacancies on the Planning Board. Stephanie Jenkins wanted to be re-appointed to the ETJ position. Wake County would have to do the final appointment. The Board had an in-Town vacancy with no current application.

Jimmy Harris and Anthony Brown were not seeking re-appointment to the Parks and Recreation Advisory Board. Erica Parsons and Brandon Wiggins submitted applications for the Parks and Recreation Advisory Board.

Commissioner Strickland made a motion, second by Commissioner Beck to recommend Wake County appoint Stephanie Jenkins to the ETJ position on the Planning Board. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Moore to appoint Erica Parsons and Brandon Wiggins to the Parks and Recreation Advisory Board. There was no discussion and the motion passed unanimously.

B. Budget Amendments

1. Ordinance 2019-41 – Police Station Masonry Project

Joe Moore spoke about the Police station repair project. It was asked to transfer funds from the Town Hall electrical project to the Police station masonry project. The transfer would be used to

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add waterproof and slip resistant coating to the back entrances and loading dock of the Police Station.

Commissioner Beck made a motion, second by Commissioner Moore to approve Ordinance 2019-41. There was no discussion and the motion passed unanimously.

2. Ordinance 2019-42 – Planning Professional Services

Joe Moore explained the Town of Zebulon Planning Department subcontracts with WSP to review Transportation Impact Analysis (TIA) studies for new developments which were paid for by the Town with a purchase order and then billed to the developer. It was requested to transfer funds from salaries to Professional Services to cover the expenditure.

Commissioner Beck made a motion, second by Commissioner Strickland to approve Ordinance 2019-42. There was no discussion and the motion passed unanimously.

BUDGET

A. Administration

1. Budget 2019-2020 – Ordinance 2019-38

Joe Moore stated the Board could adopt the budget ordinance, modify the budget ordinance, or table until the June 12 work session.

Commissioner Beck made a motion, second by Commissioner Moore to approve Ordinance 2019-38. There was no discussion and the motion passed unanimously.

A. Finance

1. Non-Profit Funding Distributions

Bobby Fitts reviewed the non-profit funding distribution policy. The Town received 11 applications for non-profit funding. The Board reviewed the applications, discussed each group, and decided to allocate funds to the following non-profits:

- Interact - \$1,000
- Zebulon Downtown Arts Council - \$1,000
- East Wake Education Foundation - \$1,000
- Preservation Zebulon, Inc. - \$1,000
- Martin Luther King, Jr. Breakfast Committee - \$500
- Miss Zebulon Organization - \$500

Commissioner Moore made a motion, second by Commissioner Beck to approve non-profit funding distributions as discussed. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Beck and Commissioner Strickland thanked the staff for their hard work on the budget.

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MANAGER'S REPORT

Bobby Fitts reported the following budget transfers:

Governing Body:

Moved \$5,000 from Group Insurance to Professional Services

Administration:

Moved \$1,600 from FICA to Salaries;

Moved \$700 from Retirement to Telephone Service;

Moved \$4,000 to Contracted Services – Information Technology – \$2,000 from Postage and \$2,000 from Contracted Services;

Moved \$700 from Cell Phones - \$500 to Advertising and \$200 to Printing & Copying.

Planning:

Moved \$475 from Materials & Supplies - \$175 to Cell Phones and \$300 to Postage.

Buildings & Grounds:

Moved \$5,000 from Insurance & Bonds to Wakelon Utilities;

Moved \$2,200 from Materials & Supplies – \$450 to Cell Phones, \$750 to Mowing Supplies, \$1,000 to Janitorial Materials & Supplies;

Moved \$4,000 to Municipal Complex Maintenance – \$2,000 from Buildings & Grounds Maintenance and \$2,000 from Community Center Maintenance;

Moved \$400 from Fuel to Daffodil Days.

Police:

Moved \$5,000 from Uniforms - \$4,500 to Salaries (Overtime) and \$500 to Vehicle Maintenance;

Moved \$275 from Miscellaneous to Cell Phones;

Moved \$4,000 from Travel & Training to Contract Services (Other);

Moved \$4,500 to Fuel Expense - \$2,100 from Part-time Salaries, \$1,000 from Mobile Data Terminals and \$1,400 from Insurance & Bonds;

Moved \$350 from Insurance & Bonds to Contract Services (Raleigh).

Fire:

Moved \$5,000 from Insurance & Bonds - \$500 to Fringe Benefits, \$2,200 to Electricity & Water, \$800 to Fuel Expense and \$1,500 to Materials & Supplies;

Moved \$2,575 from Salaries -- \$125 to Wake Hazmat Team, \$1,700 to Wake County Dispatch and \$750 to Retention & Recruitment.

Streets:

Moved \$1,500 from Travel & Training - \$1,000 to Equipment Maintenance and \$500 to Vehicle Maintenance.

Sanitation:

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June 3, 2019

Moved \$1,430 from Materials & Supplies – \$350 to Postage, \$1,000 to Printing/Copying and \$80 to Printing (Trash & Recycle Stickers);

Moved \$5,000 from Insurance & Bonds – \$3,000 to Vehicle Maintenance and \$2,000 to Fuel Expense.

Stormwater:

Moved \$150 from Materials & Supplies to Postage;

Moved \$1,000 from Insurance & Bonds to Contract Services.

Parks & Recreation:

Moved \$2,500 from Part-time Salaries (Farmers Market) to Electricity & Water;

Moved \$3,000 to Grounds Maintenance – \$1,500 from Camps and \$1,500 from Materials & Supplies;

Moved \$600 from Farmers Market – \$300 to Farmers Market EBT Matching and \$300 to Printing & Copying;

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

Adopted this the 5th day of August, 2019.

Beverly W. Clark—Mayor Pro Tem

SEAL

Lisa M. Markland, CMC—Town Clerk

**Zebulon
Joint Public Hearing
Minutes
June 10, 2019**

Present: Robert S. Matheny, Dale Beck, Curtis Strickland, Don Bumgarner, Beverly Clark, Annie Moore, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Meade Bradshaw-Planning, Sam Slater-Attorney

Planning Board Present: Shannon Baxter, Laura Johnson, Larry Ray, Gene Blount, Stan Nowell, Stephanie Jenkins
Absent: David Covington

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

Mayor Matheny gave the process for the legislative hearings and opened the public hearing.

PUBLIC HEARING

A. LEGISLATIVE

1. RZ 2019-05 Sidney Creek

Meade Bradshaw explained the applicant requested rezoning of approximately 215 acres from Residential 20 (R-20) to Residential 10 (R-10) for property located at 1701 Chamblee Road which was located within the Town's ETJ.

A PowerPoint was presented where the aerial map, zoning map, and land use plan were presented. The surrounding properties were mainly detached residential. The special use permit was in review and was the next step, if the rezoning was approved.

Staff recommended approval of RZ 2019-05 based upon the proposed zoning map amendment being consistent with the Town of Zebulon Land Use Plan which promoted a plan to growing smart.

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

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

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

2. RZ 2019-06 Weavers Ridge

Mayor Matheny opened the public hearing for RZ2019-06.

Meade Bradshaw explained the applicant requested rezoning of approximately 34 acres from Residential 40W (R-40W) to Residential 10 (R-10) for property located at 2340 Zebulon Road.

Joint Public Hearing
Minutes
June 10, 2019

A PowerPoint was presented where the aerial map, zoning map, and land use map were presented. Staff reviewed the adjoining property uses. There was a special use permit in review.

Staff recommended approval of RZ 2019-06 based upon the proposed zoning map amendment being consistent with the Town of Zebulon Land Use Plan which promoted a plan for growing smart.

There was a question about the location of Wake County's watershed zoning. Staff stated the watershed restrictions were on the other side of the road.

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

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

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

Commissioner Moore made a motion, second by Commissioner Bumgarner to adjourn the meeting. There was no discussion and the motion passed unanimously.

The meeting was adjourned at 7:10pm.

Adopted this the 5th day of August, 2019.

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160
FAX 919 856 5699

JESSICA N. HOLMES, CHAIR
GREG FORD, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
SUSAN P. EVANS
SIG HUTCHINSON
JAMES WEST

June 4, 2019

Ms. Lisa Markland
Town Clerk
Town of Zebulon
1003 North Arendell Avenue
Zebulon, North Carolina 27597

Dear Ms. Markland:

The Wake County Board of Commissioners, in regular session on June 3, 2019, approved and accepted the enclosed tax report for the Town of Zebulon.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

Denise Hogan
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Tax Committee Meeting: 05/16/2019

Board of Commissioners Meeting: 06/03/2019

TO: Wake County Board of Commissioners and Town Board of Zebulon

FOR: Consideration of Requests for Exemptions

Approved by: *Natasha Baldwin*

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Value Appealed	Appeal/Request Type	Recommendation
15441	SHILOH TEMPLE TABERNACLE OF PRAYER PO BOX 445 ZEBULON NC 27597-0445	118 W. OAK ST ZEBULON	0000014921 - 2019 Not Billed	\$46,440	Exemption Religious Purpose 105-278.3	<i>Approved for Good Cause shown.</i>

This List Requires Board Action

Tax Committee Members: *Natasha Baldwin*, City Of Raleigh
Kim Lorbacher, Wake County Finance

MKD

Marcus Kinrade, Revenue Director



STAFF REPORT
FINANCIAL STATEMENTS UPDATE
AUGUST 5, 2019

Topic: FY 2019 and 2020 Monthly Financial Statement Update

From: Bobby Fitts, Finance Director
Prepared by: Bobby Fitts, Finance Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The attached financials are for Board of Commissioners review only. See discussion below for details on statements.

Background:

The attached financials are a summary of revenues and expenditures to date. These are provided to keep the Board informed, on a monthly basis, of how revenues and expenditures are trending throughout the year.

Information:

These financial statements are through July 22, 2019. We've received ten months of sales tax and three quarterly distributions of utilities sales in FY 2019. These revenues for FY 2020 will not be received until starting in October. As usual, the majority of property taxes will be received later in the year as well (November – December). See notes below for analysis on those and other revenues.

For FY 2019, with almost all of expenditures in for the year, the Town spent \$11.97 million (81%) of its General Fund amended budget of \$14,728,102. This is 17% more than last year's expenditures, which were \$10.21 million (90% of budget). This large increase was due in large part to the purchase of the 2 fire trucks. It is also important to note that some large projects in FY 2019's budget will be rolled over to FY 2020 (ex: finishing tornado cleanup). Discussion on some revenue trends such as sales tax, utility sales tax, zoning fees and property taxes are below. The revenue and expenditure statements are included for your review.

A few highlights to date include:

Sales Tax

- Sales taxes collected in March and April 2019 were received since your last update and were 14.6% (\$13,316) more in March and 11.3% (\$9,901) more in April than the distribution received for the same periods in FY 2018.
- For the first ten months of FY 2019 they are 7.03% (\$59,742) ahead of FY 2018.
- Article 39 receipts (proceeds returned to the county of origin), were 16.0% (\$6,547) more in March and 9.4% (\$3,812) more in April than the distribution received for the same periods in FY 2018.
- Article 39 totals are ahead of last year's year-to-date total for the first ten months by 6.54% (\$25,282). (Ref. attached Sales Tax Collections spreadsheet).



STAFF REPORT
FINANCIAL STATEMENTS UPDATE
AUGUST 5, 2019

Attachments:

1. General Fund Fiscal Year **2019** Expenditure Statement and Revenue Statement (as of July 22, 2019)
2. General Fund Fiscal Year **2020** Expenditure Statement and Revenue Statement (as of July 22, 2019)
3. Sales Tax – FY 2019

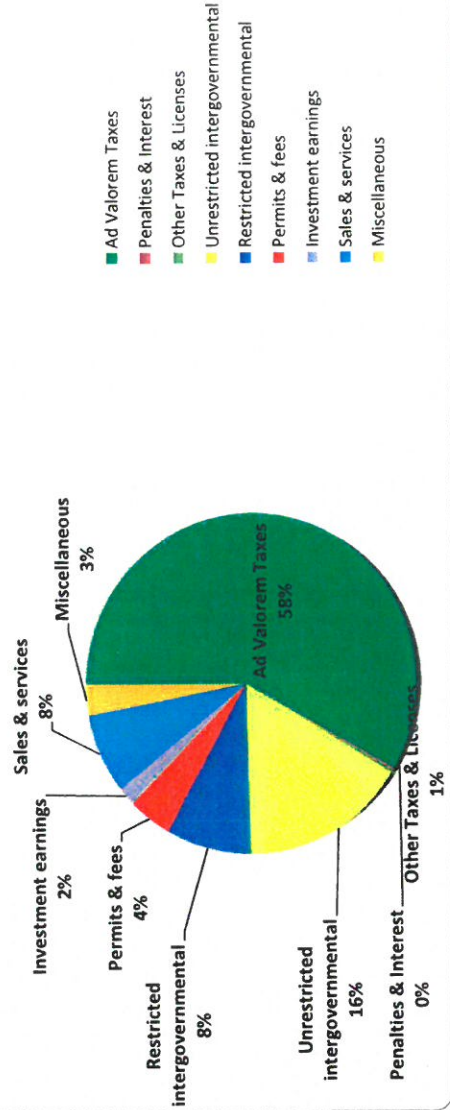


TOWN OF ZEBULON
 Revenue Statement: 2018 - 2019
 for Accounting Period 6/30/2019
 GENERAL FUND

As of 7/22/2019

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$6,433,471	\$6,563,777	102.0%	58.0%
Penalties & Interest	\$12,500	\$13,316	106.5%	0.1%
Other Taxes & Licenses	\$39,500	\$44,833	113.5%	0.4%
Unrestricted intergovernmental	\$1,685,500	\$1,803,031	107.0%	15.9%
Restricted intergovernmental	\$910,555	\$949,287	104.3%	8.4%
Permits & fees	\$149,500	\$496,932	332.4%	4.4%
Investment earnings	\$60,000	\$219,633	366.1%	1.9%
Sales & services	\$678,230	\$870,618	128.4%	7.7%
Miscellaneous	\$172,370	\$346,124	200.8%	3.1%
Lease Purchase Proceeds	\$2,629,000	\$1,700,000	64.7%	0.0%
Fund Balance Appropriated	\$1,957,476	\$0	0.0%	0.0%
Total Revenues	\$14,728,102	\$13,007,550	88.3%	100%

Town of Zebulon General Fund % of Total Revenue To Date - FY 2019





TOWN OF ZEBULON

Expenditure Statement: 2018 - 2019
for Accounting Period 6/30/2019
GENERAL FUND

As of 7/22/2019

<u>Dept #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$354,450	\$323,489	91.3%
420	FINANCE	\$359,100	\$336,086	93.6%
430	ADMINISTRATION	\$629,065	\$599,268	95.3%
450	CONTRACTED SERVICES	\$22,000	\$20,458	93.0%
470	STADIUM	\$51,600	\$44,763	86.8%
490	PLANNING AND ZONING	\$896,310	\$380,611	42.5%
500	BUILDINGS & GROUNDS	\$1,446,906	\$1,136,309	78.5%
510	POLICE	\$2,322,937	\$2,270,067	97.7%
530	FIRE	\$3,364,484	\$3,148,887	93.6%
560	STREETS AND HIGHWAYS	\$731,195	\$616,394	84.3%
570	POWER BILL	\$256,000	\$242,466	94.7%
580	SANITATION	\$1,273,951	\$1,088,447	85.4%
590	STORMWATER	\$1,331,587	\$242,745	18.2%
620	PARKS & RECREATION	\$1,508,767	\$1,469,197	97.4%
690	SPECIAL PROJECTS	\$179,750	\$51,645	28.7%
	Total Expenditures	\$14,728,102	\$11,970,831	81.3%

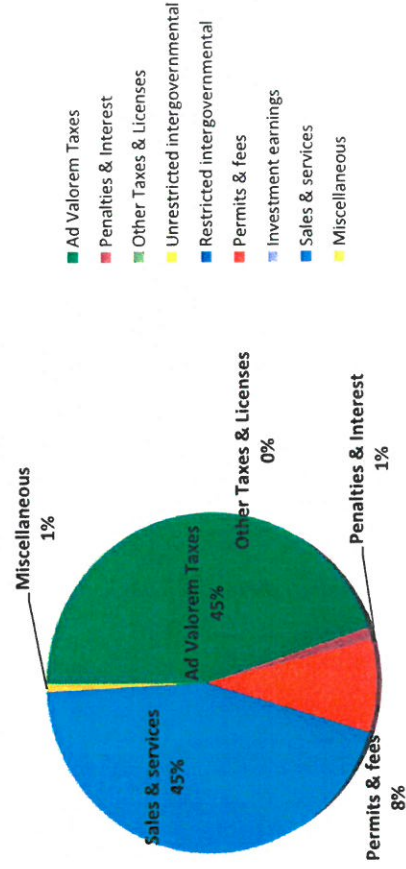


TOWN OF ZEBULON
 Revenue Statement: 2019 - 2020
 for Accounting Period 6/30/2020
 GENERAL FUND

As of 7/22/2019

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$6,770,779	\$18,758	0.3%	44.9%
Penalties & Interest	\$11,000	\$555	5.0%	1.3%
Other Taxes & Licenses	\$69,500	\$5	0.0%	0.0%
Unrestricted intergovernmental	\$1,796,050	\$0	0.0%	0.0%
Restricted intergovernmental	\$823,540	\$0	0.0%	0.0%
Permits & fees	\$262,500	\$3,475	1.3%	8.3%
Investment earnings	\$140,000	\$0	0.0%	0.0%
Sales & services	\$681,400	\$18,608	2.7%	44.6%
Miscellaneous	\$171,000	\$340	0.2%	0.8%
Fund Balance Appropriated	\$1,336,331	\$0	0.0%	0.0%
Total Revenues	\$12,062,100	\$41,741	0.3%	100%

Town of Zebulon General Fund % of Total Revenue To Date - FY 2020





TOWN OF ZEBULON

Expenditure Statement: 2019 - 2020
for Accounting Period 6/30/2020
GENERAL FUND

As of 7/22/2019

<u>Dept #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$402,476	\$13,553	3.4%
420	FINANCE	\$355,900	\$12,614	3.5%
430	ADMINISTRATION	\$947,345	\$34,012	3.6%
450	CONTRACTED SERVICES	\$22,500	\$24	0.1%
470	STADIUM	\$50,550	\$1,423	2.8%
490	PLANNING AND ZONING	\$851,487	\$19,057	2.2%
500	BUILDINGS & GROUNDS	\$1,091,000	\$39,755	3.6%
510	POLICE	\$2,431,080	\$162,177	6.7%
530	FIRE	\$2,170,686	\$117,970	5.4%
560	STREETS AND HIGHWAYS	\$1,093,700	\$21,167	1.9%
570	POWELL BILL	\$126,000	\$0	0.0%
580	SANITATION	\$1,073,655	\$41,686	3.9%
590	STORMWATER	\$329,590	\$11,800	3.6%
620	PARKS & RECREATION	\$996,361	\$35,209	3.5%
690	SPECIAL PROJECTS	\$119,770	\$12,767	10.7%
Total Expenditures		\$12,062,100	\$523,214	4.3%

Sales Tax

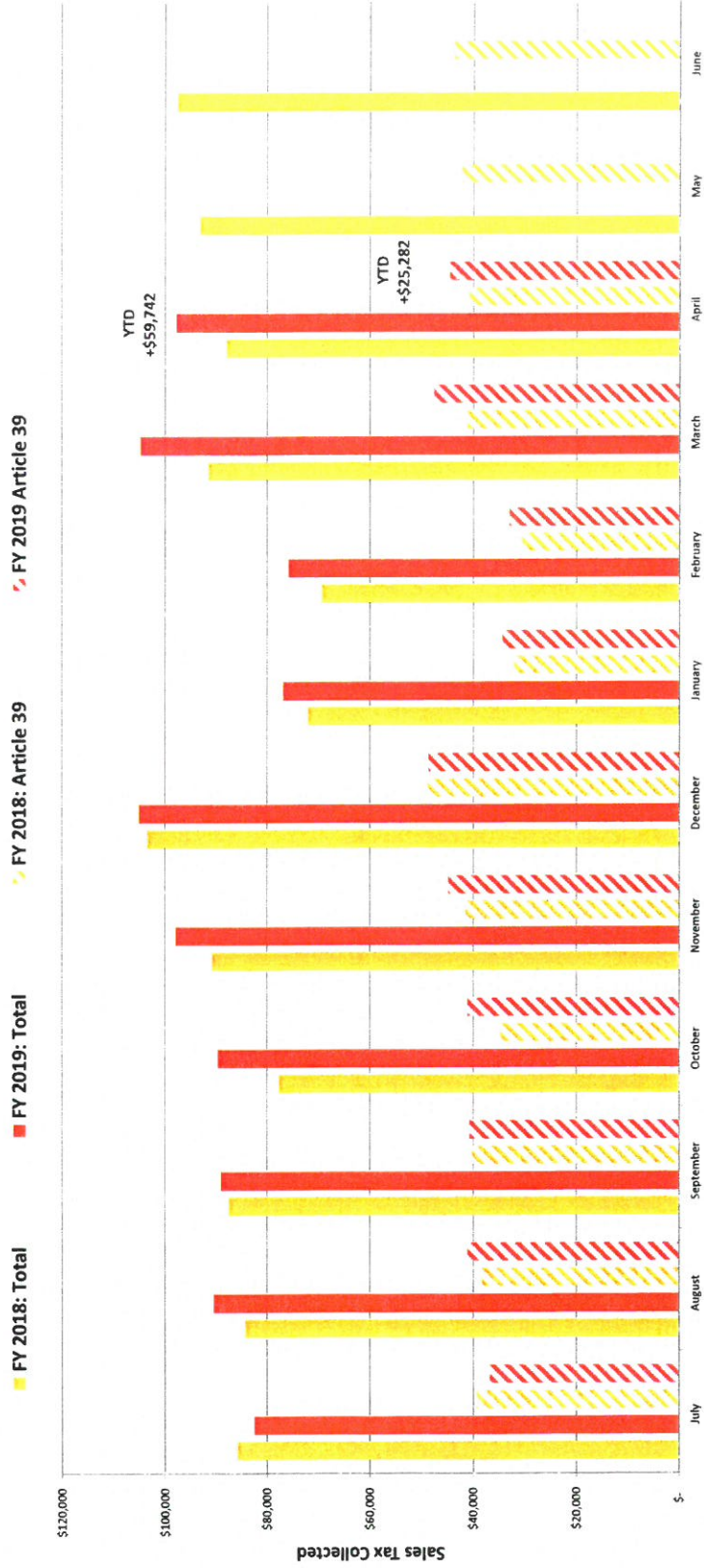
FY 2019

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 19 Totals	Prior Year (FY 2018)	% Inc (Dec) from Prior Yr
July	\$ 36,660	\$ 15,288	\$ 18,274	(2) \$	12,269	\$ 82,490	\$ 85,782	-3.8%
August	41,003	16,254	20,432	(1)	12,704	90,393	84,256	7.3%
September	40,586	16,066	20,242	0	12,166	89,061	87,489	1.8%
October	41,007	15,964	20,421	1	12,279	89,671	77,610	15.5%
November	44,706	17,395	22,274	1	13,528	97,904	90,722	7.9%
December	48,453	18,495	24,162	(2)	13,875	104,983	103,358	1.6%
January	34,293	14,101	17,050	(0)	11,428	76,871	72,080	6.6%
February	32,900	14,512	16,402	(3)	12,023	75,834	69,386	9.3%
March	47,536	18,843	23,708	0	14,649	104,736	91,420	14.6%
April	44,474	17,522	22,152	(1)	13,649	97,795	87,894	11.3%
May	0	0	0	0	0	0	93,063	-100.0%
June	0	0	0	0	0	0	97,465	-100.0%
Total	\$ 411,618	\$ 164,440	\$ 205,116	(6) \$	128,570	\$ 909,738	\$ 849,996	7.0%

FY 2018

Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 18 Totals	Prior Year (FY 2017)	% Inc (Dec) from Prior Yr
July	\$ 39,291	\$ 15,388	\$ 19,542	(205) \$	11,766	\$ 85,782	\$ 75,359	13.8%
August	38,167	15,189	18,990	0	11,909	84,256	82,879	1.7%
September	40,136	15,606	19,988	(4)	11,763	87,489	80,395	8.8%
October	34,599	14,293	17,203	(11)	11,526	77,610	80,741	-3.9%
November	41,413	16,168	20,614	0	12,527	90,722	82,777	9.6%
December	48,633	17,785	24,242	3	12,695	103,358	100,663	2.7%
January	31,988	13,416	15,916	(1)	10,761	72,080	67,521	6.8%
February	30,459	13,038	15,127	0	10,763	69,386	72,155	-3.8%
March	40,989	16,725	20,435	0	13,270	91,420	89,323	2.3%
April	40,662	15,444	20,227	1	11,559	87,894	85,773	2.5%
May	42,066	16,797	20,917	(6)	13,288	93,063	82,182	13.2%
June	43,512	17,893	21,693	2	14,365	97,465	92,134	5.8%
Total	\$ 471,915	\$ 187,743	\$ 234,894	(220) \$	146,191	\$ 1,040,523	\$ 991,902	4.9%

Monthly Summary of Sales Tax Collected





STAFF REPORT
BUDGET AMENDMENTS
ROLLOVERS FROM FY 2019
AUGUST 5, 2019

Topic: FY 2020 Budget Amendment Requests for Rollovers

(Ordinance 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-19 2020-20)

From: Bobby Fitts, Finance Director
Prepared by: Bobby Fitts, Finance Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider approving or denying these budget amendment requests reappropriating unspent FY 2019 approved funds for various projects.

Background:

These are projects that were approved in FY 2019 but were not completed last fiscal year. Reappropriation of these funds is necessary to continue on with full scopes of the projects.

Discussion:

Ordinance 2020-01: This is reappropriating \$10,500.00 in unspent Parks & Recreation Grounds Maintenance funds budgeted in FY 2019 to conduct park repair and improvement. Projects such as the Gill Street Park Swing and Play Surfacing were not completed by June 30, 2019.

Ordinance 2020-02: This is reappropriating \$16,000.00 in unspent funds from FY 2019 towards the Wellness program. Funds will be used to support initiatives such as implementing an Employee Assistance Program.

Ordinance 2020-03: This is reappropriating \$10,000.00 in unspent Parks & Recreation Part-time Salaries plus \$765.00 in benefits totaling \$10,765.00 appropriated in FY 2019. Funds will support park maintenance, park improvement and upkeep.

Ordinance 2020-04: This is appropriating \$4,350.00 in Farm Fresh Market sponsorships received but not appropriated in FY 2019.

Ordinance 2020-05: This is appropriating \$1,715.00 in remaining "Shop With A Cop" donations received from local citizens and businesses in FY 2019 that were to be used at this December's (FY 2020) event.



STAFF REPORT
BUDGET AMENDMENTS
ROLLOVERS FROM FY 2019
AUGUST 5, 2019

Ordinance 2020-06: This is reappropriating \$740.00 in unspent funds from the Zebulon Night Out event budgeted in FY 2019.

Ordinance 2020-07: This is reappropriating \$1,500.00 in unspent Travel & Training funds in the Planning Department budgeted in FY 2019.

Ordinance 2020-08: This is reappropriating \$154,245.00 in funds appropriated in FY 2019 for cleanup from the May 2019 tornado.

Ordinance 2020-09: This is reappropriating \$3,375.00 in funds from the Town Hall 1200 AMP GFCL project that was budgeted for but not completed in FY 2019.

Ordinance 2020-10: This is reappropriating \$7,056.00 in the Little River Master Plan project that was budgeted for but not completed in FY 2019.

Ordinance 2020-11: This is reappropriating \$50,000.00 for the P.E.R. to be done on the proposed new fire station. Funds were budgeted for but not completed in FY 2019.

Ordinance 2020-12: This is reappropriating \$10,000.00 for sidewalk and handicap ramp maintenance projects budgeted for but not completed in FY 2019.

Ordinance 2020-13: This is reappropriating \$11,600.00 for a Greenway specs manual budgeted for but not completed in FY 2019.

Ordinance 2020-14: This is reappropriating \$5,115.00 for engineering fees associated with the paving project completed in FY 2019 that were not payable yet by June 30 but were budgeted for in FY 2019 and will be payable in FY 2020.

Ordinance 2020-15: This is reappropriating \$2,500.00 for implementing a GPS tracking system on Public Works vehicles. This project was budgeted for in FY 2019 but has not yet been implemented.

Ordinance 2020-16: This is reappropriating \$3,500.00 in computer purchases associated with a new Streets Construction Inspector created in FY 2019 that has not been filled or the computer purchased.

Ordinance 2020-17: This is reappropriating \$13,840.00 in funds to perform storm drainage maintenance. This was planned and budgeted for in Spring 2019 was has been delayed by the contractor due to the tornado.



STAFF REPORT
BUDGET AMENDMENTS
ROLLOVERS FROM FY 2019
AUGUST 5, 2019

Ordinance 2020-18: This is reappropriating \$6,500.00 in unspent funds in Administration/HR/IT to be used for the Safety Committee, Materials & Supplies and events for various appointed Town boards.

Ordinance 2020-19: This is reappropriating \$3,000.00 in Travel & Training funds for the Governing Body.

Ordinance 2020-20: This is reappropriating \$37,395.00 in FY 2019 budgeted funds to complete construction on this project.

Policy Analysis:

NCGS 159-15, as part of The Local Government Budget and Fiscal Control Act, allows amendments to the budget ordinance with Board approval.

Staff Recommendation:

Staff recommends approval of Ordinance 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-19 and 2020-20.

Attachments:

1. Ordinance 2020-01
2. Ordinance 2020-02
3. Ordinance 2020-03
4. Ordinance 2020-04
5. Ordinance 2020-05
6. Ordinance 2020-06
7. Ordinance 2020-07
8. Ordinance 2020-08
9. Ordinance 2020-09
10. Ordinance 2020-10
11. Ordinance 2020-11
12. Ordinance 2020-12
13. Ordinance 2020-13
14. Ordinance 2020-14
15. Ordinance 2020-15
16. Ordinance 2020-16
17. Ordinance 2020-17
18. Ordinance 2020-18
19. Ordinance 2020-19
20. Ordinance 2020-20

ORDINANCE 2020-01

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$10,500.00	
EXPENDITURES		
Parks & Recreation – Grounds Maintenance	\$10,500.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-02

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$16,000.00	
EXPENDITURES		
Administration – Wellness Program	\$16,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-03

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$10,765.00	
EXPENDITURES		
Parks & Recreation – Part-time Salaries (Parks Maint.)	\$10,000.00	
Parks & Recreation – FICA	\$765.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-04

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$4,350.00	
EXPENDITURES		
Parks & Recreation – Farmers Market	\$2,850.00	
Parks & Recreation—Farmers Markets EBT Matching	\$1,500.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-05

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$1,715.00	
EXPENDITURES		
Police – Shop with a Cop Program	\$1,715.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny - Mayor

ATTEST:

Lisa M. Markland, CMC - Town Clerk

ORDINANCE 2020-06

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$740.00	
EXPENDITURES		
Police – Zebulon Night Out	\$740.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-07

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$1,500.00	
EXPENDITURES		
Planning – Travel & Training	\$1,500.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-08

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$154,245.00	
EXPENDITURES		
Buildings & Grounds – Building & Grounds Maint.	47,175.00	
Streets – Contract Services	8,150.00	
Sanitation – Vehicle Maintenance	3,500.00	
Sanitation — Contracted Services-Tub Grinding	95,420.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019
Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-09

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$3,375.00	
EXPENDITURES		
Buildings & Grounds – Town Hall 1200 Amp GFCI	\$3,375.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-10

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$7,056.00	
EXPENDITURES		
Buildings & Grounds – Little River Master Plan	\$7,056.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-11

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$50,000.00	
EXPENDITURES		
Buildings & Grounds – Fire Station P.E.R.	\$50,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-12

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$10,000.00	
EXPENDITURES		
Streets – Sidewalk/Handicap Ramp Maintenance	\$10,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-13

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$11,600.00	
EXPENDITURES		
Buildings & Grounds – Professional Services	\$11,600.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-14

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$5,115.00	
EXPENDITURES		
Streets – Street Resurfacing	\$5,115.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-15

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$2,500.00	
EXPENDITURES		
Sanitation – Contract Services - GPS (Vehicles)	\$2,500.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-16

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$3,500.00	
EXPENDITURES		
Streets – Computers	\$3,500.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-17

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$13,840.00	
EXPENDITURES		
Stormwater –Storm Drainage Maintenance	\$13,840.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny, Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-18

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$6,500.00	
EXPENDITURES		
Administration –Materials & Supplies (I.T.)	\$2,300.00	
Administration –Safety Committee	\$1,200.00	
Administration –Appointed Board Appreciation	\$3,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny, Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-19

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$3,000.00	
EXPENDITURES		
Governing Body –Travel & Training	\$3,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny, Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk

ORDINANCE 2020-20

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$37,395.00	
EXPENDITURES		
Buildings & Grounds – Police Station Masonry Repair	\$37,395.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor


ATTEST:

Lisa M. Markland, CMC – Town Clerk



STAFF REPORT
FAÇADE GRANT POLICY REVISION
AUGUST 5, 2019

Topic: Façade Grant Policy Revision

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider an amendment to the Façade Grant policy to require the business to be open before funds are distributed.

Background:

In 2016, the Town of Zebulon established a policy for the distribution of funds in an effort to assist building owners with façade improvements within the Downtown Overlay District in an effort to further revitalization of these buildings. This grant provided a 50% match up to \$2,500 for exterior improvements such as new windows, signage, awnings, or similar façade repairs and enhancements. As an economic development and revitalization tool has been successful in most situations; however the distribution of funds was dependent on the completion of a building permit while the intent was for the introduction of commercial activity into these buildings.

Policy Analysis:

The 2030 Strategic Plan lists that “we will have a clean, attractive, and historic downtown with a variety of special events, entertainment, shops, restaurants, business, and housing to serve as the heart of Zebulon, providing a gathering place for the community and a destination for visitors.” The proposed amendment further advances this goal as it ties the active uses within the buildings to the intent to have an attractive downtown.

Fiscal Analysis:

The proposed change to require the business to open before the funds are distributed will not have a fiscal impact and will only change when the funds are provided to the building owners.

Staff Recommendation:

Staff recommends approval of the proposed amendment.

Discussion:

The Façade Grant Committee discussed the amendment at their July 11, 2019 meeting.

Attachment(s):

1. Façade Improvement Grant Program Guidelines (proposed changes)



FAÇADE IMPROVEMENT GRANT PROGRAM GUIDELINES

Program Purpose and Objectives

The Façade Improvement Grant Program is designed as a mechanism to stimulate and leverage private investment and as a way to enhance the appearance and condition of commercial structures in downtown Zebulon. Improving the appearance of building facades supports local businesses and can have a significant impact on the attractiveness and marketability of the surrounding area.

Program Target Area

The program eligible boundaries mirror the boundaries of the Town of Zebulon Downtown Overlay District.



Program Budget

The Façade Improvement Grant Program is funded on an annual basis through the Town of Zebulon and will vary based on the yearly budget. Façade grant applications are accepted on a rolling basis until annual funds are fully expended.

Program Funding

The Façade Improvement Grants are reimbursement grants, available for up to 50% of the total project cost, up to a maximum of \$2,500. Grant funds shall be disbursed to the grant recipient only upon the satisfactory completion of the project in accordance with a design for the project that has been approved by the Town.

Once grant funds expire for the fiscal year, applicants shall continue to be forwarded for consideration to the approval entity pending any additional funds allocated by the Board of Commissioners for the Façade Improvement Grant Program. Grant amounts will be based on allocated funds available in the budget.

SAMPLE GRANT FUNDING SCENARIO	
<u>Sign/Awning Replacement Grant</u>	
1. Total cost of new sign or awning: \$2,000	
• Grant – up to \$1,000	
• Private Match – minimum \$1,000	
2. Total cost of new sign or awning: \$7,000	
• Grant – up to \$2,500	
• Private Match – minimum \$4,500	

Program Eligibility

Any building owner or business proprietor/tenant with lease authority and authorization from the property owner can apply for funding. Eligible properties can be commercial, including non-profits, as long as they are located within the Downtown Overlay District.

A property may be judged to be eligible for a second façade improvement grant if at least five (5) years have elapsed since the first grant was awarded and the façade is in need of further improvement.

For the purposes of this program, the definition of façade is: An individual storefront or building side which faces a public right-of-way or is otherwise visible to the general public. A property owner of a single building with separate addresses may apply for a separate façade grant for each address.

Eligible Improvements:

- Doors (exterior) – repair and replacement of exit doors and hardware to provide public access.
- Walls (exterior) – repair and replacement of exterior wall surface coatings with appropriate materials.
- Painting (exterior) – painting of the exterior surface of buildings.
- Awnings – repair and replacement or addition of exterior awnings.
- Windows – repair and replacement of exterior windows.
- Lighting – repair and replacement of exterior mounted lights on a building that illuminates the façade or signage.

Ineligible Expenditures:

- New building construction
- Building permit fees, legal fees and related costs
- Extermination of insects, rodents, vermin and other pests
- Acquisition real or personal property, inventory or equipment
- Sweat equity
- Improvements made prior to grant approval
- Interior rehabilitation or repairs not integral to the building's exterior façade improvement
- General, routine, or deferred maintenance and cleaning

Improvements not specifically listed as eligible or ineligible are subject to review as to eligibility with initial review and recommendation by the Review Committee and final approval or disapproval by the Planning Department.

Application Process and Requirements

Funding will be provided to those applicants whose projects most effectively meet the program criteria until such time as all grant funds are exhausted. Grant funds are disbursed on a reimbursement basis and cannot be issued until the proposed project has been completed and the Town of Zebulon, or other licensing authority issues a certificate of occupancy or other form of government approval is granted, **and the business has opened for operation.** Work completed prior to the award letter will not be eligible for grant funding.

The grant application must include a recent price quote from either an architect, engineer or licensed contractor. This quote shall be utilized for the purpose of determining the amount of grant needed for the project and any costs incurred in obtaining the quote shall be the sole responsibility of the applicant, not the Town of Zebulon.

If a grant recipient becomes unable to fulfill the grant requirements or removes a project from consideration, the Town will reallocate those funds to an eligible, alternative project.

Project Selections

Applications will be evaluated by the Review Committee and approved by the Planning Department. Depending on the number of applications, the Planning Department may assign "waiting list" status to projects that qualify for selection, but are not selected during this current funding period. The grant is limited to one grant application per property per calendar year unless otherwise approved by the Planning Department. Applicant approval is at the sole discretion of the Planning Department.

The evaluation criteria are as follows:

- Overall impact of the project on the Downtown Overlay District
- Is the project feasible from a cost and schedule point of view
- Level of deterioration of building materials and finishes

- Improvement to the appearance of the site
- Contribution to historic rehabilitation or restoration
- Will serve as a catalyst for redevelopment
- Consistency with the context and character of the remainder of the block and/or surrounding properties
- Amount of additional contribution to the project by applicant



Award Notification

Upon approval of the award by the Planning Department staff will notify applicants of project funding approval or denial by letter mailed to the applicant at the address provided on the application. No grant funds will be paid in advance of work being performed.

Pre-Construction Meeting

A pre-construction meeting with the Town will be required prior to any work commencing on a project.

Notice to Proceed

After the Planning Department has approved all design elements and all required permits, the Town will issue a Notice to Proceed. No work funded by the grant shall proceed until on or after the date of the Notice to Proceed. No reimbursement from grant funds will be made for work carried out before the date of the Notice to Proceed.

Design Assistance Funding

The Planning Department may provide up to \$500 for professional architectural and design services. This must be from a professional firm not associated with the contractor performing the work. Like construction costs, these funds will be reimbursed once construction is completed, a final certificate of occupancy or other form of government approval is granted, and the business has opened for operation.

Design Guidelines

All projects must be approved in the applicable local, state, federal, and/or other licensing authority. It is the responsibility of the applicant to apply for, and pay for, these permits.

Invoice Review/Approval

Prior to payment of any invoice for completed work, the invoice must be provided to the appropriate town staff members for review and signed approval that work was completed per the approved drawings and specifications. Without this prior approval, grant funds will not be made available for a project. The final invoice will be paid by check made out to the grant recipient after the Town has conducted a final inspection and signed off that all work has been satisfactorily completed. Each invoice must be from the grant recipient with all contractor, designer, or supplier invoices attached for the period of time covered by the invoices. The Town is under no obligation to advance funds in addition to those specified in the grant approval by Town.

Other Provisions

Eligible Contractors: The applicant shall award contracts for work to qualified contractors only.

Property Taxes, Special Assessments: No financial assistance will be provided from the Façade Grant Improvement Program if property taxes, fees, judgements, special assessments, or liens are outstanding or in default to the Town of Zebulon or Wake County and have no outstanding code violations. Improvements made pursuant to the grant shall be considered real estate fixtures.

Amendments

These program guidelines, terms and conditions may be amended from time to time by the Town for reasons of operational efficiency or unforeseen circumstances that may arise or conflict with applicable federal, state, or local regulations affecting the administration of the program.

Alterations

The property owner and tenant shall be responsible for maintaining the façade improvements without alteration for three (3) years unless approved by the Town. The Planning Department may approve such alterations, modifications, or removal of the improvements when it determines that the proposed work would not undermine the goals, objectives and policies of the grant program. If changes are made without seeking approval of the Planning Department, the Town may take legal action to recoup some of the grant dollars.

Contact Information

For more information about this program or to schedule a meeting with town staff to discuss your project, please contact the following Façade Grant Program representatives:

Michael Clark, Planning Director

(919)823-1808

MClark@TownofZebulon.org

Meade Bradshaw, Assistant Planning Director

(919)823-1809

MBradshaw@TownofZebulon.org

Zebulon 2019

PLANNING Q4 REPORT

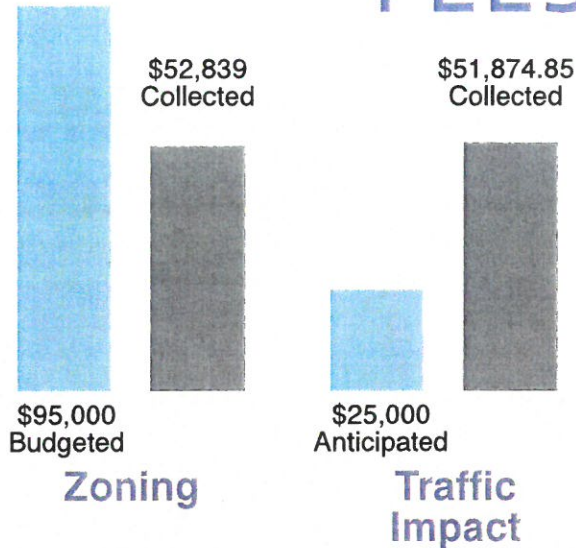
Contact Us

919-823-1810

1003 N Arendell Avenue
Zebulon, NC 27597



FY2019 FEES



New Staff

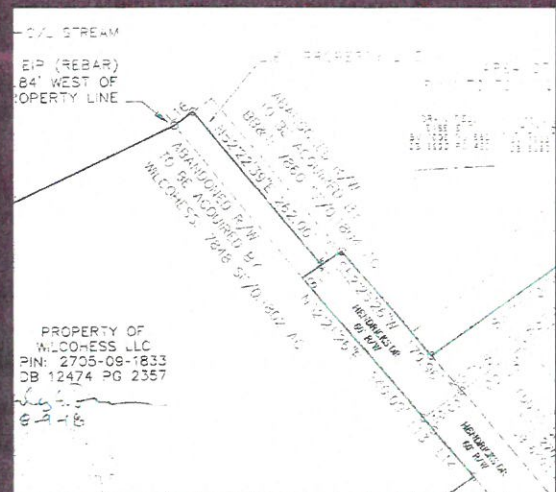


Michael started as Planning Director in late April and has degrees in Land Use Planning and Management from Northern Michigan University and a masters in Geography, Urban and Regional Planning Emphasis from Western Michigan University. He is a member of the American Institute of Certified Planners and has worked in both the public and private sector as a Planning Consultant. Before joining Zebulon, he worked as a Senior Planner in both Apex and Knightdale, and was Planning Director in Saugatuck Michigan.

Cases

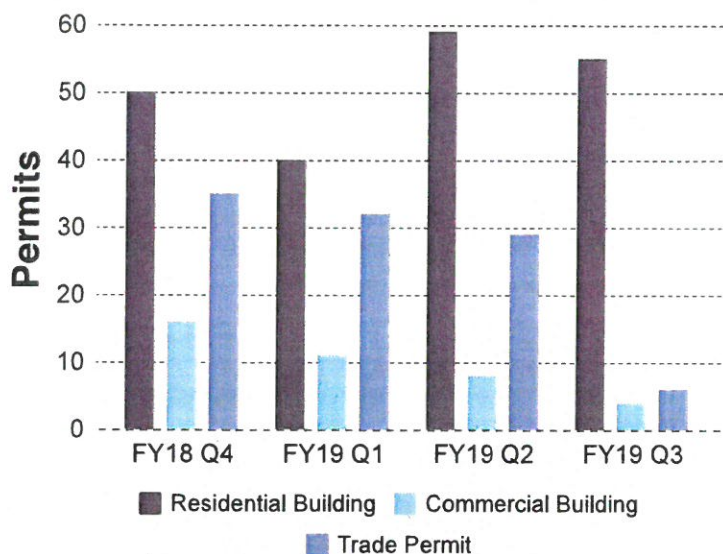
Finalized in Q4

- Technical Review Committee
 - 2019-05 Zebulon Concrete Plant
 - 2019-07 Weavers Pond Phase 6
 - 2019-08 Bullocks Mini Storage
 - 2019-09 Zebulon Greene
- Plat Recombination
 - 2019-05 Internet Cafe
 - 2019-06 Kidz Konnection
 - 2019-07 Maria Barbour
 - 2019-08 Duke Energy
- Street Closing
 - 2019-02 Eddins Street

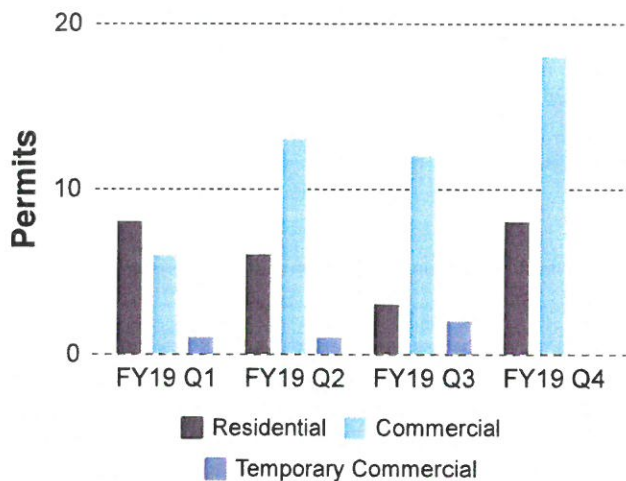


Permitting

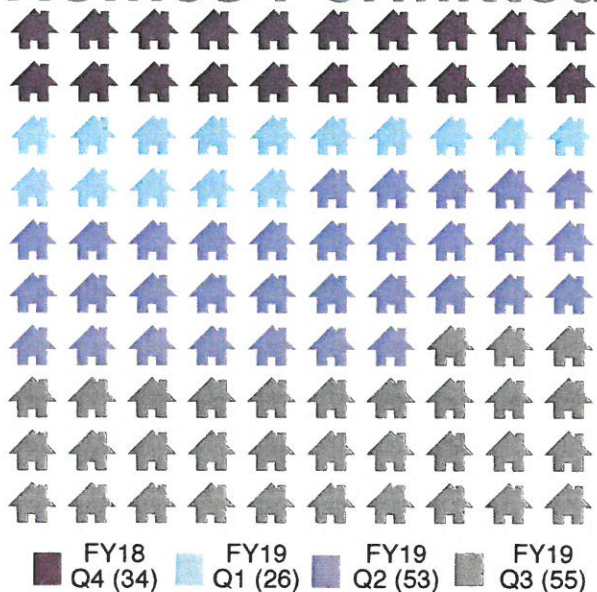
Permits Issued



Zoning Permits

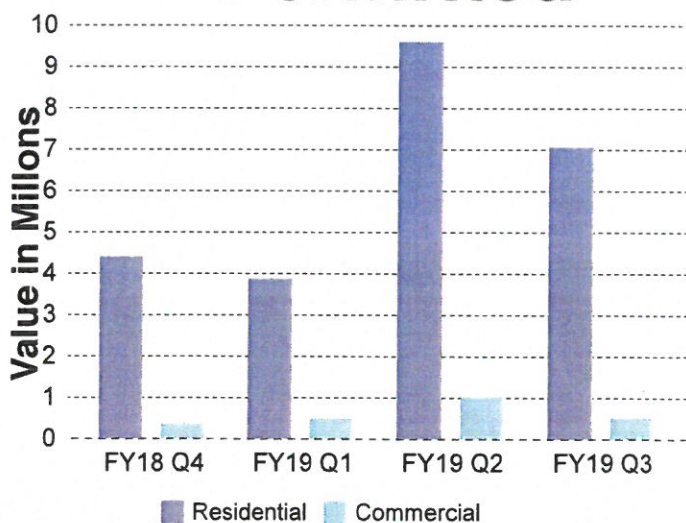


Homes Permitted



The average builders' cost of a new home was \$154,082.51 in Q3 of FY2019.

Value of Work Permitted



Code Enforcement

Minimum Housing Cases



Opened: 2
Closed: 0

Code Enforcement Cases



Opened: 13
Closed: 12

Stop Work Orders



Issued: 0

TOWN OF ZEBULON FIRE DEPARTMENT 4TH QUARTER REPORT (APRIL-JUNE) AUGUST, 2019



EXECUTIVE SUMMARY

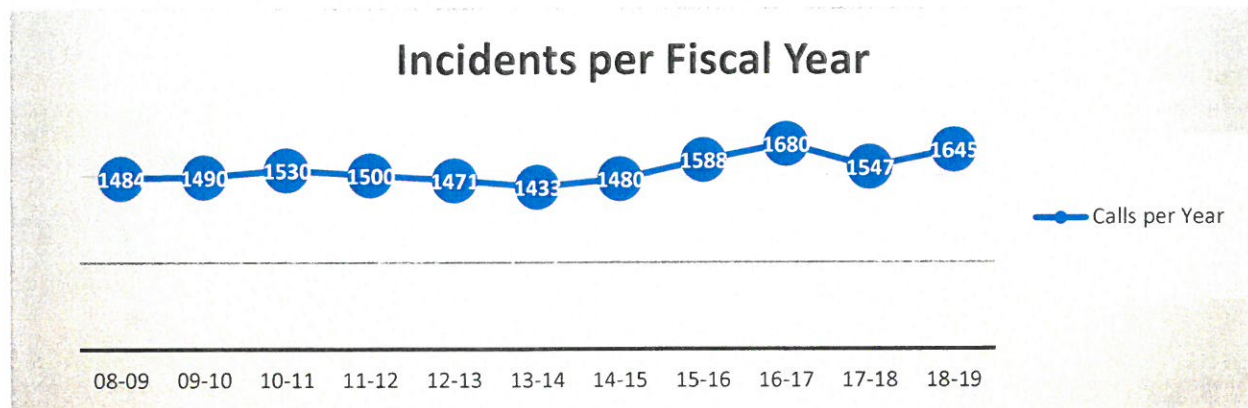
The Fire Department quarterly report summarizes the service trends/benchmarks, personnel updates, project updates, and emerging issues. Incident workload continues to trend on a slight increase with increasing demands for fire code enforcement and fire/life safety education programs. In addition to quarterly information, this fourth quarter report presents some fiscal year-end data to display some annual metrics.

SERVICE TRENDS/BENCHMARKS

Several dimensions are constantly monitored to track trends related to our service delivery, identify emerging needs and/or issues, and as a means of quality control. Call volume and the departmental activities are two of the workload indicators.

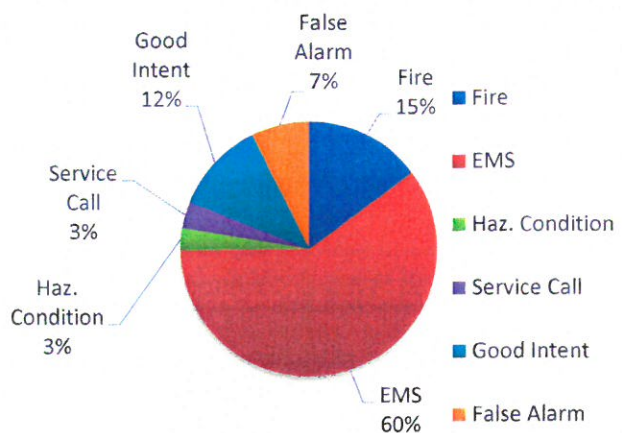
CALL VOLUME

Of these dimensions, call volume is a basic element of our workload.



Take-Aways:

- Overall call volume in FY 2018-19 was 6.3% higher than in FY 2017-18. A large portion of this increase was due to the tornado which came through this spring.
- Trending over the last ten years indicates that call volume is steadily increasing each year.
- The breakdown by call types have remained fairly consistent with last year.

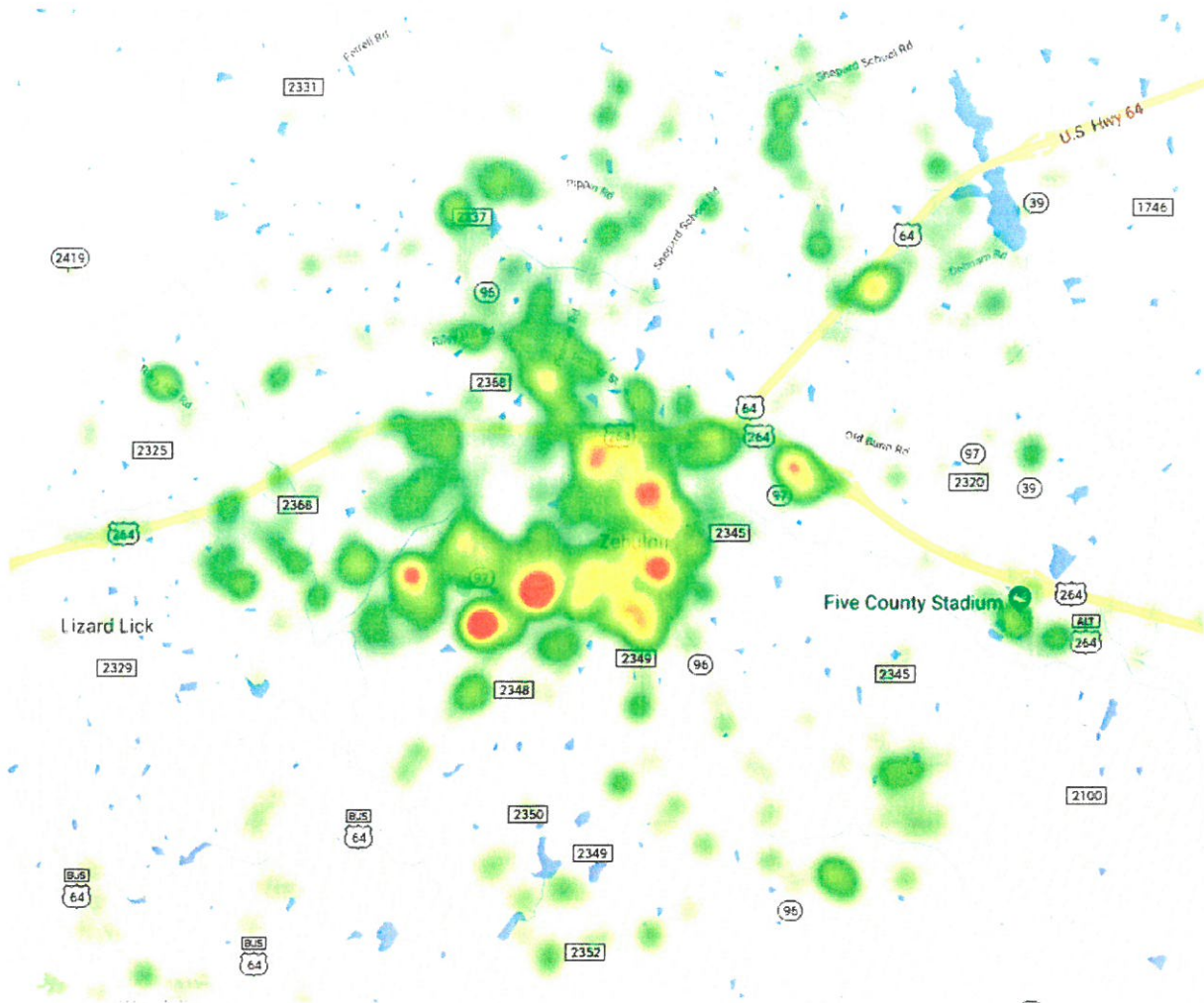


TYPE OF INCIDENT FY 18-19

INCIDENT TRENDING/ANALYSIS

With the implementation of the new record management system in FY 17-18 and now the collection of better data points with the new computer-aided dispatch system (see below), we are working to identify more trends and determine proactively the actions we need to take to maintain a high level of service.

As an example, shown below is a hot spot map of the calls from this past fiscal year (FY 18-19). It indicates the areas where calls occur, with the reds (hot spots) indicating the areas of heavier call volume.



A couple of take-aways from this data:

- Although we are beginning to see call volume associated with new development; these areas are not the high volume call areas. Higher call volumes are expected to come in these areas as they continue to develop and age.
- High call volumes are more prevalent at care facility (due to high number of EMS incidents). Most of the facilities are represented by a “hot spot”.
- A very large percentage of our call volume continues to occur within our 4 minute travel goal; however, there are a significant number of incidents outside this goal area.

Did you know? The map indicates incidents calls outside our primary service area. Our department responded to 99 calls in FY 18-19 in response to assist our neighboring jurisdictions. These can be automatic responses (as part of initial dispatch) or when requested by the on scene incident commander. Likewise, our neighbors regularly respond to assist us.

DEPARTMENTAL ACTIVITIES – VEHICLES AND EQUIPMENT

During this quarter, there have been major accomplishments related to the vehicles and equipment utilized by our department.

New Pumper and New Ladder Trucks

During the quarter, construction of the ladder truck and pumper were completed. The apparatus design committee traveled to Appleton, Wisconsin in May to complete final inspection of the vehicles and note any required modifications.



After completion, the vehicles were delivered in June where work began to mount equipment and train personnel in the proper use and operation of the vehicles. Most equipment was relocated from the existing fire trucks which were being replaced. Representatives from our dealer and from the apparatus manufacturer provided staff training on the trucks.



After a month, the process culminated with an in-service celebration to officially start using the trucks. The event was well-attended by local and County officials, firefighters, citizens, and business people.



The trucks officially went in service on June 27 and have been busy ever since. Engine 91 will be on display at the upcoming South Atlantic Fire Rescue Expo held at the end of August at the Raleigh Convention Center. This is a regional event displaying trucks and equipment for those agencies working to purchase.

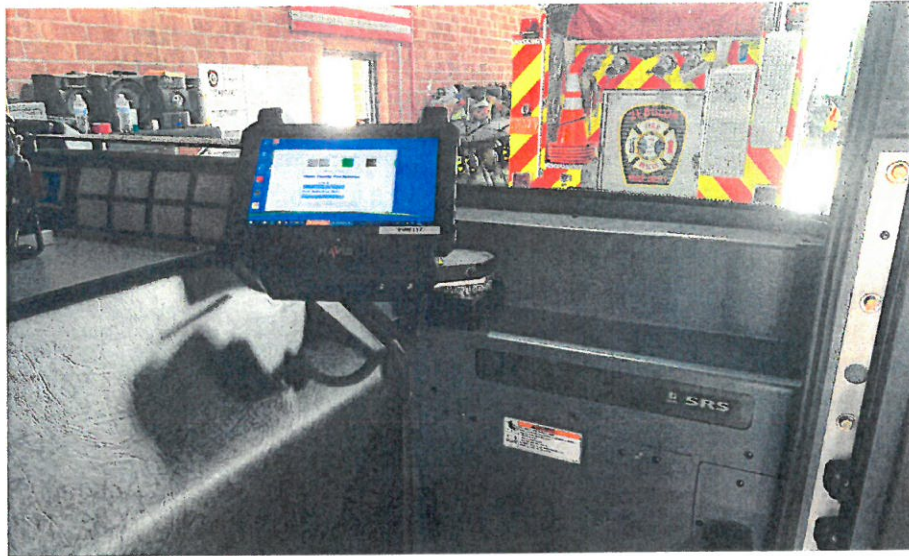
The existing trucks were sold and have been put into use by Middlesex Fire Department and Ahoskie Fire Department. Zebulon Fire personnel traveled to Ahoskie to train their department on the use of the ladder truck.



New Computer-Aided Dispatch (CAD) System

Through a project by Wake County, a new computer-aided dispatch system went into operation in May. This system coordinates the receipt of 9-1-1 calls and routes the dispatch of appropriate units to the

emergency. For fire units, this involved the installation of new computer terminals in the vehicles, which track the location of the units so that the closest, appropriate unit will now be dispatched.



New Extrication Equipment

As part of the new truck acquisition, new extrication equipment was placed in service. This equipment, which is located on both the new pumper and the new ladder, provides cutting and spreading tools to use primarily at motor vehicle accidents. The new equipment is battery powered, eliminating the need for hydraulic pumps and hose, which was used in the past.



Did you know? Today's automobiles have some of the strongest metals seen since the construction of cars. These metals are rated from 1-9, based on their size and strength. Even on battery power, our new cutters are rated to cut metals including the strongest, 9-rated metals.

DEPARTMENTAL ACTIVITIES – EXPLORER PROGRAM

We are excited as our Explorer program moves into its third year. The program continues to grow and have positive impacts. During the last few months, here are a few of the notable accomplishments:

- **New Volunteers** – During the last six months, two more Explorers have transitioned from Explorer to Volunteer Firefighter. They will now begin their required firefighter training. Congratulations to **Grayson Cannady** and **Adam Hayworth** for this accomplishment! In its first two years, the Explorer program provided us with a total of **four** new volunteer firefighters.
- **Journey to Excellence** – During our annual re-chartering, the program is measured against established Exploring goals. Our program received the highest recognition - **Gold Level for 2018**. (This is our second year receiving the Gold Level designation.)
- **Junior Competition** – In April, the group traveled to Warrenton for the Warren County Junior Firefighter Competition. Zebulon was well-represented. (See picture above.)



PERSONNEL UPDATES

Congratulations to our new full-time employees, **Firefighter Sterling Strickland** and **Firefighter Austin Morgan**. Firefighter Strickland was one of our part-time employees and comes to us from Hopkins Fire Department. Firefighter Morgan comes to us from Thanksgiving Fire Department. Welcome!

During the last quarter, the following individuals received special recognitions:



Lieutenant Brian Blackley was recognized at the Wake County Code Celebrate Ceremony on May 21, 2019 for his involvement in saving two people in cardiac arrest during 2018.



Division Chief Wayne Dupree was recognized at the Wake County Code Celebrate Ceremony on May 21, 2019 for his involvement in saving a person in cardiac arrest during 2018.



Firefighter Ronald Pendergrass (retired) was recognized at the Wake County Code Celebrate Ceremony on May 21, 2019 for his involvement in saving a person in cardiac arrest during 2018.

PROJECT UPDATES – FIRE STATION

Work continues to identify potential land sites, as well as coordinating with Wake County in regards to their needs for an EMS facility. The goal is to acquire land for the facility this fiscal year.

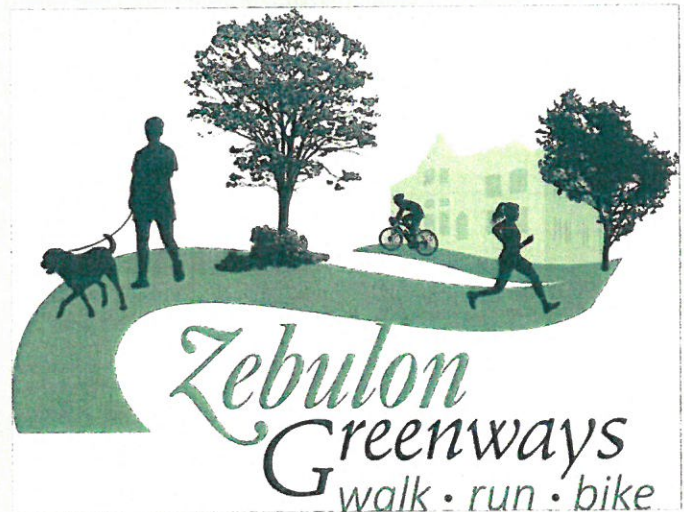
Town of Zebulon

Public Works

Department

Quarterly
Report

April - June
2019



Public Works is committed to providing the citizens of the Town of Zebulon with the highest level of service and protection of the environment.

Service Trends

Yard Waste Collection

2012-2018 Average : 8,416 CY/year

2019 collection: 14,309 CY

70% above 2012-2018 annual average

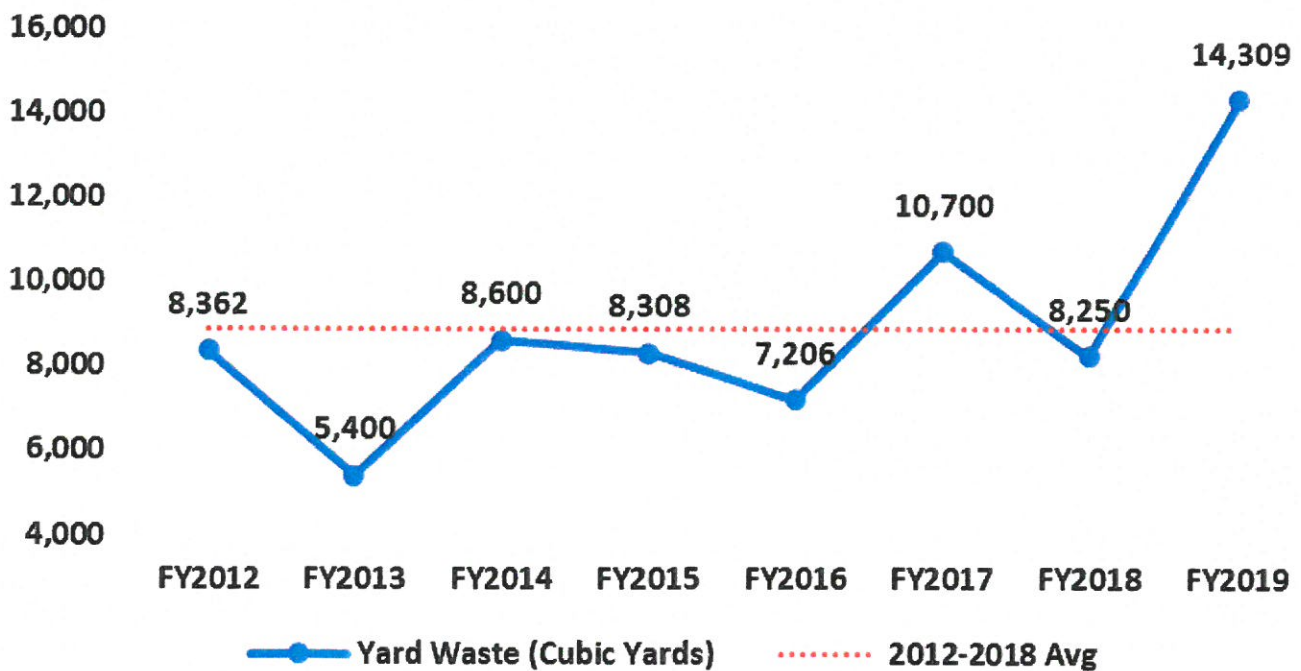
May 13 Tornado collection*: 7,640 CY

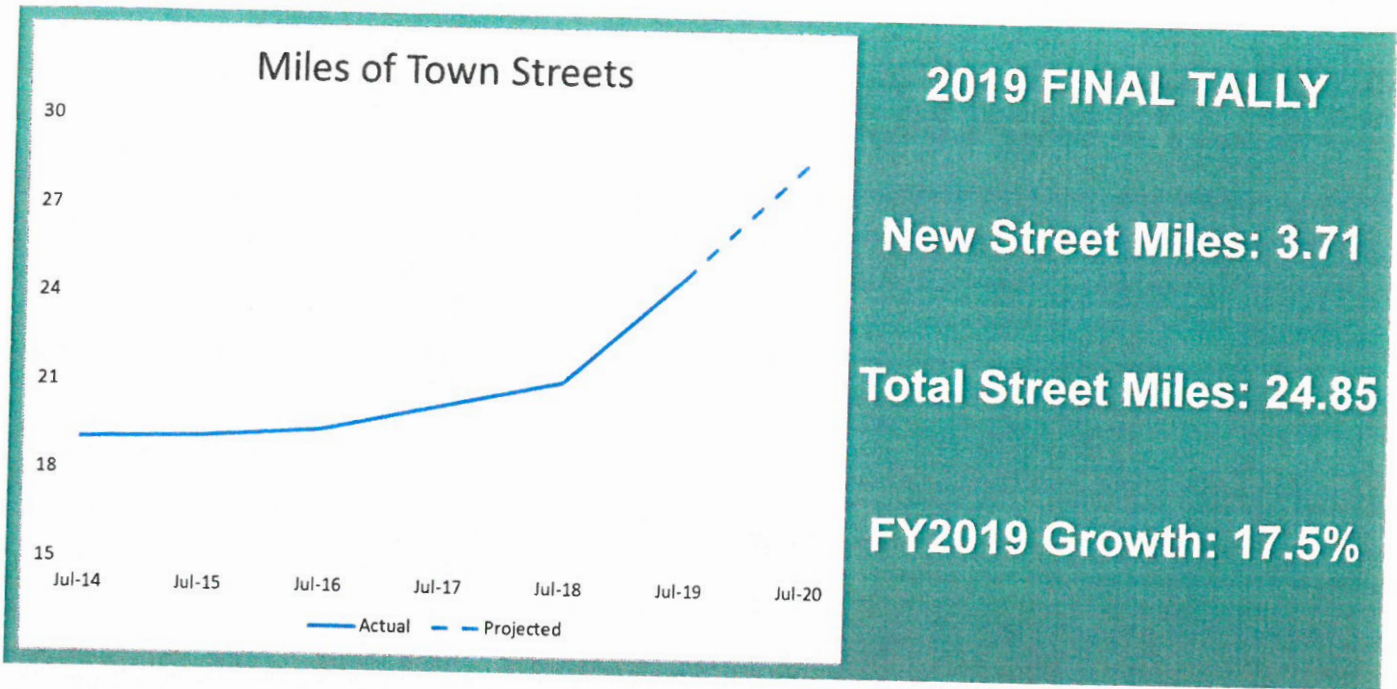
91% of 2012-2018 annual average

*5/13-6/28, with high volumes continuing into July & August



Yard Waste (Cubic Yards)





Zebulon Community Recycling Day

SATURDAY APRIL 6, 2019
9:00 a.m. - 12:00 p.m.

Zebulon Municipal Complex Parking Lot
1003 N. Arendell Ave.

Please enter from Arendell Avenue and exit on Judd Street.

ZEBULON PUBLIC WORKS
919-269-5285
WWW.TOWNOFZEBULON.ORG



- 85 Participants**
- 30 gallons of antifreeze & oil**
- 300 lamps & batteries**
- 4500 pounds of paper**
- And more!**

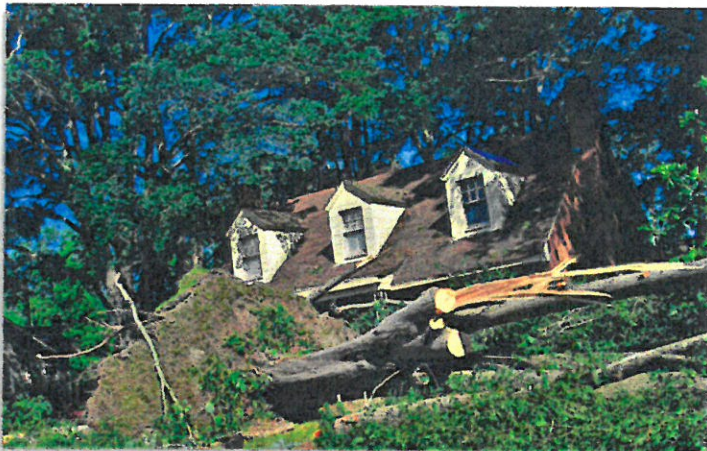
Tornado: May 13, 2019



Highway 64



Public Works Facility



West Horton Street



West North Street



North Church Street



West North Street

City of Raleigh, North Church Street



Town of Clayton, West Glenn Street



TEAMWORK



City of Raleigh, Zebulon Public Works Facility



Town of Wake Forest, Zebulon Community Park



Zebulon Public Works, North Church and West North Streets



Town of Wendell, Stratford Drive

Debris Collected 5/13 - 6/28

Wake County	113 CY
Wendell	310 CY
Clayton	395 CY
Raleigh	1,016 CY
Zebulon	5,806 CY
Total	7,640 CY

We are grateful to the to the neighbors listed above for helping clear debris from our streets and parks, and also to the Town of Wake Forest for trimming high limbs and cutting up damaged trees at Community Park.

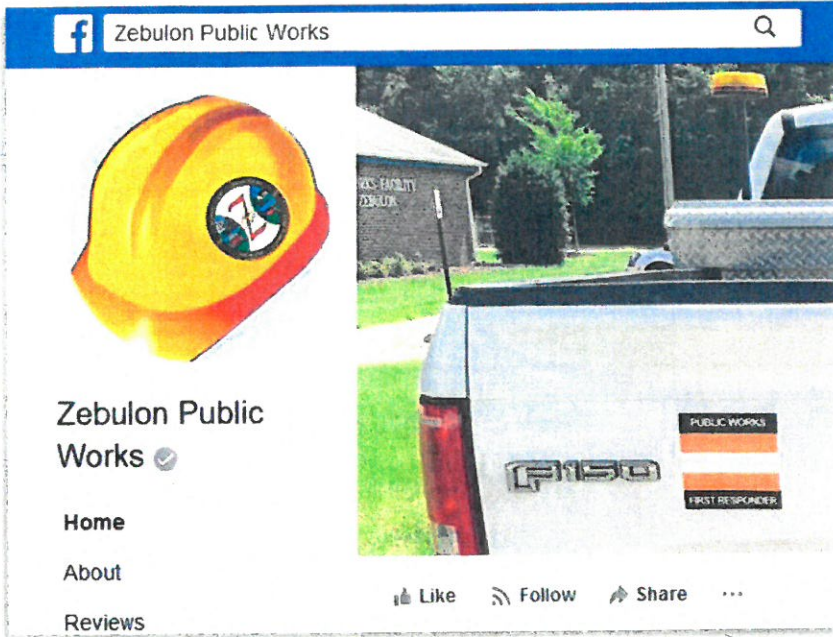
June 8th, 7" of rainfall in Rolesville and Wake Forest increased the water volume of Little River in Zebulon by nearly 7', damaging the bridge on NC Highway 97. Public Works coordinated with the Police Department and NCDOT from closure on 6/8 to reopening on 6/18.



We were proud to have Sam Jarquin represent Zebulon Public Works at Big Truck Day in Wendell.



Social Media Update



Up 72 from 628 to 700!



Up 74 from 647 to 721!



Personnel Updates

Welcome, Steven!



Public Works is excited to have Steven Holmquist on board as the new fleet mechanic. He's already doing an excellent job servicing the vehicles & equipment.

Congratulations!

Corbin Johnson earned his pesticide licenses for core applications, right-of-way, turfgrass, & ornamental plants.





STAFF REPORT
RZ 2019-05 SIDNEY CREEK
AUGUST 5, 2019

Topic: RZ 2019-05 - Sidney Creek

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the Zoning Map Amendment received for 1701 Chamblee Road.

Background:

A request by the applicant, Mike Stocks, to rezone 215 acres from Residential-20 (R-20) to Residential-10 (R-10). The property is currently owned by William McNabb. The property, bounded by NC 39 and Chamblee Road, is located outside corporate limits, but within the Town of Zebulon's Extraterritorial Jurisdiction.

A notice of public hearing was mailed to all property owners within 150 feet of the subject property on May 22, 2019 satisfying the mailing requirement of 20 days prior to hearing. The site was posted with public hearing signs. A notice of public hearing was published in the Wake Weekly on May 31, 2019, and June 7, 2019.

Joint Public Hearing: June 10, 2019 where no one from the general public spoke in favor or against the proposed request.

Planning Board: June 10, 2019. The Planning Board recommended approval of the Zoning Map Amendment. Vote: 6-0

Discussion:

The discussion before the Board is whether or not the Zoning Map Amendment request is consistent with the Town's adopted plans and policies.

If approved, a consistency statement is required in accordance with NC General Statute 160A-383. The following consistency statements may be used:

The proposed Zoning Map Amendment is consistent with the Town of Zebulon Land Use Plan in that it further promotes a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon. Furthermore, while the proposed request is not consistent with the existing Future Land Use Map, the proposed request is consistent with the spirit and intent of the Comprehensive Plan with regards to development patterns, thus amending the current future land use map as well.



STAFF REPORT
RZ 2019-05 SIDNEY CREEK
AUGUST 5, 2019

If not approved, the Board should provide alternative language for the consistency statement to state the request is not consistent with the Town's adopted plans and polices. The following statement may be used:

The proposed Zoning Map Amendment is inconsistent with the Town of Zebulon Land Use Plan in that it does not promote a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon.

Policy Analysis:

Zebulon 2030 Strategic Plan

The Zebulon 2030 Strategic Plan established the Town's vision to be "a vibrant, growing community that maintains its small-town charm and heritage." The following focus area is met with this request.

1. *Growing Smart - Plan for appropriate land use to meet transportation and housing needs*

Comprehensive Plan:

The Zebulon Comprehensive Plan (June 2008) provides objectives for the Town's future development. Consulting this plan on planning and growth decisions will provide the dimensions, definition, and development patterns necessary to fulfill the Town's Vision.

Comprehensive Plan: Land Use Plan (Chapter 9)

This parcel is designated as Zebulon Long Range Utility Service Area in the Land Use Plan. The Land Use Plan was last updated in May 2008 and offers little guidance on whether the rezoning request meets the Town's policy objectives. The parcel was identified in the "Zebulon Long Range Utility Service Area" but did not receive a land use designation.

Comprehensive Plan: Multimodal Transportation Plan (Chapter 5)

The more recently updated Multimodal Transportation Plan (May 2018) designates NC 39 and Chamblee Road as two-lane roads. These road designations supported a less dense land use. Road improvements and right-of-way dedication should be considered as possible conditions in subsequent development processes with the requirement of a traffic impact analysis (TIA).

Comprehensive Plan: Housing & Neighborhood (Chapter 6)

The Zoning Map Amendment request would allow an increased density on the property. Any subdivision greater than three lots will require a Special Use Permit. Greenway connections, more restrictive sidewalk requirements, architectural elements on the residential dwellings, and street connectivity should be considered as possible conditions in subsequent development processes.



STAFF REPORT
RZ 2019-05 SIDNEY CREEK
AUGUST 5, 2019

Comprehensive Plan: Parks and Recreation Master Plan (N/A)

The Town currently does not have a Parks and Recreation Master Plan or a Parks and Recreation component of the Comprehensive Plan, to guide the placement, or assess the needs, of parks and recreation facilities.

Fiscal Analysis:

Cannot be evaluated with a Zoning Map Amendment request.

Staff Recommendation:

This parcel was identified as a "Zebulon Long Range Utility Service Area". While absent a Land Use Category, the requested Zoning Map Amendment is consistent with densities of other residential developments within Utility Service Areas. Furthermore, by approving the proposed rezoning, the Future Land Use map will also be amended in accordance with State Statute.

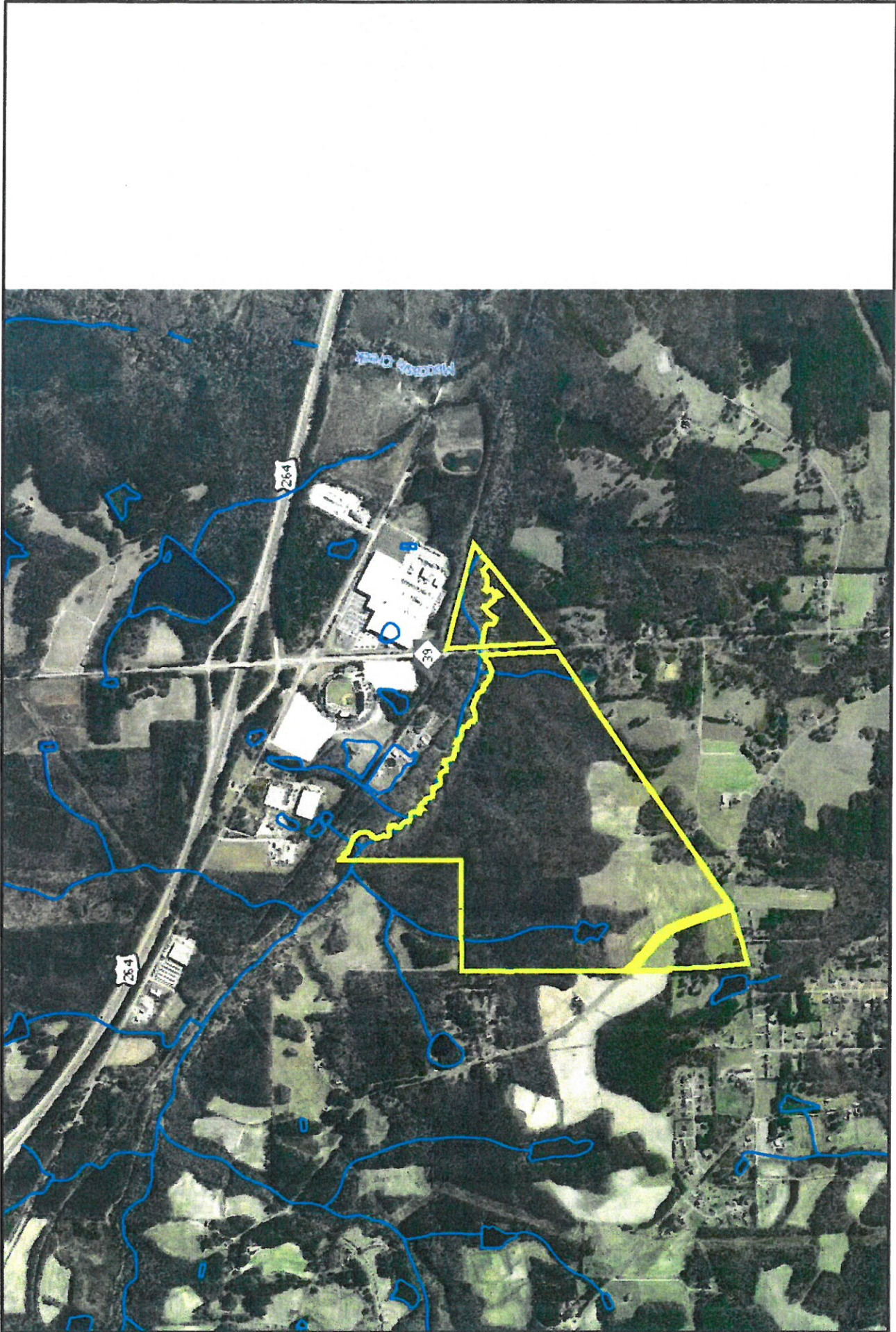
The subject property is within close proximity to Johnston County to the south and Nash County to the east. The Johnston County Comprehensive Plan (March 2009) designated the area as *Primary Growth Area*. The Nash County Future Land Development Map (June 2006) designates the area as a *Suburban Growth Area*.

The Town of Zebulon has approved more dense developments in different areas of the Town. Staff feels the location of this property has better infrastructure to support a Zoning Map Amendment increasing the density in the area; therefore, staff recommends approval of RZ 2019-05 due to the Zoning Map Amendment being consistent with the Town of Zebulon Land Use Plan and existing Land Use Plans within adjacent counties.

Planning Board's Consistency Statement: I move we recommend approval of RZ 2019-05 finding that the proposed request is consistent with the overall spirit and intent of the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable and approval will thereby amend the future land use map in accordance with State Statute.

Attachments:

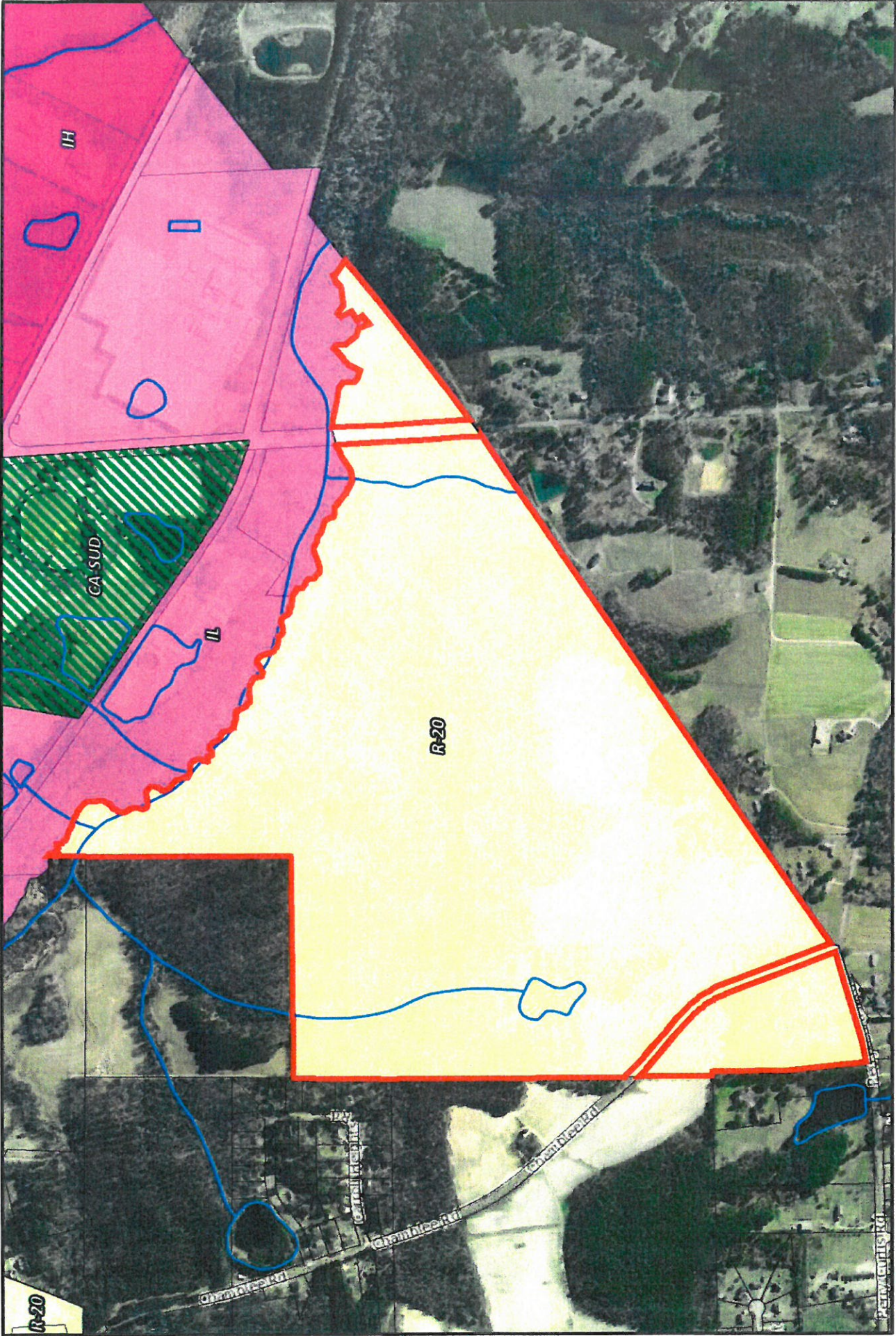
1. Aerial Map
2. Zoning Map
3. Land Use Plan
4. Permitted Uses Table
5. Site Pictures
6. Consistency Statement



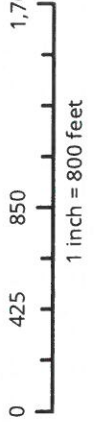
RZ 2019-05 Aerial Map



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RZ 2019-05 Zoning Map



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Land Use

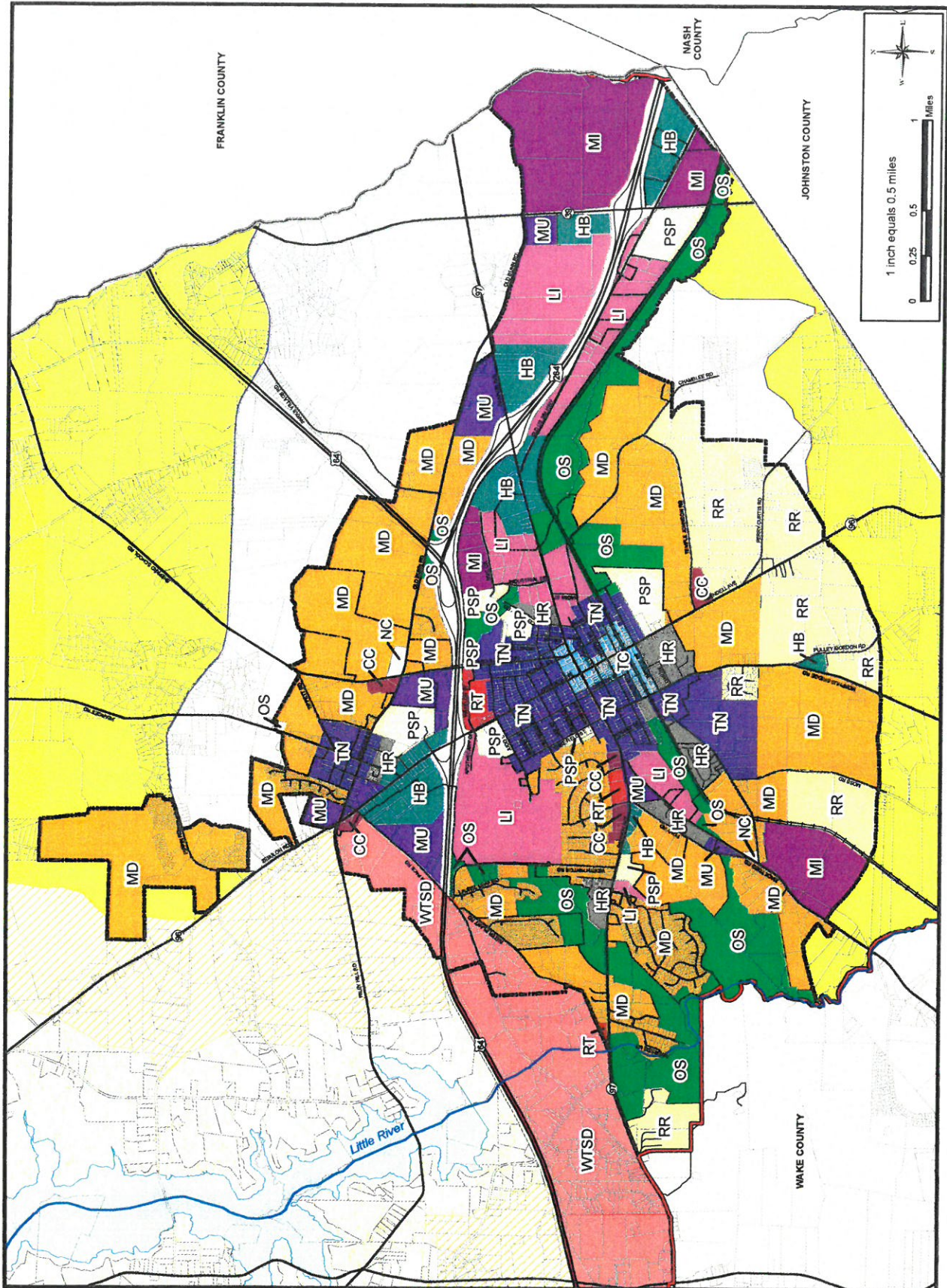
Town of Zebulon
Wake County, NC

Legend

- Railroad
- Streets
- Major Roads
- Major Streams
- Critical Water Supply Watershed (R-80W)
- Little River Reservoir
- Little River Water Supply Watershed
- Annexation/Utility Boundary Agreement Line
- Zebulon Short Range Utility Service Area
- Zebulon Long Range Utility Service Area
- WTSD-Watershed
- Land Use**
- OS-Open Space
- PSP-Public/Semi-Public Open Space
- RR-Residential Rural
- MD-Medium Density Residential
- HR-High Density Residential
- TN-Traditional Neighborhood
- TC-Town Core/Downtown
- HB-Highway Business
- MU-Mixed Use
- CC-Community Commercial
- NC-Neighborhood Commercial
- RT-Retail
- LI-Light Industrial
- MI-Medium Industrial
- Parcels
- Zebulon City Limits
- Zebulon Extra Territorial Jurisdiction Limits
- Wake County



Data obtained from Wake County GIS and the Town of Zebulon



Print

Zebulon, NC Code of Ordinances

§ 152.129 PERMITTED USES.

Use Description	Zones																	Supplemental Regulations	
	R-30/20	RMH-30/20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB	HB	IL		IHL
ABC store																			G
Accessory building	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	§ 152.133
Adult day care center												S	S		S	S			
Adult day care home												G							
Adult establishments: cabarets																	S		
Agricultural product: equipment sales and service															G	G	G	G	
Agricultural product: warehousing																	G	G	
Agricultural production: crops	G		G						G	G									
Agricultural production: livestock	G								G	G							S	S	
Airports, public and private																	S	S	
Amphitheaters																S	S	S	
Animal kennel, breeder, or shelter	S								S	S							S	S	
Antiques and gift retail stores														G	G	G			
Apartment on second floor														G					
Appliances; service and retail sales														G	G	G			
Armories																G	G	G	
Art galleries												S		G	G	G			
Arts and crafts; supply and retail sales														G	G	G			
Asphalt plants or products manufacturing or refining																	S	S	
Assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, health or safety hazards outside of the building. Typically involves the work of artisans or craftsman. May also include micro-brews, micro-distilleries, micro-wineries, or other similar facilities as part of a microbrewery or other beverage tasting facilities. *														G	G	G	G	G	

* Outside storage of raw materials or finished products is not allowed; all storage must be located entirely within an enclosed building

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

Auction sale of equipment																			G	G
Auction house											G	G	G							
Auditorium, assembly, and conference halls; primary use														S	S	S				
Automatic teller machines										G	G	G	G	G						
Automobile accessory sales											G	G	G							
Automobile and truck assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and similar uses														G	G	E				
Automobile, motorcycle race tracks, demolition derbies																S	S			
Automobile, motorcycle sales and operation, not including junked or wrecked vehicles, conducted within a completely enclosed building											G	G	G	G	G					
Automobile rental												G	G	G	G					
Automobile repair shops including body and fender work conducted within a completely enclosed building											G	G	G	G	G					
Automobile sales, new and used												G	G	G	G					
Automobile wash, self-service and automatic												G	G							
Automobile, washing and detailing shops											G	G	G	G						
Bait and tackle shop											G	G	G							
Bakeries, retail											G	G	G							
Bakeries, wholesale														G	G	G				
Banks and savings and loan, and similar financial institutions							G	G	G	G	G									
Bar, nightclub, lounge, tavern, and pub										S	S	S	S	S						
Barber shops								G		G	G	G								
Beauty shops, supplies, salons, and cosmetics stores										G	G	G								
Bed and breakfast inns	S	S	S	S	S	S		G	G	G	G	G								
Bicycle and motorbike sales and repair											G	G	G	G						
Billiard and pool halls										S	S	S								
Bingo hall													S	S						
Blueprint and drafting service								G		G	G	G								
Boats, watercraft, and marine equipment sales, rental, and repair												G	G	G	G					
Books, reading materials and stationery sales											G	G	G							
Bottling plants										S	S	S	G	G						
Bowling alleys										G	G	G	S	S						
Brick and stone yard,																			G	G

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

residential and commercial goods																				
Computer maintenance, repair, services, and sales														G	G	G				
Condominium	S		S		S		S				S	S	S	S	S	S	S	S		
Consignment or secondhand shops														G	G	G				
Construction storage yards, lumber yards																G	G	G		
Convenient stores														G	G	G				
Correctional facility, penal institution, jails																		S	S	
Country clubs	S																	S	S	
Craft supplies, hobby and fabric sales														G	G	G				
Crematorium												S				S	S	S		
Dairy, ice cream, and coffee shops														G	G	G				
Day care center	S	S	S	S	S	S	S	S	S	S	S	S	S			G				
Department stores														G	G	G				
Distribution center, product																		G	G	
Drive-in theaters																		S	S	S
Drug stores, pharmacies													G	G	G	G				
Dry cleaners														G	G	G				
Duplex	S		S		S		S		S	S	S	S								
Dwellings, boarding and rooming houses	S		S		S		S					S								
Dwellings, conservation subdivision	S		S		S		S												§ 152.139	
Dwellings, single-family detached	G	G	G	G	G	G	G	G	G	G	G	G								
Dwellings, single-family residence with accessory apartment	S	S	S	S	S	S	S	S	S	S	S	G	G							
Dwellings, townhouses	S		S		S		S				S	S	S	S	S	S	S			
Dwellings, two-family	G		G		G		G													
Egg processing																		G	G	
Electric and electronic machinery, equipment, shops, supplies and sales														G	G	G	G			
Electronic game machine parlors														S	S	S				
Electronic game machines, accessory to allowable use														G	G	G				
Engineering supplies and equipment sales														G	G	G	G			
Excavation; processing and sale of minerals and stone																		S	S	
Exhibition buildings, galleries or show rooms														G	G	G	G	G		
Family care home	G	G	G	G	G	G	G	G	G	G	G								§ 152.1464	
Farm supply, hay, grain, and feed stores																	S	G	G	
Flammable liquids or gases, bulk storage in quantities less than 100,000 gallons																	S	S	S	

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

Flea markets, used or new merchandise sales and promotion																			S	S	
Florist, retail sales																	G	G	G		
Flowers, plants, and garden supply sales	S																	G	G	G	
Food and beverage processing																			G	G	G
Formal wear and costume rental store																	G	G	G		
Foundry																				S	G
Funeral homes									S	S	S	S	S								
Furniture, home furnishings, and equipment manufacturing																				G	G
Furniture, home furnishings, and equipment, retail sales																	G	G	G	G	
Furniture re-upholstering and repair																	G	G	G	G	G
Garbage landfills and incinerators																					S
Garden stores and garden centers, retail sales																	G	G	G	G	
Gift stores																	G	G	G		
Glass and mirror shop																	G	G	G		
Golf courses, including par three and miniature courses	S								S	S									S	S	S
Golf driving ranges	S								S	S									S	G	G
Grocery, supermarket, and food stores																	G	G	G		
Group care home	S	S	S	S	S	S	S	S	S	S	S	S	S								
Gun, weapons, firearms, and ammunition sales shops																	G	G	G		
Gymnasiums																		G	G	G	
Handicapped, aged or infirm home	G	G	G	G	G	G	G	G	G	G	G	G	S								
Handicapped, aged or infirm institution	S										S	S	G						S		
Halfway house	S	S	S	S	S	S	S	S	S	S	S	S	S								
Health club, spa, fitness center, gymnasium and exercise facilities (indoors)																	G	G	G		
Hobby shops																	G	G	G		
Home occupations	G	G	G	G	G	G	G	G	G	G	G	G	G								§ 152.143
Hospitals													S								
Hotels and motels																	S	S	S	S	S
HVAC, plumbing, hardware, supplies, equipment, and building materials sales																	G	G	G	G	
Ice plants																				G	G
Intermediate care home	S	S	S	S	S	S	S	S	S	S	S	S	S	G							
Intermediate care institution	S										S	S	G								
Internet café																			S		

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

Jewelry, precious stones and metal sales and service										G	G	G			
Junkyards													S	S	
Laboratories conducting research or testing entirely indoors using processes that ordinarily do not create noise, smoke, fumes, odors or health and safety hazards outside of the building*										G	G	G	G	G	
* Outside storage of raw materials or finished products is not allowed, all storage must be located entirely within an enclosed building															
Laboratories, experimental photo or motion picture film, research and testing													G	G	
Laboratories, medical, research									G			G	G	G	
Land clearing and inert debris landfill													S	S	
Laundries, cleaners, and laundromats, self-service										G	G	G	G		
Laundries, cleaning plants and linen supply												S	G	G	
Leather and leather products manufacturing													G	G	
Libraries									G	G					
Locksmith, gunsmith, and keyshops										G	G	G	G		
Machine shops												G	G	G	
Machinery (heavy) sale, repair, rental, or storage												S	G	G	
Manufactured home manufacturing													G	G	
Manufactured home parks	S	S	S	S											
Manufactured home sales												S	G	G	
Manufactured homes - Class A	G	G	G	G											
Manufactured homes - Class B	G	G	G	G											
Manufactured homes - Class C	G	G	G	G											
Manufacturing and maintenance of electric and neon signs, billboard and commercial advertising structures and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like													G	G	
Manufacturing and sales of auto accessories													G	G	
Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, textiles, wood (excluding planing mills), tars, and paint													G	G	
Manufacturing, compounding, processing, packaging, or treatment of such products as bakery													G	G	

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

Flaming and sawmills																			G	G
Planned commercial and mixed use developments															S	S	S	S		
Poultry processing and dressing plants																				G
Printing and binding establishments														G	G	G	G	G		
Privately owned recreational facilities such as tennis courts, swimming pools, etc.	S														S	S				
Propane and natural gas retail stores															G	G	G			
Public buildings, police, fire, rescue squad stations, museums, art galleries, parks	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
Public recreational facilities, tennis courts, swimming pools, etc.	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G				
Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and television towers and transmitting or relay stations, including service and storage yards	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
Quarries or other extraction industries																			S	S
Racetrack, indoor																		S	S	S
Racetrack, outdoor																			S	S
Railroad freight stations, switching, storage, freight yards, maintenance, and fueling stations																		S	S	S
Railway stations														G	G	G	G	G		
Recreational facility, indoor (private and non-profit)																		S	S	S
Recreational facility, outdoor (private)	S																	S	S	S
Recycling deposit station (principal use)	S																	S	S	S
Recycling processing facility																			S	S
Repair and servicing shops conducted entirely within an enclosed structure														G	G	G	G	G		
Restaurants, including all eating establishments except bars, nightclubs, lounges, taverns, clubs, and lodges														G	G	G	S	S		
Roller skating rinks														G	G	G	S	S		
Salvage yards																			S	S
Schools (academic): kindergarten, elementary, secondary, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Schools (non-academic): commercial, vocational, public or private to include music and dance studios	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Seasonal sales (Christmas trees, plants and pumpkins)															G	G	G	G		§ 152.1463
Septic tank cleaning services																			S	S

ARTICLE VIII: ZONING DISTRICTS AND ZONING MAP

Service and repair establishments, including but not limited to small item repair shops and rental shops, conducted entirely within an enclosed structure											G	G	G	G	G
Service station type I											G	G	G	G	G
Service station type II												S	G		
Service station type III												S	G		
Sheet metal roofing shops													G	G	G
Shoe repair											G	G	G		
Shooting range, indoor											G	G	G		
Shooting range, outdoor													S	S	S
Sign and banner shop, retail sales											G	G	G		
Sign painting and fabrication shop													G	G	G
Sporting goods and apparel shops											G	G	G		
Stables, commercial	S													S	S
Swimming pools sales, service, and supplies													S	G	G
Tailor, dressmaking and alteration shop											G	G	G		
Tanning salons, primary and accessory uses											G	G	G		
Tattoo parlor											S	S	S		
Tax preparation service											G	G	G		
Taxi stands											G	G	G	G	G
Television sales and repair											G	G	G		
Theater											G	G	G		
Thrift stores											G	G	G		
Tobacco storage and processing, commercial and industrial operation														G	G
Tool and die shop, wrought iron shop, blacksmith or machine shop														G	G
Toys, retail sales											G	G	G		
Trailer sales, service, and rental													G	G	G
Travel agency											G	G	G		
Travel trailer parks	S													S	S
Truck and utility trailer rental facility, primary use													G	G	G
Truck washing facility, accessory use														G	G
Truck washing facility, primary use														S	S
Upholstery shop													G	G	
Veterinary and animal clinics and hospitals (non-boarding)											G	G	G		
Video rental stores, primary and accessory use											G	G	G		
Warehousing, general											G	G	G	G	

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

Watch and clock repair and sales																G	G	G			
Welding shop																			G	G	G
Well drilling services																				G	G
Wholesale establishments, sales, distribution, and operations																				G	G
Wholesale storage of petroleum, gasoline, and oil																					S
Woodworking shops																				G	G
Wrecker service; automobile and vehicle towing service																			S	G	G

(1985 Code, § 152.129) (Ord. 2007-44, passed 3-7-2007; Ord. 2007-43, passed 5-7-2007; Ord. 2007-56, passed 5-7-2007; Ord. 2008-06, passed 7-2-2007; Ord. 2007-11, passed 8-7-2007; Ord. 2009-41, passed 5-4-2009; Ord. 2010-34, passed 3-1-2010; Ord. 2010-40, passed 5-3-2010; Ord. 2010-42, passed 5-3-2010; Ord. 2011-17, passed 2-7-2011; Ord. 2013-21, passed 11-5-2012; Ord. 2013-22, passed 12-3-2012; Ord. 2013-49, passed 6-3-2013; Ord. 2014-01, passed 7-1-2013; Ord. 2016-10, passed 7-6-2015)



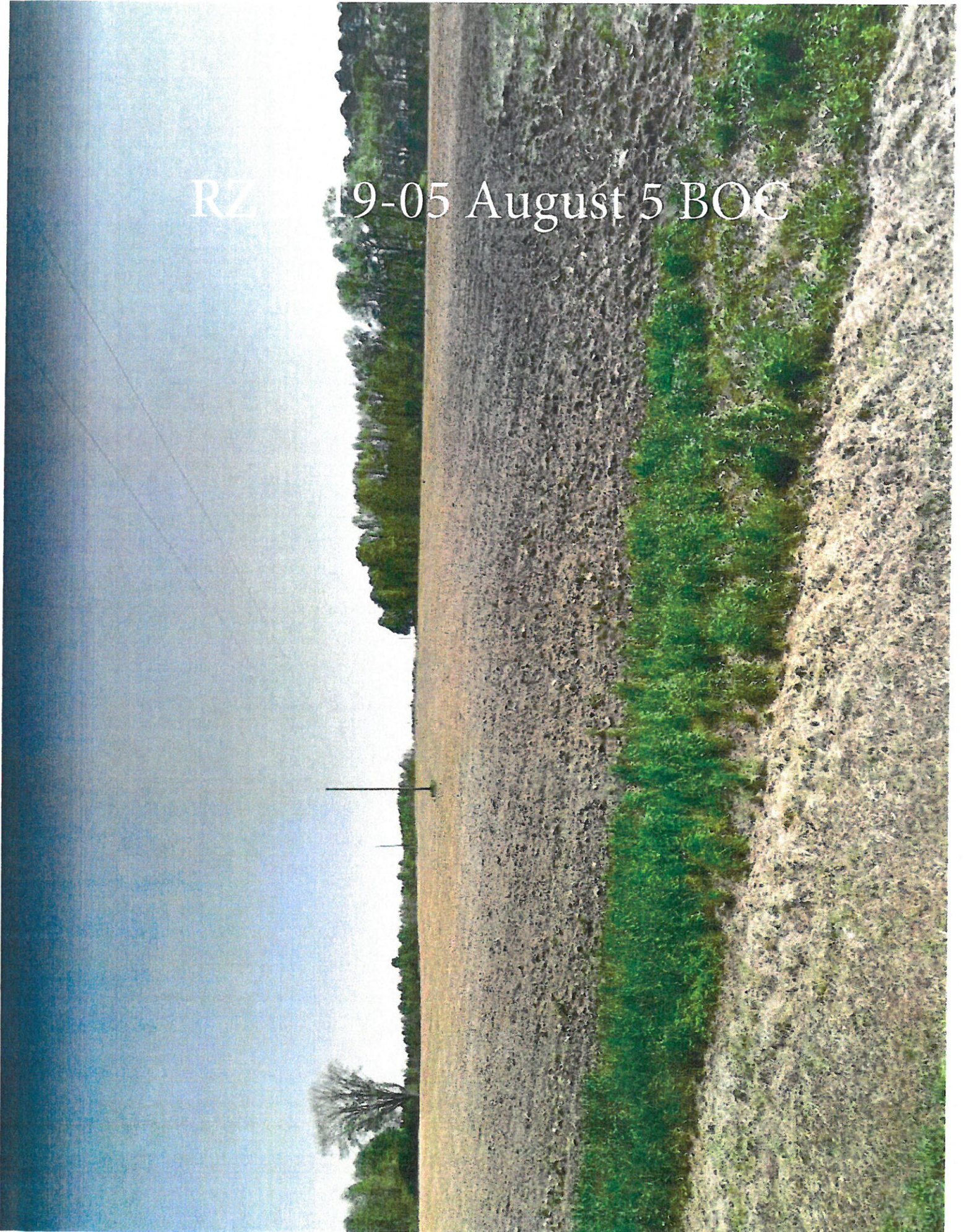
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RZ 21037-AUGON-EPIC



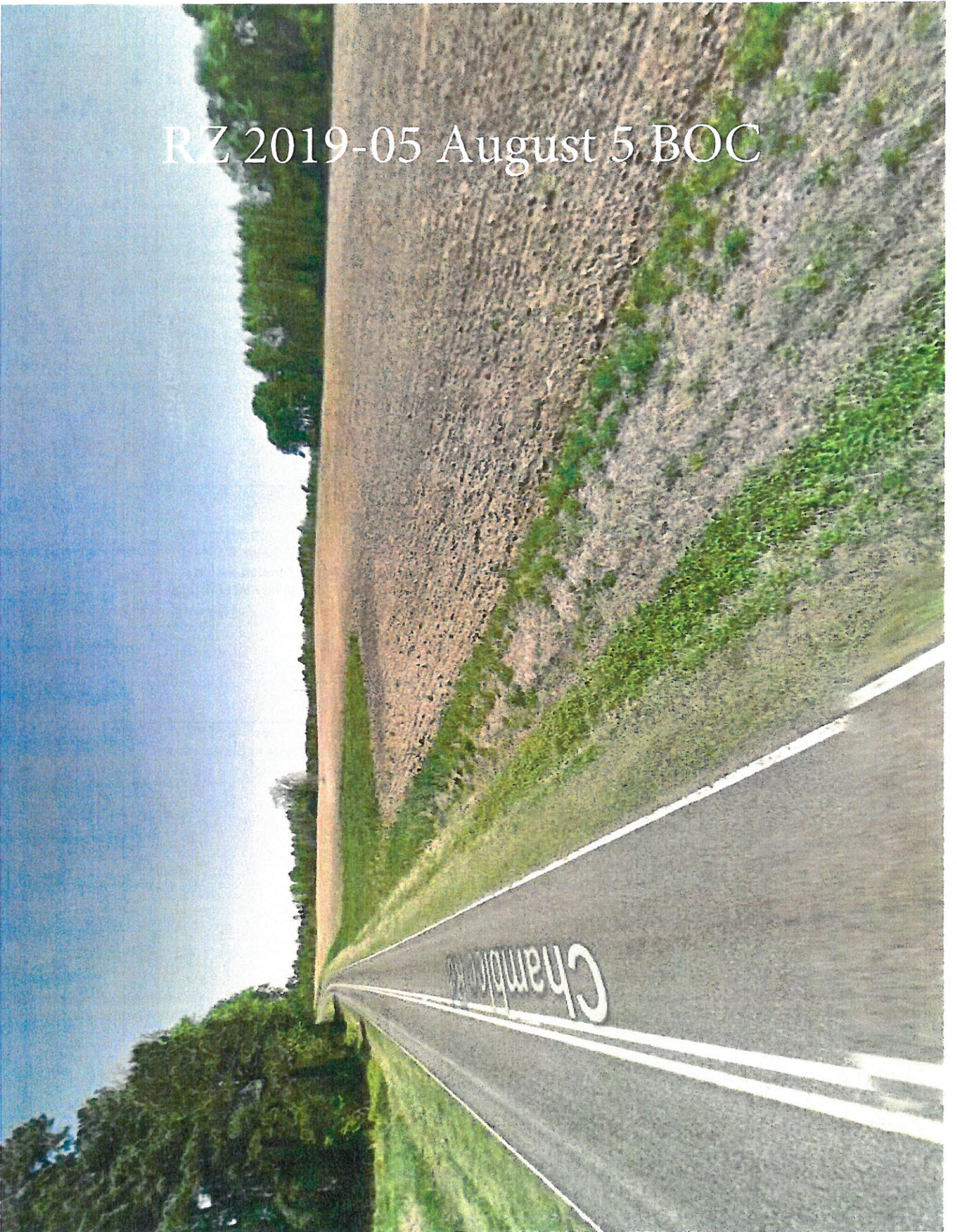
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RZ 19-05 August 5 BOC



RZ 2019-05 August 5 BOC





STAFF REPORT
 RZ 2019-05 SIDNEY CREEK
 AUGUST 5, 2019


RZ 2019-05 Consistency Statement Chart

		Requirements	Example Motions
No changes to Ordinances or Plans	Option 1	A statement approving the zoning map amendment and describing its consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend approval of RZ 2019-05 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, Town of Zebulon Vision 2030 Strategic Plan and any other official plan that is applicable.
	Option 2	A statement rejecting the zoning map amendment and describing its inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend disapproval of RZ 2019-05 based upon review of inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, Town of Zebulon Vision 2030 Strategic Plan and any other official plan that is applicable.
With changes to Ordinances or Plans	Option 3	<p>A statement approving the zoning map amendment and containing <u>at least all</u> of the following:</p> <p>a. A declaration that the approval is also deemed an amendment to Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application.</p> <p>b. An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community.</p> <p>c. Why the action was reasonable and in the public interest.</p>	I move we recommend approval of RZ 2019-05 as an amendment to the Zebulon Code of Ordinances.



STAFF REPORT
RZ 2019-06 WEAVERS RIDGE
AUGUST 5, 2019

Topic: RZ 2019-06 - Weavers Ridge

Speaker: Meade O. Bradshaw, III, CZO, Assistant Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Meade O. Bradshaw, III, CZO, Assistant Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the Zoning Map Amendment received for 2340 Zebulon Road.

Background:

A request by the applicant, Mike Stocks, to rezone 34 acres to designate Residential-10 (R-10) to the property after the property was annexed without a Town of Zebulon zoning district designated to the property. The property is located on Zebulon Road between Cunningham Road and Glory Road, inside the corporate limits.

A notice of public hearing was mailed to all property owners within 150 feet of the subject property on May 22, 2019 satisfying the mailing requirement of 20 days prior to hearing. The site was posted with public hearing signs. A notice of public hearing was published in the Wake Weekly on May 31, 2019, and June 7, 2019.

Joint Public Hearing: June 10, 2019 where no one from the general public spoke in favor or against the proposed request.

Planning Board: June 10, 2019. The Planning Board recommended approval of the Zoning Map Amendment. Vote: 6-0

Discussion:

The discussion before the Board is whether or not the Zoning Map Amendment request is consistent with the Town's adopted plans and policies.

If approved, a consistency statement is required in accordance with NC General Statute 160A-383. The following consistency statements may be used:

The proposed Zoning Map Amendment is consistent with the Town of Zebulon Land Use Plan in that it further promotes a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon. Furthermore, while the proposed request is not consistent with the existing Future Land Use Map, the proposed request is consistent with the spirit and intent of the Comprehensive Plan with regards to development patterns, thus amending the current future land use map as well.



STAFF REPORT
RZ 2019-06 WEAVERS RIDGE
AUGUST 5, 2019

If not approved, the Board should provide alternative language for the consistency statement to state the request is not consistent with the Town's adopted plans and polices. The following statement may be used:

The proposed Zoning Map Amendment is inconsistent with the Town of Zebulon Land Use Plan in that it does not promote a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon.

Policy Analysis:

Zebulon 2030 Strategic Plan

The Zebulon 2030 Strategic Plan established the Town's vision to be "a vibrant, growing community that maintains its small-town charm and heritage." The following focus area is met with this request.

1. *Growing Smart - Plan for appropriate land use to meet transportation and housing needs*

Comprehensive Plan:

The Zebulon Comprehensive Plan (June 2008) provides objectives for the Town's future development. Consulting this plan on planning and growth decisions will provide the dimensions, definition, and development patterns necessary to fulfill the Town's Vision.

Comprehensive Plan: Land Use Plan (Chapter 9)

This parcel is designated as Zebulon Long Range Utility Service Area in the Land Use Plan. The Land Use Plan was last updated in May 2008 and offers little guidance on whether the rezoning request meets the Town's policy objectives. The parcel was identified in the "Zebulon Long Range Utility Service Area" but did not receive a land use designation. The parcel is adjacent to areas designated as Medium Density Residential (MD). MD consists of multifamily attached housing oriented in a vertical fashion, more commonly known as apartments and condominiums.

Comprehensive Plan: Multimodal Transportation Plan (Chapter 5)

The more recently updated Multimodal Transportation Plan (May 2018) shows no improvements to this section of N Arendell Avenue; however, road improvements and right-of-way dedication should be considered as possible conditions in subsequent development processes with the requirement of a traffic impact analysis (TIA).

Comprehensive Plan: Housing & Neighborhood (Chapter 6)

The Zoning Map Amendment request would allow an increased density on the property. Any subdivision greater than three lots will require a Special Use Permit. Greenway connections, more restrictive sidewalk requirements, architectural elements on the residential dwellings, and street connectivity should be considered as possible conditions in subsequent development processes.



STAFF REPORT
RZ 2019-06 WEAVERS RIDGE
AUGUST 5, 2019

Comprehensive Plan: Parks and Recreation Master Plan (N/A)

The Town currently does not have a Parks and Recreation Master Plan or a Parks and Recreation component of the Comprehensive Plan, to guide the placement, or assess the needs, of parks and recreation facilities.

Fiscal Analysis:

Cannot be evaluated with a Zoning Map Amendment request.

Staff Recommendation:

The subdivision to the adjacent north and east is zoned Residential-13 (R-13). The lot sizes vary from +/- 7,000 square feet to +/- 17,000 square feet. A school is to the adjacent south. The Residential-10 zoning would allow the creation of lots similar to the adjacent subdivision and create housing within walking distance to a school. Furthermore, by approving the proposed rezoning, the Future Land Use map will also be amended in accordance with State Statute.

Staff recommends approval of RZ 2019-06 due to the Zoning Map Amendment being consistent with the Land Use Plan and existing development in the area.

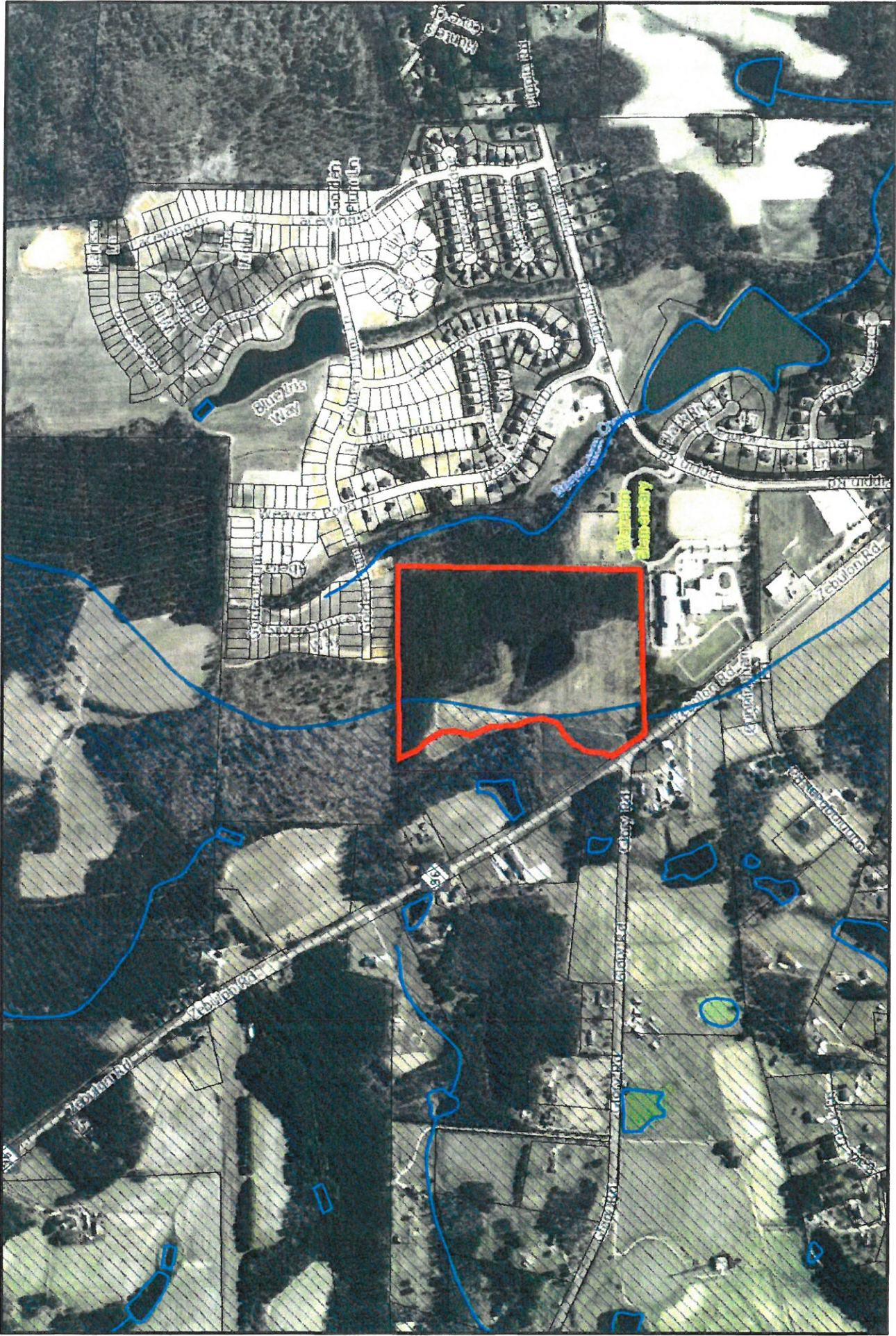
The following consistency statement may be used:

The proposed rezoning is consistent with the Town of Zebulon Land Use Plan in that further promotes a plan to grow smart addressing the transportation and housing needs within the Town of Zebulon.

Planning Board's Consistency Statement: I move we recommend approval of RZ 2019-06 finding that the proposed request is consistent with the overall spirit and intent of the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable and approval will thereby amend the future land use map in accordance with State Statute.

Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Plan
4. Permitted Uses Table
5. Site Pictures
6. Consistency Statement

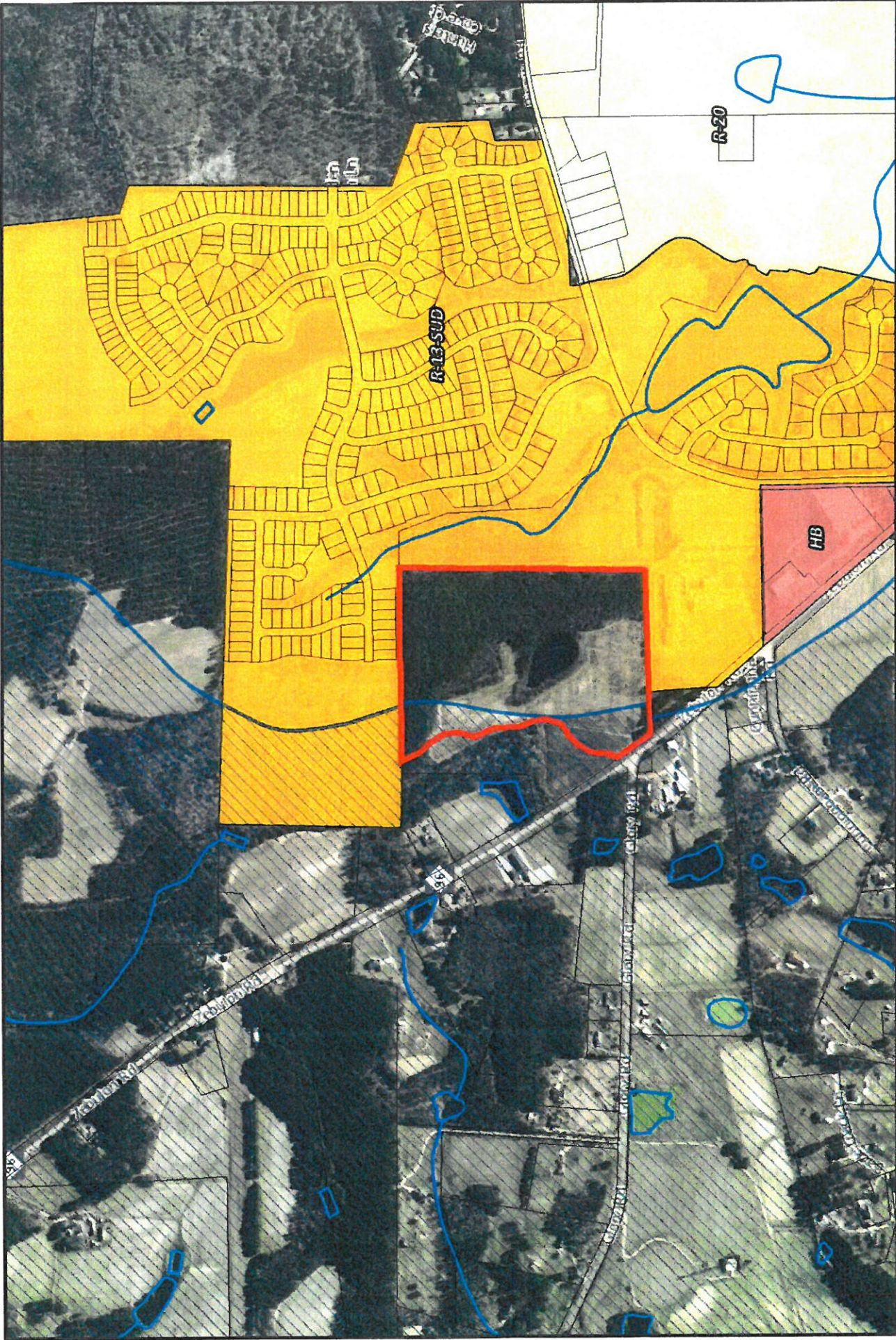


RZ 2019-06 Aerial Map

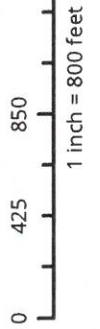


Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



RZ 2019-06 Zoning Map



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Land Use

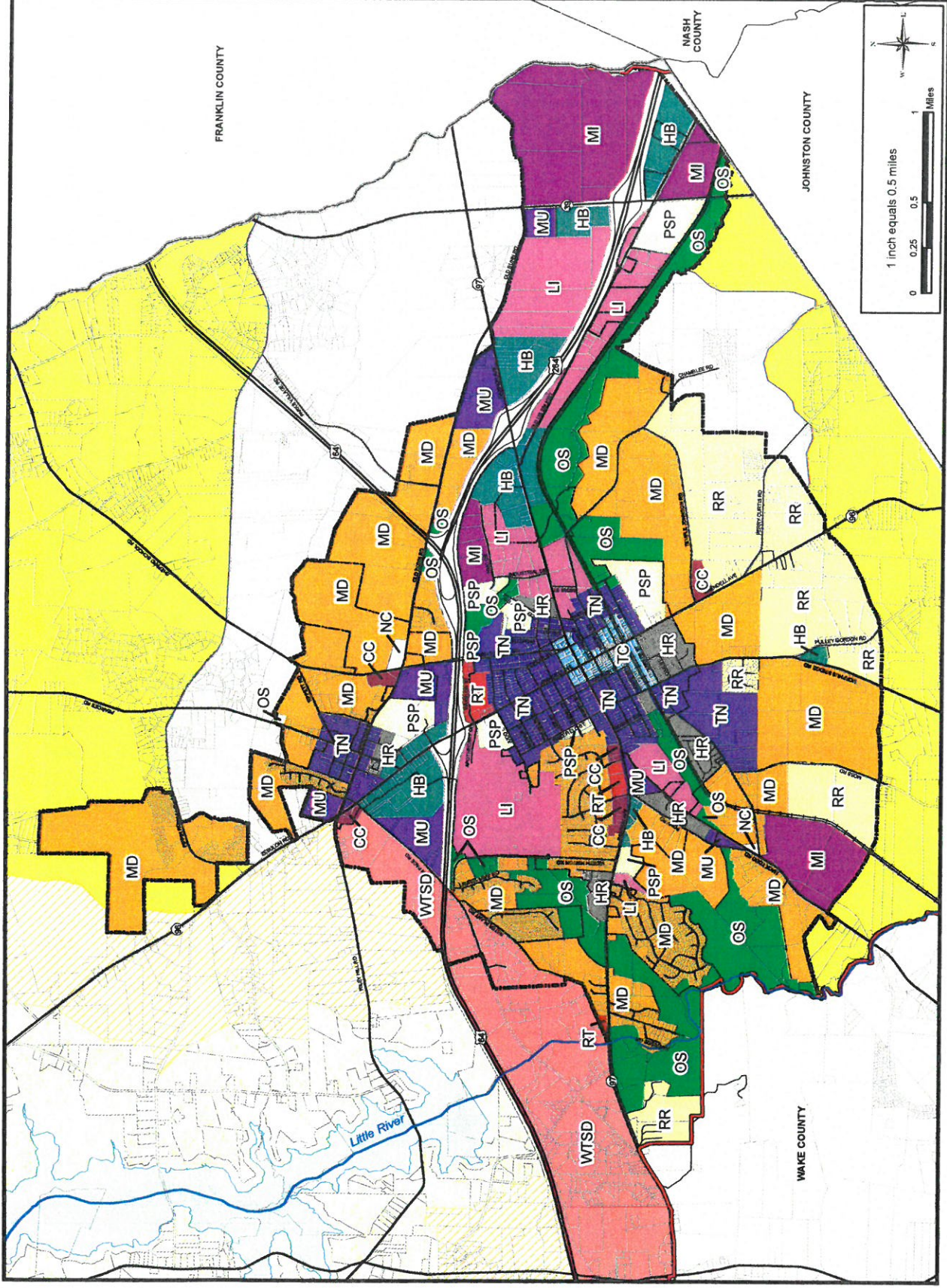
Town of Zebulon
Wake County, NC

Legend

- Railroad
 - Streets
 - Major Roads
 - Major Streams
 - Critical Water Supply Watershed (R-80W)
 - Little River Reservoir
 - Little River Watershed
 - Supply Watershed
 - Annexation/Utility Boundary Agreement Line
 - Zebulon Short Range Utility Service Area
 - Zebulon Long Range Utility Service Area
 - WTSD-Watershed
- Land Use**
- OS - Open Space
 - PSP - Public/Semi-Public Open Space
 - RR - Residential Rural
 - MD - Medium Density Residential
 - HR - High Density Residential
 - TN - Traditional Neighborhood
 - TC - Town Core/Downtown
 - HB - Highway Business
 - MU - Mixed Use
 - CC - Community Commercial
 - NC - Neighborhood Commercial
 - RT - Retail
 - LI - Light Industrial
 - MI - Medium Industrial
 - Parcels
 - Zebulon City Limits
 - Zebulon Extra Territorial Jurisdiction Limits
 - Wake County



Data obtained from Wake County GIS and the Town of Zebulon



Print

Zebulon, NC Code of Ordinances

§ 152.129 PERMITTED USES.

Use Description	Zones																	Supplemental Regulations		
	R-30/20	RMH-30/20	R-13	RMH-13	R-10	RMH-10	R-8	RMH-8	R-80W	R-40W	RMF	TR	MA	CB	GB	HB	IL		IHL	
ABC store																			G	
Accessory building	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	§ 152.133
Adult day care center												S	S		S	S				
Adult day care home												G								
Adult establishments, cabarets																	S			
Agricultural product, equipment sales and service															G	G	G	G		
Agricultural product, warehousing																	G	G		
Agricultural production, crops	G		G						G	G										
Agricultural production, livestock	G								G	G								S	S	
Airports, public and private																		S	S	
Amphitheaters																	S	S	S	
Animal kennel, breeder, or shelter	S								S	S							S	S		
Antiques and gift retail stores														G	G	G				
Apartment on second floor														G						
Appliances, service and retail sales														G	G	G				
Armories																G	G	G		
Art galleries												S		G	G	G				
Arts and crafts, supply and retail sales														G	G	G				
Asphalt plants or products manufacturing or refining																	S	S		
Assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, health or safety hazards outside of the building. Typically involves the work of artisans or craftsman. May also include micro-brews, micro-distilleries, micro-wineries, or other similar facilities as part of a microbrewery or other beverage tasting facilities. *														G	G	G	G	G		

* Outside storage of raw materials or finished products is not allowed; all storage must be located entirely within an enclosed building

ARTICLE VIII ZONING DISTRICTS AND ZONING MAP

Jewelry, precious stones and metal sales and service												G	G	G							
Junk yards																			S	S	
Laboratories conducting research or testing entirely indoors using processes that ordinarily do not create noise, smoke, fumes, odors or health and safety hazards outside of the building*												G	G	G	G	G					
* Outside storage of raw materials or finished products is not allowed; all storage must be located entirely within an enclosed building																					
Laboratories, experimental photo or motion picture, film, research and testing																			G	G	
Laboratories, medical research											G				G	G	G				
Land clearing and inert debris landfill																			S	S	
Laundries, cleaners, and laundromats, self-service												G	G	G	G						
Laundries, cleaning plants, and linen supply															S	G	G				
Leather and leather products manufacturing																			G	G	
Libraries										G	G										
Locksmith, gunsmith, and keyshops												G	G	G	G						
Machine shops															G	G	G				
Machinery (heavy) sale, repair, rental, or storage															S	G	G				
Manufactured home manufacturing																			G	G	
Manufactured home parks	S		S		S		S														
Manufactured home sales																			S	G	G
Manufactured homes - Class A	G		G		G		G														
Manufactured homes - Class B	G		G		G		G														
Manufactured homes - Class C	G		G		G		G														
Manufacturing and maintenance of electric and neon signs, billboard and commercial advertising structures and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like																			G	G	
Manufacturing and sales of auto accessories																			G	G	
Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, textiles, wood (excluding planing mills), tars, and paint																			G	G	
Manufacturing, compounding, processing, packaging, or treatment of such products as bakery																			G	G	

Planting and saw mills																			G	G
Planned commercial and mixed use developments																S	S	S	S	
Poultry processing and dressing plants																				G
Printing and binding establishments														G	G	G	G	G		
Privately owned recreational facilities such as tennis courts, swimming pools, etc.	S														S	S				
Propane and natural gas retail stores															G	G	G			
Public buildings, police, fire, rescue squad stations, museums, art galleries, parks	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
Public recreational facilities, tennis courts, swimming pools, etc.	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G				
Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and television towers and transmitting or relay stations, including service and storage yards	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
Quarries or other extraction industries																		S	S	
Racetrack, indoor																		S	S	S
Racetrack, outdoor																		S	S	
Railroad freight stations, switching, storage, freight yards, maintenance, and fueling stations																		S	S	S
Railway stations														G	G	G	G	G		
Recreational facility, indoor (private and non-profit)																		S	S	S
Recreational facility, outdoor (private)	S																	S	S	S
Recycling deposit station (principal use)	S																	S	S	S
Recycling processing facility																			S	S
Repair and servicing shops conducted entirely within an enclosed structure														G	G	G	G	G		
Restaurants, including all eating establishments except: bars, nightclubs, lounges, taverns, clubs, and lodges														G	G	G	S	S		
Roller skating rinks														G	G	G	S	S		
Salvage yards																		S	S	
Schools (academic): kindergarten, elementary, secondary, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Schools (non-academic): commercial, vocational, public or private to include music and dance studios	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Seasonal sales (Christmas trees, plants and pumpkins)																G	G	G	G	§ 152.1463
Septic tank cleaning services																		S	S	





 NOTICE OF PUBLIC HEARING
PH
www.townofzebulon.org
919.823.1810
Zebulon Planning Department







RZ 2019-06 Consistency Statement Chart

		Requirements	Example Motions
No changes to Ordinances or Plans	Option 1	A statement approving the zoning map amendment and describing its consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend approval of RZ 2019-06 based upon the consistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, Town of Zebulon Vision 2030 Strategic Plan, and any other official plan that is applicable.
	Option 2	A statement rejecting the zoning map amendment and describing its inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.	I move we recommend disapproval of RZ 2019-06 based upon review of inconsistency with the Town of Zebulon Comprehensive Plan, Zebulon Code of Ordinances, Town of Zebulon Vision 2030 Strategic Plan, and any other official plan that is applicable.
With changes to Ordinances or Plans	Option 3	<p>A statement approving the zoning map amendment and containing <u>at least all</u> of the following:</p> <p>a. A declaration that the approval is also deemed an amendment to Town of Zebulon Comprehensive Plan, Zebulon Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application.</p> <p>b. An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community.</p> <p>c. Why the action was reasonable and in the public interest.</p>	I move we recommend approval of RZ 2019-06 as an amendment to the Zebulon Code of Ordinances.



STAFF REPORT
BUSINESS RETENTION AND
EXPANSION PROGRAM AGREEMENT
AUGUST 5, 2019

Topic: Business Retention and Expansion Program Agreement

Speaker: Joe Moore

Approved by: Joseph M. Moore, II, PE, Town Manager

Executive Summary:

The Board will consider partnering with the Zebulon Chamber of Commerce to execute the Business Retention and Expansion Plan Agreement.

Background:

On June 4, 2018, the Zebulon Board of Commissioners adopted the Zebulon 2030 Strategic Plan. This plan identifies *Vibrant Downtown*, *Small-Town Life*, and *Growing Smart* as focus areas foundational to achieving the Town's Vision of a "vibrant, growing community that maintains its small-town charm and heritage". The *Growing Smart* focus area is defined in part to "promote economic development" with a priority goal being "pursue economic development opportunities with our community partners".

At their Retreat on February 21, 2019, the Board discussed survey results of the business community and the potential for a Business Retention and Expansion (BRE) program to serve as the basis for the Community and Economic Development Agreement between the Town of Zebulon and the Zebulon Chamber of Commerce. The BRE is a progressive five-year action plan growing in scope of services focused on retaining existing businesses, facilitating growth and expansion, enhancing the business climate, and strengthening the community partnership with local businesses.

At their Budget Worksession on May 22, 2019, the Board heard an implementation plan of programs with each year of the BRE. Examples of the first year programs include: business visits and assessments, small business concierge, CEO Roundtable, and collaborative promotion with partners at Wake County Economic Development and the Economic Development Partnership of North Carolina.

On June 3, 2019, the Zebulon Board of Commissioners budgeted \$35,000 toward a Business Retention and Expansion program.

Discussion:

The discussion before the Board focuses on whether the Business Retention and Expansion Program executed by the Chamber of Commerce will advance upon the priority goals stated in the Zebulon 2030 Strategic Plan.



STAFF REPORT
BUSINESS RETENTION AND
EXPANSION PROGRAM AGREEMENT
AUGUST 5, 2019

Policy Analysis

The proposed Partnership is consistent with community and economic development policies adopted by the Zebulon Board of Commissioners, specifically, the Comprehensive Plan (2008) and *Zebulon 2030* (2018).

Fiscal Analysis

The Chamber's services cost less than if contracted privately or developed as an internal program within the Town of Zebulon. Additionally, the Chamber's leadership and staff provide a deeper level of commitment and knowledge, and a greater latitude and nimbleness, than respectively developed in private consulting or allowed in the government sector. The Chamber, in-turn, not only provides greater efficiencies and effectiveness in the delivery of this specific service, but also produces a multiplier effect as this mutually beneficial service increases its membership number and community engagement.

Staff Recommendation:

Staff recommends adopting the Business Retention and Expansion Program Partnership Agreement.

Attachments:

1. Business Retention and Expansion Program Partnership Agreement

STATE OF NORTH CAROLINA

WAKE COUNTY

Business Retention and Expansion Program Partnership Agreement

THIS AGREEMENT, entered into this the _____ day of _____, 2019, by and between the TOWN OF ZEBULON, NORTH CAROLINA, a municipal corporation organized and chartered under the laws of the State of North Carolina, hereinafter called "Zebulon" and the ZEBULON CHAMBER OF COMMERCE, a 501(c) 6 nonprofit corporation organized and incorporated under the laws of the State of North Carolina, hereinafter called the "Chamber";

WITNESSETH

THAT WHEREAS, Zebulon adopted the Zebulon 2030 Strategic Plan identifying *Vibrant Downtown, Small-Town Life, and Growing Smart* as focus areas foundational to achieving the Town's Vision of "a vibrant, growing community that maintains its small-town charm and heritage"; and,

WHEREAS, the *Growing Smart* focus area is defined in part to "promote economic development" with a priority goal being "pursue economic development opportunities with our community partners"; and,

WHEREAS, the Chamber is committed to their mission as "members of the business community dedicated to creating and sustaining a participatory and collaborative business environment", with a vision to "create a place where people want to work and businesses need to be"; and,

WHEREAS, the Chamber adopted a strategic plan identifying the following focus areas and goals:

- 1) *We're the Resource*: assist businesses in all phases of their lifecycle
 - 2) *We're the Catalyst*: develop the leadership and workforce to strengthen businesses
 - 3) *We're the Connector*: connect resources to sustain an effective business ecosystem;
- and,

WHEREAS, the goals of a Business Retention and Expansion Program; namely a focus on retaining existing businesses and facilitating their growth and expansion, and enhancing the business climate and strengthening business partnerships with the community; are mutually beneficial goals of Zebulon's and the Chamber's strategic plans; and,

WHEREAS, the Chamber is better positioned than either private contract or government department to oversee this program by virtue of their lower overhead cost and efficiency of scale, and most effectively by virtue of their local business relationships and greater latitude and nimbleness to respond;

NOW, THEREFORE, it is agreed the Chamber will oversee Business Retention and Expansion Program within the context of the following focus areas:

1. Grow Smart: Pursue economic development opportunities with our community partners
 - a. Grow existing, local business
 - i. Structure and Implement Business Retention Program (BRE) (i.e. survey existing businesses to understand needs, obstacles, expansion plans, supply chains, workforce needs, and expansion potential).
 - ii. Organize and host programs to address BRE needs (e.g. Workforce Development Workshop and Roundtables) in even fiscal years.
 - iii. Assist the Farm Fresh Market as a means to transition new businesses into the marketplace (e.g. "How to Write a Winning Business Plan").
 - b. Attract existing, external business
 - i. Organize and host the Zebulon Economic Growth Conference (aka "Zebulon Next") in odd fiscal years.
 - c. Develop new, local business
 - i. Organize and host small business workshops (e.g. "How to Write a Winning Business Plan") through partners like Wake Tech., CAWD, SCORE, and SBA.
 - ii. Market vacant buildings within the Downtown Overlay District (i.e. targeting "public house" retailers (coffee shop, brew-pub, bakery, etc.))
 - iii. Participate in economic development continuing education classes (e.g. "Development Finance") and organizations (e.g. NCEDA, GRCVB, GRCC).
2. Vibrant Downtown: A clean, attractive, and historic downtown with ...
 - a. A variety of shops, restaurants, businesses and housing.
 - i. Market vacant buildings within the Downtown Overlay District (i.e. targeting "public house" retailers (coffee shop, brew-pub, bakery, etc.))
 - ii. Facilitate the upgrade of buildings and spaces within the Downtown Overlay District (i.e. partner with Zebulon to develop incentives (e.g. Façade Grant, Internal Improvement Grant), regulations (e.g. Unified Development Ordinance), and ordinances (e.g. Maintenance Standards)).
 - iii. Partner in developing inventory of available building and land sites (e.g. Building and Site Inventory program).
 - iv. Collaborate and assist the Town in their efforts to become a member of the NC Main Street Program (e.g. "Downtown Business Conversations").
3. In consideration of \$35,000 budgeted by Zebulon in the "Community and Economic Development Fund" from a portion of Article 39 Sales Tax receipts, and workforce support of events, the Chamber will undertake the following activities in this fiscal year:

<u>Activity</u>	<u>Notes</u>
Business Visitation and Surveying	
<ul style="list-style-type: none"> • Implement Business Survey System • Implement Business Visitation Program 	
Zebulon Economic Growth Conference (aka Zebulon Next)	Odd fiscal years
Workforce Development Workshop and Roundtable	Even fiscal years
<ul style="list-style-type: none"> • CEO Roundtable meetings • Workforce Development workshops • Small Business workshops 	
Business Retention Program	
<ul style="list-style-type: none"> • Develop Small Business guide • Engage Small Business resources and partners 	
Strengthen participation with Economic Development partners	
<ul style="list-style-type: none"> • Planning Department Monthly Meetings • Wake County ED Quarterly Meetings • Key contact for Wake County Site Assessment Program • ED Partnership of NC Semi Annual Meetings • Annual economic development conference and cont. ed. 	

4. The Chamber will report the results of the aforementioned efforts to the Zebulon Board of Commissioners on a quarterly basis during at the Zebulon's Board Meetings in September, December, March, and June.
5. The Chamber may also participate at the Board Retreat and one Budget Work-Session to propose community and economic development efforts for FY 2021.
6. This agreement will terminate at the end of the fiscal year on June 30, 2020.

TOWN OF ZEBULON

ZEBULON CHAMBER OF COMMERCE

Robert S. Matheny
Mayor
Town of Zebulon

Patrick McNally
Chairman of the Board
Zebulon Chamber of Commerce

This instrument has been pre-audited per the Local Government Budget and Fiscal Control Act.

Robert T. Fitts
Finance Director, Town of Zebulon



STAFF REPORT
BOARD APPOINTMENTS
August 5, 2019

Topic: Board Appointments

Speaker: Lisa M. Markland, Town Clerk
From: Lisa M. Markland, Town Clerk
Prepared by: Lisa M. Markland, Town Clerk
Approved by:  Joseph M. Moore, II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider persons interested in serving on the Planning Board and Board of Adjustment.

Background:

The Board of Commissioners has created several appointed Boards to make recommendations or decisions in their perspective areas. Each year persons interested in the appointed Boards presents applications showing their interest which are then reviewed by the Board prior to appointments being made.

Discussion:

The discussion before the Board is whether to appoint those interested to the Planning Board and Board of Adjustment.

Planning Board

Currently, there is one in-town vacancy on the Planning Board.

In-town

- David Covington did not seek reappointment.
- Jessica Luther has submitted an application of interest for this position.
- Edward Sanders has submitted an application of interest for this position.

Board of Adjustment

On the Board of Adjustment there are two vacancies.

- Larry Loucks has submitted an application for reappointment.
- Tad Adams has submitted an application for reappointment

Policy Analysis:

The Code of Ordinances states that there will be seven members on the Planning Board and five regular member of the Board of Adjustment. The available seats are for three year terms that would expire on June 30, 2022.

Staff Recommendation:

If the Board chooses to make appointments staff requests that the persons be appointed to three year terms that would end on June 30, 2022.

Attachments:

1. Applications

TOWN OF ZEBULON
Application for Board Appointments

Please indicate which board you are interested in serving on. If you are interested in more than one board please list them by preference by using numbers (1,2,3).

2 Board of Adjustment 1 Planning Board 3 Parks & Recreation Advisory

Name Jessica Luther

Address 104 E Franklin St, Zebulon, NC 27597

Phone (Home) _____ (Work) _____ (Cell) 910-255-4131

Employer VHB Occupation Transportation Designer/Planner

Do you live in the Zebulon Corporate Limits Yes ETJ _____ Years in Zebulon 1

E-mail jessica.luther224@gmail.com

Do you currently, or have you previously, served on any Town of Zebulon, or other municipal board, commission or committee? Yes _____ No x If you answered yes, please list them below.

Board/Commission/Committee	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you taken the opportunity to attend any previous board meetings prior to the notice of this vacancy? Yes ___ No x

Describe extent and meetings attended _____

Why do you want to serve on this board or commission? I want to give back to my community and use my education and professional background to be a part of the conversation of Zebulon's future.

Why would you be an asset to this board or commission? I have a Civil Engineering degree and work in the transportation industry, previously as a roadway designer and currently as a transportation planner.

What are your qualifications? Bachelor's of Civil Engineering

What areas of concern would you like to see the Board or Commission address? _____

Avoid other Wake County suburb's mistakes who didn't look far enough into the future for astounding growth.

I certify that the above information is correct. I understand that this is an application to be considered for appointment to a Town of Zebulon board, commission or committee and that final appointment is made by the Zebulon Board of Commissioners. I also understand that any service, if appointed, would be without compensation. This application will remain on file for a period of 12-months from the date of application.

Date 6/25/19 Signature Jessica Luther

Please fill out the form completely and return it to Lisa Markland at Town Hall. If you have any question call 919-823-1800.

TOWN OF ZEBULON
Application for Board Appointments

Please indicate which board you are interested in serving on. If you are interested in more than one board please list them by preference by using numbers (1,2,3).

3 Board of Adjustment 1 Planning Board 2 Parks & Recreation Advisory

Name Edward Carter Sanders

Address 203 Dulcimer Ln, Zebulon, NC 27597

Phone (Home) 919-805-6070 (Work) 919-831-3613 (Cell) 919-805-6070

Employer NC Court of Appeals Occupation Senior Deputy Clerk.

Do you live in the Zebulon Corporate Limits ETJ _____ Years in Zebulon _____

E-mail ecs@coa.nccourts.org

Do you currently, or have you previously, served on any Town of Zebulon, or other municipal board, commission or committee? Yes _____ No If you answered yes, please list them below.

Board/Commission/Committee	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you taken the opportunity to attend any previous board meetings prior to the notice of this vacancy? Yes ___ No

Describe extent and meetings attended _____

Why do you want to serve on this board or commission? I believe I would be an asset to the people of Zebulon

Why would you be an asset to this board or commission? I have been involved in many community service organizations

What are your qualifications? I am involved with service organizations with the Indian ^{also I am a Commissioner} Housing author.

What areas of concern would you like to see the Board or Commission address? N/A

I certify that the above information is correct. I understand that this is an application to be considered for appointment to a Town of Zebulon board, commission or committee and that final appointment is made by the Zebulon Board of Commissioners. I also understand that any service, if appointed, would be without compensation. This application will remain on file for a period of 12-months from the date of application.

Date 7/24/19 Signature Edward C. Sanders

Please fill out the form completely and return it to Lisa Markland at Town Hall. If you have any question call 919-823-1800.

TOWN OF ZEBULON

Application for Board Appointments

Please indicate which board you are interested in serving on. If you are interested in more than one board please list them by preference by using numbers (1, 2, 3).

1 Board of Adjustment 2 Planning Board
3 Parks & Recreation Advisory

Name Larry R. Loucks

Address 500 Yates Place

Phone Number (Home) 801-8424 Work) 600-5946

Cell Number 801-8424 Date of Birth (month and day) 03/05

Email Address LOUCKS1@AOL.COM

Employer NCSU – SBTDC (Small Business & Technology Development Center)

Occupation Assistant State Director – Finance and Operations

Do you live in the Zebulon Corporate Limits X ETJ _____

How long have you been a resident of Zebulon? 36 Years

Why do you want to serve on this board or commission? To continue serving in public service for the town and citizens of Zebulon.

Why do you think you would be an asset to this board or commission? 28 years of experience on the Board of Adjustment, MBA in Business and 25 years of experience in Economic Development and University finance.

What do you feel are your qualifications for serving on the board requested? Zebulon citizen for 36 years, 26 years on Board of Adjustment, MBA in Business and Adjunct Faculty member (Campbell University, Fayetteville State University and Jackson Community College).

What areas of concern would you like to see the Board or Commission address? Long-range planning to adequately address our ever changing world that will impact the town and its' citizens.

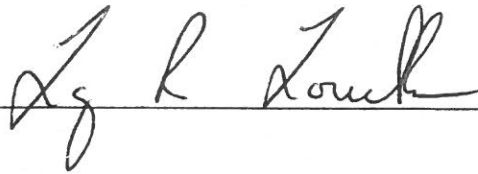
Prior Public Service

Board/Commission/Civic	From	To
<u>Zebulon Board of Adjustment</u>	<u>1990</u>	<u>2019</u>
_____	_____	_____

Comments

Date 5/30/2019

Signature

A handwritten signature in black ink, appearing to read "L. R. Towh", written over a horizontal line.

Please fill out the form completely and return it to Lisa Markland at Town Hall.
If you have any question call 823-1800.

TOWN OF ZEBULON
Application for Board Appointments

Please indicate which board you are interested in serving on. If you are interested in more than one board please list them by preference by using numbers (1,2,3).

Board of Adjustment Planning Board Parks & Recreation Advisory

Name Tad Adams (Adrian Wyatt Adams)

Address 310 W Gannon Ave, Zebulon NC 27597

Phone (Home) 919-815-2593 (Work) 919-269-9998 (Cell) 919-815-2593

Employer Zebulon Drug Occupation Pharmacist

Do you live in the Zebulon Corporate Limits ETJ Years in Zebulon 33

E-mail tadams@cornerdrugstores.com

Do you currently, or have you previously, served on any Town of Zebulon, or other municipal board, commission or committee? Yes No If you answered yes, please list them below.

Board/Commission/Committee	From	To
<u>Board of Adjustments</u>		<u>Present</u>

Have you taken the opportunity to attend any previous board meetings prior to the notice of this vacancy? Yes No

Describe extent and meetings attended _____

Why do you want to serve on this board or commission? _____

Why would you be an asset to this board or commission? _____

What are your qualifications? HAVE SERVED ON BOA 20 plus years

What areas of concern would you like to see the Board or Commission address? _____

I certify that the above information is correct. I understand that this is an application to be considered for appointment to a Town of Zebulon board, commission or committee and that final appointment is made by the Zebulon Board of Commissioners. I also understand that any service, if appointed, would be without compensation. This application will remain on file for a period of 12-months from the date of application.

Date 7.22.2019 Signature [Signature]

Please fill out the form completely and return it to Lisa Markland at Town Hall. If you have any question call 919-823-1800.



STAFF REPORT
PERSONNEL POLICY AMENDMENTS
AUGUST 5, 2019

Topic: Personnel Policy Amendments

From: Lisa Markland, HR Director

Prepared by: Lisa Markland

Speaker: Lisa Markland

Approved by: Joseph M. Moore, II, PE, Town Manager

A handwritten signature in blue ink, appearing to be "J. Moore", is written over the "Approved by" line.

Executive Summary:

The Board will consider an amendment to the Personnel Policy.

Background:

The Personnel Policy was last updated in November 2018. There was a desire to allow for employees taking maternity/paternity leave to be allowed to utilize sick time, if they had it available, for the entire time they took off up to 12 weeks. Currently, sick time can only be taken for the specific time that the mother and child were in the hospital, or if there were other health issues requiring additional medical treatment. Otherwise, they would need to utilize all compensatory time first and then vacation time for the remainder of time off.

The HR Committee (an advisory group comprised of employees from different departments and varying levels of responsibility) discussed the idea and thought that it was an appropriate revision since it would be in keeping with the policies of all other municipalities in Wake County and many others in the State.

The revision also supported the core values adopted by the Board that included "Family" as being one of the important values to be supported.

Discussion:

The Board will discuss whether to approve the proposed amendment to the personnel policy.

Policy Analysis

The Personnel Policy amendment allows for regular, full-time employees to be allowed to utilize sick time when time was taken off for maternity/paternity leave due to the birth or placement of a child.

Fiscal Impact

The fiscal impact could be in the use of part-time personnel, when necessary, to cover for employees taking time to be off for the birth or placement of a child.

Staff Recommendation:

Staff recommends approval of the proposed amendment to the Personnel Policy.

Attachments:

1. Personnel Policy Amendments

Section 11. ~~Maternity~~ Maternity/Paternity Leave

- (a) ~~Maternity leave is unpaid time away from work for pregnancy related reasons. As described below, employees taking maternity leave may use sick leave, vacation, or compensatory time during a maternity leave.~~
- (a) Maternity/Paternity leave shall normally not exceed 12 weeks and shall run concurrently with FMLA leave, and the employee shall follow procedures set forth in that section.
- (b) Requests to take ~~maternity~~ maternity/paternity leave should be submitted in writing by the employee to his/her department head. In order to allow for adequate coverage during a ~~maternity~~ maternity/paternity leave, the employee should provide as much notice as possible, ideally at least three months prior to the expected delivery date. When the need for ~~maternity~~ maternity/paternity leave is unforeseeable (for example, an ~~woman expectant mother~~ is placed on bed rest prior to delivery), the employee must provide notice as soon as practical.
- (c) A request for ~~maternity~~ maternity/paternity leave should include:
1. The estimated date ~~maternity~~ maternity/paternity leave will commence;
 2. The estimated date the employee will return to work; and
 3. Whether accumulated vacation, sick and/or compensatory leave will be used for a portion of the leave.
- (d) Commencement of leave is a decision to be made by an employee and ~~her~~ their physician based on the employee's job duties, physical condition, and other relevant factors. In a manner consistent with applicable law, the Town may require a physician's certification as to any employee's ability to perform the essential functions of her job at any time during pregnancy or upon return to work following a ~~maternity~~ maternity/paternity leave.
- (e) ~~Maternity Leave shall normally not exceed 12 weeks and shall run concurrently with FMLA leave, and the employee shall follow procedures set forth in that section.~~ Maternity ~~Maternity/Paternity~~ Leave may be extended by the Town Manager pursuant to the Town's leave without pay policy set forth in Section 6 above. An employee seeking an extended leave must submit extension requests in writing to the Town Manager at least 30 days prior to the ending date of leave.
- (f) A regular employee who is unable to perform her job due to pregnancy related disability for more than five calendar days may be eligible for short-term disability coverage as described in Section 10 above.
- (g) The use of accrued leave during ~~maternity~~ maternity/paternity leave is allowed as follows:
1. Compensatory Leave – An employee must use any accrued compensatory leave first when out on approve ~~maternity~~ maternity/paternity leave associated with the care of a newborn child.

~~4.2. Sick Leave - An employee may use sick leave for the full 12 weeks if the employee has that much sick leave available, and they do not have any accrued compensatory time available. any actual period of disability or incapacity connected with a pregnancy. Medical certification of the period of disability/incapacity is required, including the beginning and ending dates of the disability period so that the employee's sick leave balances may be accurately charged. An employee may use only accrued sick leave, since the Town does not advance sick leave. -~~

~~2.1. Compensatory Leave - An employee must use any accrued compensatory leave first when out on approved maternity leave associated with the care of a newborn child.~~

3. Vacation - An employee may choose to use all or portions of his/her accrued vacation during ~~maternity-~~ maternity/paternity leave.

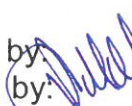
- (h) At least two weeks before the date of return as specified in the employee's ~~maternity~~ maternity/paternity leave request, the employee must give his/her supervisor written notification of intent to return to work. In the absence of an approved extension, failure to return to work on the specified date will be considered a voluntary resignation without proper notice.
- (i) Employees on ~~maternity-~~ maternity/paternity leave will continue to accrue leave credits, and the Town will continue to pay for individual health, dental, disability and life insurance premiums. Employees will continue to be responsible for payment of dependent premiums, either through payment directly to the Town or through payroll deduction. The final paycheck can be used as a means of reimbursing the Town for all or a portion of premium(s) due. The employee will be responsible for making arrangements with the Finance Department for any balance due.
- (j) An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one, which entails substantially equivalent skill, effort, responsibility, and authority.

~~A man working for the Town may take leave: 1) following the birth of a child or 2) to care for a newborn child or the mother of a newborn child when a serious health condition exists. Such leave is covered under the FMLA policy and procedures set forth above. Sick leave may be used as permitted under Section 5 above.~~



STAFF REPORT
FIRE TRUCK FUNDING AGREEMENTS
August 5, 2019

Topic: Fire Truck Funding Agreements with Wake County

Speaker: Chris Perry, Fire Chief
From: Chris Perry, Fire Chief
Eric Vernon, Town Attorney
Prepared by: Chris Perry, Fire Chief
Approved by:  Joseph M. Moore, II, PE, Town Manager

Executive Summary:

Consideration of approval of funding agreements for the fire ladder truck and pumper truck with Wake County.

Background:

On August 6, 2018, the Board of Commissioners approved the purchase of a fire department ladder truck and pumper truck. The associated staff report indicated that a portion of the necessary funding would be provided by Wake County. With the delivery of the vehicles, Wake County provided agreements to outline how their funding would be provided. These agreements are consistent with other similar cost-shared fire department vehicles with Wake County.

Town Attorney Eric Vernon has reviewed the agreements as presented.

Discussion:

The discussion before the Board is to approve or deny the attached agreements for funding the vehicles.

Fiscal Analysis:

The agreements provide for Wake County to make annual payments to the Town of Zebulon based upon the agreed upon amounts during the life of the vehicles' loans.

Policy Analysis:

N.C.G.S. 153A-233 authorizes counties to contract for fire-fighting or prevention services with cities or other units of local government, and further authorizes appropriation of funds not otherwise limited by law.

Staff Recommendation:

Staff recommends approval of attached agreements.

Attachments:

1. Ladder Truck Funding Agreement
2. Pumper Truck Funding Agreement

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FUNDING AGREEMENT
LARGE VEHICLE
COST SHARE MUNICIPAL FIRE DEPARTMENT

This Agreement entered into this the 21st day of May 2019, by and between the **County of Wake** (County) and the **Town of Zebulon**. (Municipal Fire Department).

WITNESSETH

- 1 The County and the Municipal Fire Department maintain a continuing contractual relationship, through which the Municipal Fire Department provides fire protection to unincorporated areas of the County, and the County provides financial support to the Municipal Fire Department for those services; and
- 2 The County and the Municipal Fire Department desire to enter into an agreement to provide for County financial support of Municipal Fire Department's fire vehicle replacement program; and
- 3 This agreement is designed to provide for funding of a replacement vehicle consistent with the approved fire apparatus replacement plan to replace vehicle:

VIN number: 1D9UL43F5H1008780, identified by Municipal Fire Department as: Ladder 95 1987 Grumman Aerial;

-replaced by-

VIN number: 4P1BCAFF8KA020339, identified by Municipal Fire Department as: Ladder 9 2019 Pierce Enforcer Aerial (the "Vehicle")

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein the County and Municipal Fire Department agree as follows:

- 1) The Municipal Fire Department agrees to submit to the County a copy of the Vehicle order placed in accordance with the North Carolina State Government Purchase Contract, or ordered from another approved vendor at a cost less than that for the same identically equipped vehicle purchased from the North Carolina State Government Purchase Contract. Approval of purchase from a vendor other than the North Carolina State Government Purchase Contract vendor will be contingent upon Municipal Fire Department providing documentation of total vehicle cost.
- 2) The Municipal Fire Department agrees to pay for the Vehicle and secure title to the vehicle.
- 3) The County agrees to pay the Department \$238,789.93, which represents the County's contribution of 20.00 % of the total maximum amount approved (Principal and Interest) in the Capital replacement plan.

The County will make a total of 14 annual payments of \$15,919.33, and 1 payment of \$15,919.34, totaling 15 payments.

Additionally, the County will reimburse the same percentage of the cost to secure title & tag, and to cover the county's cost share of the radio installation.

Payment Schedule (Annual) is as follows:

<u>Payment No.</u>	<u>Date</u>	<u>Payment Amt.</u>	<u>Principal</u>	<u>Interest</u>	<u>Wake Co Amt (20%)</u>
1	6/1/19	\$79,596.64	\$79,596.64	0	\$15,919.33
2	9/1/19	\$79,596.64	\$51,212.85	\$28,383.79	\$15,919.33
3	9/1/20	\$79,596.64	\$52,851.66	\$26,744.98	\$15,919.33
4	9/1/21	\$79,596.64	\$54,542.92	\$25,053.72	\$15,919.33
5	9/1/22	\$79,596.64	\$56,288.29	\$23,308.35	\$15,919.33
6	9/1/23	\$79,596.64	\$58,089.52	\$21,507.12	\$15,919.33
7	9/1/24	\$79,596.64	\$59,948.38	\$19,648.26	\$15,919.33
8	9/1/25	\$79,596.64	\$61,866.73	\$17,729.91	\$15,919.33
9	9/1/26	\$79,596.64	\$63,846.46	\$15,750.18	\$15,919.33
10	9/1/27	\$79,596.64	\$65,889.55	\$13,707.09	\$15,919.33
11	9/1/28	\$79,596.64	\$67,998.02	\$11,598.62	\$15,919.33
12	9/1/29	\$79,596.64	\$70,173.95	\$9,422.69	\$15,919.33
13	9/1/30	\$79,596.64	\$72,419.52	\$7,177.12	\$15,919.33
14	9/1/31	\$79,596.64	\$74,736.94	\$4,859.70	\$15,919.33
15	9/1/32	\$79,596.68	\$77,128.57	\$2,468.11	\$15,919.34

- 4) The County's ownership interest in the Vehicle is limited to receiving revenues from disposal of the Vehicle after the Vehicle has reached the end of its useful service life in the same percentage as the County contributed towards the total purchase price. The Department agrees to notify County prior to disposition of Vehicle purchased under this agreement. If the Vehicle is sold at the end of its useful service life, the County will receive a percentage of the actual fair market sales price of the Vehicle equal to the percentage of purchase price provided to the Department. If the Vehicle is transferred to another department of the Department or otherwise disposed of without an arm's length sale, then the County will receive a percentage of the fair market value of the Vehicle determined, equal to the same percentage contributed by the County towards the total initial purchase of the Vehicle.
- 5) Department agrees to maintain the Vehicle purchased with funds through this agreement substantially pursuant to the manufacturer's service schedule; to maintain records of Vehicle's service, repair and maintenance, and further agrees to submit and make available service records upon request.
- 6) The Vehicle purchased with funds through this agreement will be warranted in accordance with the manufacturers' warranties, and repair and/or replacement of items not covered by the manufacturer's warranty shall be the Municipal Fire Department's responsibility.
- 7) The Municipal Fire Department shall keep in force and maintain during the term of this agreement the minimum insurance coverages detailed in Section 18 of the current Fire Protection Agreement, dated July 1, 2010, to which the Municipal Fire Department is a party.
- 8) The Municipal Fire Department shall indemnify and hold harmless Wake County as detailed in Section 18 of the current Fire Protection Agreement, dated July 1, 2010.

- 9) E-VERIFICATION - To ensure compliance with the E-Verify requirements of the General Statutes of North Carolina, all contractors, including any subcontractors employed by the contract(s), by submitting a bid, proposal or any other response, or by providing any material, equipment, supplies, services, etc, attest and affirm that they are aware and in full compliance with Article 2 of Chapter 64, (NCGS 64-26(a)) relating to the E-Verify requirements.
- 10) IRAN DIVESTMENT - By signing this agreement, Provider certifies that as of the date of execution of this Agreement 1) it does not appear on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 143-6A-4 and published on the State Treasurer's website at www.nctreasurer.com/Iran and 2) it will not utilize any subcontractor that appears on the Final Divestment List in the performance of duties under this Agreement.

Executed as of the day and year first above written.

Town of Zebulon
1003 N. Arendell Ave.
Zebulon, NC 27597

COUNTY OF WAKE
PO Box 550
Raleigh NC 27602

Robert S. Matheny, Mayor
Town of Zebulon

Nicholas S. Campasano
Fire Services Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director or designee

The person responsible for monitoring the contract performance requirements is the Wake County Fire Services Deputy Director / Chief of Operations.

Darrell Alford
Deputy Director / Chief of Operations

_____ Department Head Initials

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FUNDING AGREEMENT
LARGE VEHICLE
COST SHARE MUNICIPAL FIRE DEPARTMENT

This Agreement entered into this the 21st day of May 2019, by and between the **County of Wake** (County) and the **Town of Zebulon** (Municipal Fire Department).

WITNESSETH

- 1 The County and the Municipal Fire Department maintain a continuing contractual relationship, through which the Municipal Fire Department provides fire protection to unincorporated areas of the County, and the County provides financial support to the Municipal Fire Department for those services; and
- 2 The County and the Municipal Fire Department desire to enter into an agreement to provide for County financial support of Municipal Fire Department's fire vehicle replacement program; and
- 3 This agreement is designed to provide for funding of a replacement vehicle consistent with the approved fire apparatus replacement plan to replace vehicle:

VIN number: 4P1CT02U8VA000342, identified by Municipal Fire Department as: Engine 91 1997 Pierce;

-replaced by-

VIN number: 4P1BAAFF3KA020447, identified by Municipal Fire Department as: Engine 91 2019 Pierce Enforcer Pumper (the "Vehicle")

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein the County and Municipal Fire Department agree as follows:

- 1) The Municipal Fire Department agrees to submit to the County a copy of the Vehicle order placed in accordance with the North Carolina State Government Purchase Contract, or ordered from another approved vendor at a cost less than that for the same identically equipped vehicle purchased from the North Carolina State Government Purchase Contract. Approval of purchase from a vendor other than the North Carolina State Government Purchase Contract vendor will be contingent upon Municipal Fire Department providing documentation of total vehicle cost.
- 2) The Municipal Fire Department agrees to pay for the Vehicle and secure title to the vehicle.
- 3) The County agrees to pay the Department \$233,677.44, which represents the County's contribution of 35.00 % of the total maximum amount approved (Principal and Interest) in the Capital replacement plan.

The County will make a total of 8 annual payments of \$29,209.68.

Additionally, the County will reimburse the same percentage of the cost to secure title & tag, and to cover the county's cost share of the radio installation.

Payment Schedule (Annual) is as follows:

<u>Payment No.</u>	<u>Date</u>	<u>Payment Amt.</u>	<u>Principal</u>	<u>Interest</u>	<u>Wake Co Amt (35%)</u>
1	6/1/19	\$83,456.23	\$83,456.23	0	\$29,209.68
2	9/15/19	\$83,456.23	\$67,055.97	\$16,400.26	\$29,209.68
3	9/15/20	\$83,456.23	\$69,184.99	\$14,271.24	\$29,209.68
4	9/15/21	\$83,456.23	\$71,381.62	\$12,074.61	\$29,209.68
5	9/15/22	\$83,456.23	\$73,647.98	\$9,808.25	\$29,209.68
6	9/15/23	\$83,456.23	\$75,986.31	\$7,469.92	\$29,209.68
7	9/15/24	\$83,456.23	\$78,398.87	\$5,057.36	\$29,209.68
8	9/15/25	\$83,456.23	\$80,888.04	\$2,568.19	\$29,209.68

- 4) The County's ownership interest in the Vehicle is limited to receiving revenues from disposal of the Vehicle after the Vehicle has reached the end of its useful service life in the same percentage as the County contributed towards the total purchase price. The Department agrees to notify County prior to disposition of Vehicle purchased under this agreement. If the Vehicle is sold at the end of its useful service life, the County will receive a percentage of the actual fair market sales price of the Vehicle equal to the percentage of purchase price provided to the Department. If the Vehicle is transferred to another department of the Department or otherwise disposed of without an arm's length sale, then the County will receive a percentage of the fair market value of the Vehicle determined, equal to the same percentage contributed by the County towards the total initial purchase of the Vehicle.
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- 6) The Vehicle purchased with funds through this agreement will be warranted in accordance with the manufacturers' warranties, and repair and/or replacement of items not covered by the manufacturer's warranty shall be the Municipal Fire Department's responsibility.
- 7) The Municipal Fire Department shall keep in force and maintain during the term of this agreement the minimum insurance coverages detailed in Section 18 of the current Fire Protection Agreement, dated July 1, 2010, to which the Municipal Fire Department is a party.
- 8) The Municipal Fire Department shall indemnify and hold harmless Wake County as detailed in Section 18 of the current Fire Protection Agreement, dated July 1, 2010.
- 9) E-VERIFICATION - To ensure compliance with the E-Verify requirements of the General Statutes of North Carolina, all contractors, including any subcontractors employed by the contract(s), by submitting a bid, proposal or any other response, or by providing any material, equipment, supplies, services, etc, attest and affirm that they are aware and in full compliance with Article 2 of Chapter 64, (NCGS 64-26(a)) relating to the E-Verify requirements.
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pursuant to N.C.G.S. 143-6A-4 and published on the State Treasurer's website at www.nctreasurer.com/Iran and 2) it will not utilize any subcontractor that appears on the Final Divestment List in the performance of duties under this Agreement.

Executed as of the day and year first above written.

Town of Zebulon
1003 N. Arendell Ave.
Zebulon, NC 27597

COUNTY OF WAKE
PO Box 550
Raleigh NC 27602

Robert S. Matheny, Mayor
Town of Zebulon

Nicholas S. Campasano
Fire Services Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director or designee

The person responsible for monitoring the contract performance requirements is the Wake County Fire Services Deputy Director / Chief of Operations.

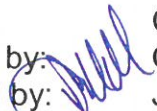
Darrell Alford
Deputy Director / Chief of Operations

_____ Department Head Initials



STAFF REPORT
ORDINANCE 2020-21
RADIO INTEROPERABILITY SOLUTION
AUGUST 5, 2019

Topic: Ordinance 2020-21 Radio Interoperability Solution

Speaker: Chris Perry, Fire Chief
From: Chris Perry, Fire Chief
Timothy P. Hayworth, Police Chief
Chris Ray, Public Works Director
Prepared by: Chris Perry, Fire Chief
Approved by:  Joseph M. Moore, II, PE, Town Manager

Executive Summary:

Consideration of approval of funding for a radio interoperability solution.

Background:

During the recent tornado event, communications between Town staff were significantly impaired due to a cellular network failure within our area. Staff personnel from different departments were not able to communicate during the storm response. This failure dramatically emphasized the need for Town staff to be able to communicate with each other, especially in times of emergencies.

Since late 1990s, public safety communications have been via an 800 MHz radio system operated by Wake County. Since the 1980s, many town personnel (primarily Public Works) have utilized a town-maintained VHF system to communicate. Due to the differences in radio technologies, these systems don't allow users on different systems to communicate with each other. Over the years, the two systems have been used in tandem at both emergency and special events to coordinate efforts. This year's tornado was the most recent use, and cellular phones could not be used to bridge the gap.

The proposed solution allows for equipment to tie the two radio systems together (allowing radio transmissions between the two different platforms) and additional Town radio equipment needed to effectively communicate with necessary employees during emergencies. With this solution, radio users on either system will be able to communicate seamlessly with other Town employees (regardless of what system they are on).

Discussion:

The discussion before the Board is to approve or deny the allocation of funding towards the radio interoperability solution.

Fiscal Analysis:

Multiple methods to address the issue of two radio systems have been attempted over the years. Primarily, personnel have been asked to carry two radios (one on each system), but this has proved too cumbersome to be effective and requires staff the difficult task of maintaining a working knowledge of both systems and equipment. Additionally, the option to move all staff to one system has proven impractical. Public safety staff cannot move to the town system without alienating themselves from other



STAFF REPORT
ORDINANCE 2020-21
RADIO INTEROPERABILITY SOLUTION
AUGUST 5, 2019

public safety agencies. Town system users could be moved to the public safety system; however, costs for this conversion could easily quadruple this proposed solution.

A breakdown of costs for the interoperability solution (as recommended) includes:

Interoperability Equipment and Installation	\$17,000
Additional Radios and Batteries	<u>\$ 4,200</u>
Total Cost for Radio Interoperability	\$21,200

Any/all necessary staff training would be handled with Town staff.

Funding for this project would be allocated from unused funds from the FY 2018-2019 budget, which have been transferred to the Town's fund balance. This allocation would result in less than 1% change of the fund balance percentage.

Policy Analysis:

Good communications is a basic, fundamental tenet to effectively handling emergencies. It is referenced often in policy/plan documents such as our Hazard Mitigation Plan, Multi-Hazard response plan, and National Incident Management System documents, as well as the upcoming Emergency Operations Plan. Due to its criticality, it is practiced daily, as all departments use communication equipment on many levels to perform as a larger and more effective team. The absence of a reliable communications platform, even during an emergency situation, can significantly impair our response.

N.C.G.S. § 166A-19.15 authorizes towns to appropriate and spend funds, as well as to obtain and distribute equipment, for emergency management purposes.

Staff Recommendation:

Staff recommends approval of the resolution to appropriate funding as identified for the radio interoperability solution.

Attachment:

1. Ordinance 2020-21

ORDINANCE 2020-21

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1. To amend the General Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
Fund Balance Appropriated	\$21,200.00	
EXPENDITURES		
Administration – Emergency Radio Conversion	\$21,200.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor


ATTEST:

Lisa M. Markland, CMC – Town Clerk



STAFF REPORT
RESOLUTION 2020-01
RIGHT OF WAY ABANDONMENT
SC 2017-01
AUGUST 5, 2019

Topic: SC 2017-01 Eddins Street – Resolution 2020-01

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider whether or not to adopt a resolution for the right-of-way abandonment of Eddins Street.

Background:

The applicants initially proposed the closure of Eddins Street in January 2017 and in accordance with North Carolina General Statutes §160A-299 the council adopted resolution 2017-12 declaring its intent to close the street or alley and called a public hearing on the question. During the public hearing, the commission expressed concerns about the potential creation of a land locked parcel. The applicant has since provided an agreement to close the street, but create an access easement that would allow for perpetual access to the adjacent parcels through the Church Parking Lot and utility easements.

Discussion:

The discussion before the Board is whether or not the Board wishes to abandon the right-or-way for Eddins Street.

Policy Analysis:

While the Town does not have specific goals or policies as they relate to the closure of streets, Policy 3 of the Transportation Section of the 2008 Comprehensive Plan calls for the Town to "Provide safe and attractive streets through traffic calming and channelization devices...". In this context, the proposed closure of the street is consistent with the intent of this as it will reduce potential traffic congestion by allowing for improved off street parking arrangements for Wakefield Central Baptist Church.

Staff Recommendation:

Based on the documentation, staff recommends approval of the proposed request and adoption of the attached resolution 2020-01.

Attachments:

1. Right of Way Abandonment Application for SC 2017-01
2. April 3, 2017 and May 1, 2017 Board of Commissioner Meeting Minutes
3. Resolution 2017-12 – resolution of intent
4. NCGS §160A-299
5. Proposed Agreement
6. Resolution 2020-01



APPLICATION FC
Right-of-Way Abandonment

STATE OF NORTH CAROLINA

COUNTY OF WAKE

TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
ZEBULON, WAKE COUNTY, NORTH CAROLINA

WAKEFIELD CENTRAL BAPTIST CHURCH respectfully files this

Name of Petitioner

Petition and requests that (a portion or all of),
Eddins Street as shown on plat recorded in Book of Maps 1918, Page 75, Wake County Registry

Official name of street or location of alley

lying west of Proctor Street (SR 2320), north of property owned by Connie Pearce and Wakelon Townhomes Homeowners Association and east and south of property owned by Wakefield Central Baptist Church.

General description of location

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. The Petitioner's existing asphalt parking lot now extends into the right of way of Eddins Street and the Petitioner is planning an expansion of its current facilities adjoining Eddins Street which will require a further expansion of its parking facilities into the current right of way of Eddins Street. The dedication of Eddins Street has been withdrawn pursuant to N.C.G.S. 139-96 by a Declaration Withdrawing Dedication of Streets Pursuant to N.C.G.S. 139-96 recorded in Book 015552, Page 01058, Wake County Registry. (Copy of declaration is attached hereto as "Exhibit C").

Give reason for requested closing

2. The closing of Eddins Street street is not contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of Eddins street or in the subdivision in which it is located will be deprived of Reasonable means of ingress or egress to his or her property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and abandoned is more particularly described in "Exhibit B", attached hereto and made a part thereof.

Wherefore, petitioner respectfully requests the Board of Commissioners of the Town of Zebulon consider this Petition and set the time for public hearing upon this matter as required by law.

Respectfully submitted the 20th day of March, 2017

Signature of Petitioner

WAKEFIELD CENTRAL BAPTIST CHURCH

BY:

J. Michael Weeks
J. Michael Weeks

Attorney for the Petitioner

Post Office Box 1097, Zebulon, NC 27597

Telephone: (919) 269-9626



APPLICATION FC Right-of-Way Abandonment

We, the undersigned property owners, owning land abutting the street or alley shown on the attached map, hereby petition the Zebulon Board of Commissioners to close and withdraw acceptance of dedication of such land for street purposes. The parcel identification numbers below refer to parcels as shown on the attached		Date of Map July 20, 2016
Parcel Identification Number : 2706022043	Road frontage (from Deed): 150 feet	
Property Owner(s): Connie Pearce		
Mailing Address: 400 Proctor Street		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Connie M. Pearce</i>		
Parcel Identification Number: 2706011950	Road frontage (from Deed): 150 feet	
Property Owner(s): Connie Pearce		
Mailing Address: 400 Proctor Street		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Connie M. Pearce</i>		
Parcel Identification Number: 2706012606	Road frontage (from Deed): 58.24 feet	
Property Owner(s): Wakelon Townhomes Homeowners Association		
Mailing Address: 13037 NC Highway 39		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Peter Eggimann</i>		
Parcel Identification Number: 1796917959	Road frontage (from Deed): 424.56 feet	
Property Owner(s): Wakefield Central Baptist Church		
Mailing Address: 308 Proctor Street		
City: Zebulon	State: North Carolina	Zip: 27597
Signature(s): <i>Connie R. ...</i>		
Parcel Identification Number:	Road frontage (from Deed):	
Property Owner(s):		
Mailing Address:		
City:	State:	Zip:
Signature(s):		

"EXHIBIT A"

PROCTOR STREET SR 2320 60' PUBLIC R/W

LEGEND

- PP POWER POLE
- DI DUCTAL IRON
- SSMH Sanitary Sewer Manhole
- SSCO Sanitary Sewer Cleanout
- Water Meter
- Water Valves
- Fire Hydrant

THE PLAT IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Robert G. Williams 7-10-16
 ROBERT G. WILLIAMS, PLS, PLLC
 L-1417 P-0412

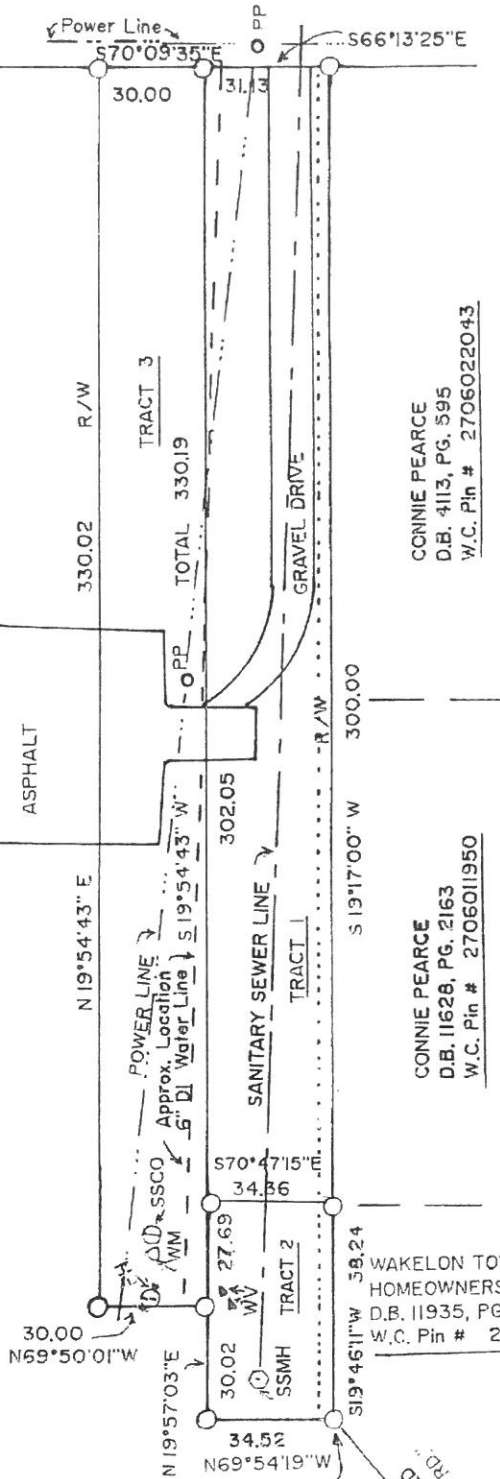
NOTES:

1. THIS IS NOT AN ACTUAL CURRENT FIELD SURVEY BY ROBERT G. WILLIAMS, PLS, PLLC. ALL BEARINGS AND DISTANCES EITHER TAKEN FROM OR CALCULATED FROM THE FOLLOWING REFERENCES:
 - A. BOOK OF MAPS 2014, PG. 408
 - B. BOOK OF MAPS 2005, PG. 2269
 - C. BOOK OF MAPS 2000, PG. 126
 - D. BOOK OF MAPS 2004, PG. 519
2. EDDINS STREET IS SHOWN ACCORDING TO BOOK OF MAPS 2014, PG. 408. THERE IS A GAP ON THE EASTERN SIDE OF THE R/W TO THE ADJOINING PROPERTIES, TRACTS 1 AND 2 INCLUDE THE GAP AND IS SHOWN FROM THE PROPERTY LINE TO THE CENTER OF EDDINS STREET.
3. GRID TIE TAKEN, CALCULATED, FROM BOM 2000, PG. 126.
4. THIS IS A PLAT OF EDDINS STREET WAKEFIELD CENTRAL BAPTIST CHURCH TO BE ABANDONED.
 WAKE COUNTY PIN # 1796927031
 New Pin # assigned 03/08/2017 --1796917959

AREA CHART

TRACT 1	0.226 AC.
TRACT 2	0.046 AC.
TRACT 3	0.227 AC.

NC Grid Co-Ordinates
 N=761,806.05
 E=2,200,046.05



ROBERT G. WILLIAMS
 PROFESSIONAL LAND SURVEYOR, PLLC
 P.O. BOX 1234
 ZEBULON, N.C. 27597

Telephone: 919-269-5700
 Drawn By: RGW & ELW
 Checked By: RGW

RIGHT-OF-WAY ABANDONMENT FOR

EDDINS STREET

TOWN OF ZEBULON

WAKE COUNTY

TOWN OF NORTH CAROLINA

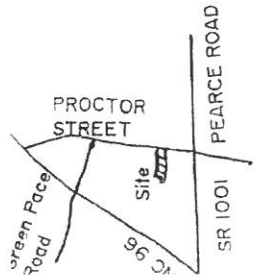


EXHIBIT B

The BEGINNING POINT is an existing iron pipe located North 19 deg. 53' 01" West 1,551.23 feet from NCGS Station "WAKEFIELD X RD" (N=760,347.29, E=2,200,573.64); runs thence from the BEGINNING POINT along the property line of Wakefield Central Baptist Church (DB 15634, P. 2561) North 69 deg. 54' 19" West 34.52 feet to an existing iron pipe; runs thence along the property line of Wakefield Central Baptist Church (DB 15532, P. 0228) North 19 deg. 57' 03" East 30.02 feet to an existing iron pipe and North 69 deg. 50' 01" West 30.00 feet to an existing iron pipe; runs thence along the property line of Wakefield Central Baptist Church (DB 04233, Page 0784) North 19 deg. 54' 43" East 330.02 feet to an existing iron pipe in the West right-of-way line of Proctor Street (SR 2320); runs thence along the West right-of-way line of Proctor Street South 70 deg. 09' 35" East 30.00 feet to an existing iron pipe and South 66 deg. 13' 25" East 31.13 feet to an existing iron pipe; runs thence along the property line of Connie Pearce (DB 4113, P. 595 and DB 11628, P. 2163) South 19 deg. 17' 00" West 300.00 feet to an existing iron pipe; runs thence along the property line of Wakelon Townhomes Homeowners Association (DB 11935, P. 1569) South 19 deg. 46' 11" West 58.24 feet to the BEGINNING POINT, and being Tract 1, Tract 2 and Tract 3 as shown on that map by Robert G. Williams, Professional Land Surveyor, PLLC, dated 7-20-16 entitled "Right-of-Way Abandonment for Eddins Street, Town of Zebulon, Wake Co., Zebulon, North Carolina".

03173759.description

EXHIBIT C WAKE COUNTY, NC 174
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
01/08/2014 AT 14:39:45

BOOK:015552 PAGE:01058 - 01070

Prepared by/mail to: *Hold Box 206*
J. Michael Weeks
Attorney at Law
PO Box 1097
Zebulon, NC 27597

NORTH CAROLINA

DECLARATION WITHDRAWING

WAKE COUNTY

DEDICATION OF STREETS
PURSUANT TO N.C.G.S. 136-96

THIS DECLARATION is adopted by WAKEFIELD CENTRAL BAPTIST CHURCH, a North Carolina Nonprofit Corporation, with its principal office at 308 Proctor Street, Zebulon, NC 27597; CONNIE M. PEARCE of 400 Proctor Street, Zebulon, NC 27597; WAKELON TOWNHOMES HOMEOWNERS ASSOCIATION, a North Carolina Nonprofit Corporation, with its principal office at 13037 NC 39 Highway, Zebulon, NC 27597; STEPHEN JORDAN PROPERTIES, L.L.C., a North Carolina Limited Liability Company with its principal office at 2645 Jack Mitchell Road, Zebulon, NC 27597; JULIA M. HICKS of 1620 N. Arendell Ave. (PO Box 576), Zebulon, NC 27597; and GLORIA ANN LANGSTON of 214 Proctor Street, Zebulon, NC 27597, hereafter collectively referred to as the "Declarants";

WITNESSETH:

WHEREAS, R. J. Whitley and others (the "Dedicator") caused to be recorded in Book of Maps 1918, Page 75, Wake County Registry, a map entitled "Map of Proctor Land, Wakefield, North Carolina" dated November 1919 (hereafter the "Wakefield Plat");

WHEREAS, the Wakefield Plat offered for dedication several parcels of land for public and/or private use as a road, highway, street or avenue including those parcels shown as "Moore

Street”, “Eddins Street”, “Un-named and Un-opened 60’ R/W extending from the right of way of Proctor Street to the right of way of N C 96 Hwy” and “Un-named and Un-Opened 60’ R/W located on the Stephen Jordan Properties, LLC (D.B. 13544, PG 1490)”, all as shown on the Plat recorded in Book of Maps 2013, Page 1472, Wake County Registry (hereafter collectively referred to as the “Abandoned Streets”);

WHEREAS, more than 15 years have elapsed since the recording of the Wakefield Plat;

WHEREAS, the Abandoned Streets have not been open for public or private use for the past 15 years;

WHEREAS, the Declarants are the owners of those certain tracts or parcels of land more particularly described in the schedule attached hereto as “Exhibit 1”;

WHEREAS, the Declarants derive their title and claim to the land described in Exhibit 1 from the Dedicator;

WHEREAS, the Declarants are the owners of all of the tracts of land subject to or abutting the Abandoned Streets;

WHEREAS, the Declarants have resolved that it is in their mutual interest to withdraw the dedication of the Abandoned Streets from public or private use pursuant to the provisions of North Carolina General Statute Section 136-96; and,

WHEREAS, the use of the Abandoned Streets is not necessary to afford convenient ingress or egress to the Declarants’ land or to any lot or parcel of land heretofore conveyed by the Dedicator or the Dedicator’s successor in title;

NOW, THEREFORE, the Declarants, acting pursuant to and as authorized by North Carolina General Statute Section 136-96, do declare that those parcels shown as “Moore Street”, “Eddins Street”, “Un-named and Un-opened 60’ R/W extending from the right of way of Proctor Street to the right of way of N C 96 Hwy” and “Un-named and Un-Opened 60’ R/W located on the Stephen Jordan Properties, LLC (D.B. 13544, PG 1490)”, all as shown on the Plat recorded in Book of Maps 2013, Page 1472, Wake County Registry (herein collectively referred to as the “Abandoned

WAKEFIELD CENTRAL BAPTIST CHURCH

By: Raymond O. Massey, Jr.
President

North Carolina
Franklin County

I, Gail C. Cone, a notary public of the aforesaid County and State, do hereby certify that Raymond O. Massey Jr. appeared before me and acknowledged the execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96 as President for and on behalf of the WAKEFIELD CENTRAL BAPTIST CHURCH, a North Carolina Non-Profit Corporation.

This 18th day of ^{December}~~November~~, 2013.

Gail C. Cone
Notary Public

Gail C. Cone
(Print name)

My commission expires: 6-12-2014

(Affix Notary Seal or Stamp)



Connie M. Pearce (SEAL)
Connie M. Pearce

North Carolina
WAKE County

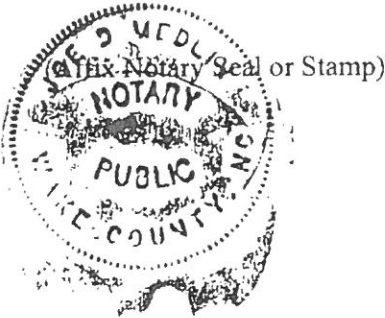
I, Joe D Medlik, a Notary Public for the aforesaid County and State,
do hereby certify that CONNIE M. PEARCE did appear before me and acknowledged the execution
of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96.

This 28 day of ^{December 28}~~November~~, 2013.

Joe D Medlik Joe D Medlik
Notary Public

Joe D Medlik
(Print name)

My commission expires: 05-17-14



WAKEFIELD TOWNHOMES HOMEOWNERS ASSOCIATION

By: Jana H Binder,
President

North Carolina
Wake County

I, Cheryl Duke Wallace notary public of the aforesaid County and State, do hereby certify that Jana H. Binder appeared before me and acknowledged the execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96 as President for and on behalf of the WAKEFIELD TOWNHOMES HOMEOWNERS ASSOCIATION, a North Carolina Non-Profit Corporation.

This 02 day of ~~November~~, 2013: January 2014

Cheryl Duke Wallace
Notary Public

Cheryl Duke Wallace
(Print name)

My commission expires: June 30, 2015

(Affix Notary Seal or Stamp)



STEPHEN JORDAN PROPERTIES, L.L.C.

By: Stephen T. Perry
Member-Manager

North Carolina
Wake County

I, Patsy A Rowe, a notary public of the aforesaid County and State, do hereby certify that Stephen T Perry appeared before me and acknowledged the execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96 as Member-Manager of STEPHEN JORDAN PROPERTIES, L.L.C., a North Carolina Limited Liability Company.

This 13 day of ^{PAR}~~November~~ December, 2013.



P A Rowe
Notary Public
Patsy A Rowe
(Print name)

My commission expires: 6/25/2016

(Affix Notary Seal or Stamp)

Julia M. Hicks (SEAL)
Julia M. Hicks

North Carolina
Franklin County

I, Angela G. Winstead, a Notary Public for the aforesaid County and State,
do hereby certify that JULIA M. HICKS did appear before and acknowledge the execution of the
foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-96.

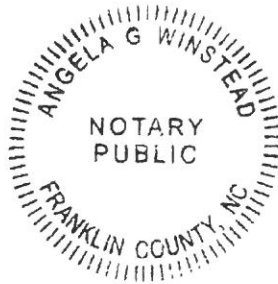
This 17th day of ~~November~~, 2013.
December,

Angela G. Winstead
Notary Public

Angela G. Winstead
(Print name)

My commission expires: 4-27-2018

(Affix Notary Seal or Stamp)



Gloria Ann Langston (SEAL)
Gloria Ann Langston

North Carolina
Franklin County

I, Gail C. Cone, a Notary Public for the aforesaid County and State,
do hereby certify that GLORIA ANN LANGSTON did appear before and acknowledge the
execution of the foregoing Declaration withdrawing Dedication of Streets pursuant to N.C.G.S. 136-
96.

see
This 18th day of December ~~November~~, 2013.

Gail C. Cone
Notary Public

Gail C. Cone
(Print name)

My commission expires: 6-12-2014

(Affix Notary Seal or Stamp)

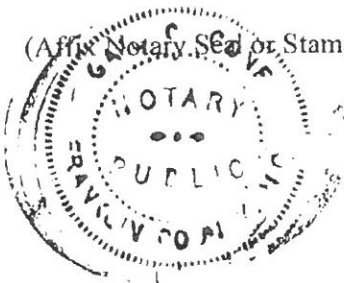


EXHIBIT 1

(A) Owner-WAKEFIELD CENTRAL BAPTIST CHURCH

- Tract 1: PIN# 2706020163
- Tract 2: PIN# 1796919970
- Tract 3: PIN# 1796916944
- Tract 4: PIN# 1796927136
- Tract 5: PIN# 1796916944
- Tract 6 PIN# 1796919875

MB 204/408

Being all of Tract 1, Tract 2, Tract 3, Tract 4, Tract 5 and Tract 6 as shown on that Plat of a survey by Robert G. Williams, Professional Land Surveyor, PLLC entitled "Combination survey for Wakefield Central Baptist Church, Town of Zebulon, Wake County, North Carolina" recorded in Book of Maps 2013, Page 1472, Wake County Registry.

(B) Owner-CONNIE M. PEARCE

- Parcel 1: PIN# 2706022043 ✓
- Parcel 2: PIN# 2706011950 ✓

Parcel 1:

FIRST TRACT: A portion of that certain lot or parcel of land in the Village of Wakefield in Square 23 as shown by map and survey of A. W. Shaffer dated May 1889, and described as follows: BEGINNING at a point 100 feet from Franklin Street, the northwest corner of Square No, 23, thence easterly along the South side of Proctor Street 32.92 feet to T. L. Honeycutt's line, now' . or formerly; thence South along said Honeycutt's line 170 feet to a point; • thence westerly and parallel to Proctor Street 32.92 feet; thence northerly and parallel to Franklin Street 170 feet to the point and place of beginning, being a portion of the "First Tract" conveyed to J. R. Alford and wife by deed recorded in Book 1771, Page 310, Wake County Registry.

SECOND TRACT: That certain lot or parcel of land in the Village of Wakefield in Square 23 as shown by map and survey of A. W. Shaffer dated May 1889, and described as follows: BEGINNING at the northwest corner of Square No. 23 on Proctor Street, thence easterly along South side of said street 92.28 feet; thence southerly and parallel to Franklin Street 170 feet to a point; thence westerly and parallel to Proctor Street 92.28 feet to Franklin Street; thence northerly along the East side of Franklin Street 170 feet to the point of beginning, being a portion of the "Second Tract" deeded to J. R. Alford and wife by deed recorded in Book 1771, Page 310, Wake County Registry.

Parcel 2:

Beginning at an iron in the eastern right of way of Eddins St. at the corner of the Wakelon Townhomes property, thence running with the line of Eddins St., North 19° 17' 00" East 130.00 feet to an iron in Roy Pearce's corner; thence with Pearce's line, South 70° 47' 15" East 132.13 feet to an iron; thence South 19° 14' 06" West 130.00 feet; thence with Wakelon's line, North 70° 47' 15" West 132.24 feet, to the beginning, and containing .0394 acre, more or less, according to a survey of the property of the Roslyn H. Alford heirs property by Robert G. Williams, dated May 25, 2005.

(C) Owner-WAKELON TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

PIN# 2706012606 ✓

BEING all of the "Amenities", "Association Common Property" and "Association Common Area" of Wakelon Townhomes, as such is defined, described and referenced in Article I of Declaration of Covenants, Conditions and Restrictions for Wakelon Townhomes recorded in Book 10895, Page 1908, Wake County Registry, and as shown and referenced on map recorded in Book of Maps 2004, Page 070, Wake County Registry and re-recorded in Book of Maps 2004, Page 519, Wake County Registry, including, without limitation, utility easements, private right of way easements and common area as shown on the referenced plats.

(D) Owner-STEPHEN JORDAN PROPERTIES, LLC
1796916698 & 1796918531

Tract 1: PIN# 179616714

Tract 2: PIN# 1796918469

BEING all of Tracts 1 and 2 as said tracts are shown on map recorded in Book of Maps 2005, Page 2269, Wake County Registry.

(E) Owner-JULIA M. HICKS

PIN# 1796922199

BEGINNING at an iron stake at the intersection of the northern right-of-way line of North Carolina Highway 96 with the eastern right-of-way line of SR 2368, and runs thence with the eastern right-of-way line of SR 2368 North 24° 17' East 160.76 feet to an existing iron stake at the southwestern corner of Mrs. Otis Hicks; runs thence South 70° 02' East 185.00 feet to an iron stake in the line of Cunningham; runs thence with the line of Cunningham South 70° 02' East 39.20 feet to an existing iron stake in the line of Bobbitt; runs thence with the line of Bobbitt South 19° 41' West 50.00 feet to an iron stake; runs thence with the line of Bobbitt South 70° 02' East 47.42 feet to an iron stake; runs thence with a new line for Hendricks South 52° 30' West 245.85 feet to an iron stake in the northern right-of-way line of North Carolina Highway 96 ; runs thence with the northern right-of-way line of North Carolina Highway 96 North 37° 30' West 100.00 feet to an iron stake; runs thence with the northern right-of-way line of North Carolina Highway 96 North 37° 30' West 80.00 feet to the point of beginning, being all of Lots 1 and 2 and a portion of Lot 5 of Section J of the R. F. Hendricks Subdivision in Wakefield, North Carolina, as shown by survey and map of Harold B. Mullen, R.L.S., dated 9-30-71, and entitled "Property Survey for Nathan Phillip Hicks, Little River Township, Wake County, N. C."

(F) Owner-GLORIA ANN LANGSTON

PIN# 1796925286

First Parcel:

BEGINNING at a point where the center line of Proctor Street Intersects the center line of an unnamed street, said unnamed street being parallel to and the next street west of Franklin Street as shown on the map referred to below and sometimes called Foster Street; thence along the center line of Proctor Street, north 66 deg. 30 minutes west 125 feet to a point; thence south 23

deg. 30 min. west, 180 feet to a point; thence south 66 deg. 30 min. east, 125 feet to the center of said unnamed street; thence along the center of said unnamed street, north 23 deg. 30 min. east, 180 feet to the point of beginning and being a part of Lot or Tract No. 16, as shown on that certain map entitled, "Proctor Land, Owned by R. J. Whitley," made November, 1919, R. I. Pool, C. E., recorded in Book of Maps 1918, Page 75 Office of the Register of Deeds for Wake County, North Carolina.

Second Parcel:

Being all of Lot 6 and part of Lot 5 in Section J of the Hendricks Subdivision as shown by map and survey recorded in Book of Maps 1960, Page 77 Wake County Registry and being the Second Tract described by deed of trust recorded in Book 1541, Page 145, Wake County Regis

Board of Commissioners
Minutes
April 3, 2017

Mayor Matheny stated that currently it was serving no purpose. Chris Ray stated that they were planning for the future and trying to maximize grant dollars. Mayor Matheny asked if they could look at it again when the grant came in. Chris stated that they could. Mayor Matheny asked if it would be bid as an alternate and Chris said that they could.

Commissioner Bumgarner made a motion, second by Commissioner York to approve Resolution 2017-13. There was no discussion and the motion passed unanimously.

Beaverdam Creek Greenway Phase I – Engineering Contract

Chris Ray presented the engineering contract from Kimley Horn for the design of the project. Kimley Horn had completed 25 greenways in the last several years; the contract was a 14 month contract for design and permitting. The attorney's had reviewed the contract and approved what was being presented.

Commissioner Beck made a motion, second by Commissioner Clark to approve the engineering contract for Kimley Horn. There was no discussion and the motion passed unanimously.

C. Planning

SC 2017-01—Right of Way Abandonment

Julie Spriggs presented that they needed to set a date for a public hearing if the Board wanted to show that they were interested in closing Eddins Street behind Wakelon Townhomes.

Resolution 2017-12 would set the date for the public hearing to May 1, 2017 meeting and did not tie the Board to approval of the request to close Eddins Street.

Commissioner Beck made a motion, second by Commissioner Strickland to approve Resolution 2017-12. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

No Board Comments.

MANAGERS REPORT

Joe Moore stated that there would be a worksession on April 19; the budget would be presented on May 1, 2017. Recycling day would be on April 8 in the parking lot of the Municipal Complex.

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

Date

May 1, 2017



Robert S. Matheny—Mayor

Lisa M. Markland, CMC—Town Clerk

Board of Commissioners
Minutes
May 1, 2017

PUBLIC COMMENT PERIOD

There was no one who wished to speak.

PUBLIC HEARING

A. SC 2017-01—Street Closing Request to Close Eddins Street

Julie Spriggs presented that there was a request from Wakefield Central Baptist Church to close a 60' right of way that ran along the southern border of the church and behind the Pearce property.

Julie shared that there was a possibility that a parcel could end up being landlocked with the closure of the right of way as well as an issue with interconnectivity. There was a water and sewer easement that the City of Raleigh needed since those lines were within the right of way.

There were two options and one was to not close the alley or to table the case to give the applicant the opportunity to answer questions with the landlocked properties and the utility issues. Mayor Matheny asked who owned the landlocked properties. Julie stated it was Connie Pearce and the Pearce heirs owned three parcels along the right of way. It was possible that they could recombine the parcels and allow for the drive to continue being the access to those properties. Julie explained that they could not land lock a property and that was why they would need to combine the parcels to address that problem. Julie also said that if the Board closed the right of way 30' would go to the church and 30' would go to the Pearce property owners.

Commissioner Beck asked why an access easement could not be put along the Pearce property. Julie stated that it did not make sense to close a right of way only to require an access easement for those properties. If that was the case it would be best to not close the right of way.

Mayor Matheny asked if there was anyone who wished to speak on the case.

Ray Fulghum stated he was a member of Wakefield Central Baptist Church and said that he thought the right of way was an eye sore and did not think that the Town would ever open the right of way for use and that was why it needed to be closed. Mr. Fulghum said that the properties would not be landlocked since they would have access from the drive which would be located on the church property.

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

Mayor Matheny declared the public hearing closed.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of April 3, 2017. There was no discussion and the motion passed unanimously.

Board of Commissioners
Minutes
May 1, 2017

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of the April 10, 2017 joint public hearing. 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 February 2017. There was no discussion and the motion passed unanimously.

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

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

OLD BUSINESS

A. Planning

SC 2017-01—Street Closure Request of Eddins Street
Julie Spriggs reviewed the two options before the Board.

Mayor Matheny asked the Board if there was anyone on the Board that was opposed to closing Eddins Street. Mayor Matheny stated that the water and sewer easement had to be protected and staff was directed to talk with the landowners to see if they wanted an easement or to recombine the properties. Julie said that staff wanted to make sure the Board was in favor prior to getting into discussions with the property owners.

Text Amendments

Ordinance 2017-18—Solar Farm Text Amendments
Julie Spriggs presented the highlights of the proposed changes to the ordinance.

Kenny Waldroup with the Planning Board stated that they were recommending approval of the proposed changes.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve ordinance 2017-18. There was no discussion and the motion passed unanimously.

Wake Transit Master Participation Agreement

Mackenzie Day made a brief presentation and introduced Toby Hampson to discuss the participation agreement and the various entities that were a part of the agreement.

Toby Hampson stated that the agreement provided the structure for Wake County Transit planning going forward. It also provided a voice to Zebulon in the program for transit planning.

RESOLUTION 2017-12
Resolution of Intent to Permanently Close Street
In accordance with G.S. 160A-299

WHEREAS, at a meeting of the Board of Commissioners of the Town of Zebulon on April 3, 2017 a request was presented by Michael Weeks, representing Wakefield Central Baptist Church, that petitioned for the closing of an unopened alley right-of-way on the south side of Proctor Street between 308 and 400 Proctor Street; and

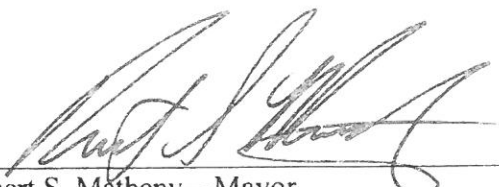
WHEREAS, the portion sought to be closed is described in the attached metes and bounds description and shown on the attached map; and

WHEREAS, the alley sought to be closed is not within the street system of the North Carolina Department of Transportation nor on the Thoroughfare Plan map of the Town of Zebulon; and


NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON:

1. That the Board of Commissioners of the Town of Zebulon declares its intent to close the aforesaid street.
2. That the Board calls for a public hearing to be held at its regular meeting on May 1, 2017 in the Zebulon Council Chambers, 1003 N. Arendell Avenue at 7:00 p.m. regarding the intended closing of the street.
3. Directs that this resolution be published once a week for four successive weeks prior to the public hearing.
4. That the notice be prominently posted in at least two places along said street.
5. That a copy of this resolution be sent by certified mail, return receipt requested, to all owners of property that adjoins this street as shown on the Wake County Tax Records.

Adopted this the 3rd day of April, 2017.



Robert S. Matheny—Mayor



Lisa M. Markland, CMC—Town Clerk



§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)

WAKE COUNTY, NC 39
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07/11/2019 11:09:47

BOOK:017501 PAGE:01788 - 01794

Prepared by/mail to: Hold Box 206
J. Michael Weeks
Attorney at Law
PO Box 1097
Zebulon, NC 27597

NORTH CAROLINA
WAKE COUNTY

AGREEMENT FOR THE
ABANDONMENT AND CLOSURE
OF EDDINS STREET

THIS AGREEMENT made and entered into this 2nd day of July, 2019, by and between WAKEFIELD CENTRAL BAPTIST CHURCH ("Wakefield Church"), a North Carolina Nonprofit Corporation, with its principal office at 308 Proctor Street, Zebulon, NC 27597; CONNIE M. PEARCE ("Pearce") of 400 Proctor Street, Zebulon, NC 27597; and WAKELON TOWNHOMES HOMEOWNERS ASSOCIATION ("Wakelon Townhomes"), a North Carolina Nonprofit Corporation (collectively the "Property Owners");

WITNESSETH:

WHEREAS, Wakefield Church filed a Petition with the Town of Zebulon for the abandonment of "Eddins Street" as shown on that Plat recorded in Book of Maps 1918, Page 75, Wake County Registry:

WHEREAS, the Property Owners are the owners of the property that adjoins the right of way of Eddins Street;

WHEREAS, on May 1, 2017, the Town of Zebulon Board of Commissioners held a public hearing on the Wakefield Church's Petition to Abandon Eddins Street;

WHEREAS, no action was taken on the Petition to Abandon Eddins Street by the Board of Commissioners; however, the Board of Commissioners directed the Town of Zebulon Planning Staff to enter into discussions with the Property Owners to resolve questions that arose regarding access easements and easements for existing utilities;

WHEREAS, the Property Owners have met with the Town of Zebulon Planning Staff and the Property Owners have reached an agreement to address the concerns of the Board of Commissioners and the Town of Zebulon Planning Staff;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereafter set forth and other good and valuable consideration, the Property Owners do hereby covenant and agree to the following terms and conditions as a condition precedent for the granting of Wakefield Church's Petition for the Abandonment of Eddins Street by the Town of Zebulon Board of Commissioners:

1. The Property Owners agree that the Town of Zebulon shall reserve in the ordinance adopted to close Eddins Street (a) a 20 foot wide easement within the right of way of the closed Eddins Street to maintain and/or replace the existing water line, fire hydrant and supporting structures for the water line and (b) a 30 foot wide easement within the right of way of the closed Eddins Street to maintain and/or replace the existing sewer line and supporting structures.

2. The Property Owners agree that following the adoption of the ordinance by the Board of Commissioners to abandon Eddins Street, Pearce and Wakelon Townhomes will convey to the Wakefield Church by non-warranty deed the land acceded to Pearce and Wakelon Townhomes by the Abandonment of Eddins Street.

3. Wakefield Church agrees to grant to Pearce and Wakelon Townhomes a 30 foot non-exclusive access easement within the right of way of the abandoned Eddins Street to provide access from the properties of Pearce and Wakelon Townhomes to Proctor Street (NCSR 2320).

4. Wakefield Church shall agree in the access easement to Pearce and Wakelon Townhomes (a) to maintain the access easement so that the access easement may be used by motor vehicles at all times in the prevailing weather conditions for the Zebulon, North Carolina area and (b) to maintain the access easement at Wakefield Church's expense.

(EXECUTION AND ACKNOWLEDGMENT ON SEPARATE PAGES)

IN TESTIMONY WHEREOF, the WAKEFIELD CENTRAL BAPTIST CHURCH has authorized the Chairman of the Board of Trustees to execute this Agreement by resolution adopted by its Board of Trustees in accordance with its Bylaws.

WAKEFIELD CENTAL BAPTIST CHURCH

By: Dale R. Hux
Chairmen of the Board of Trustees

NORTH CAROLINA

WAKE COUNTY

I, Anna S. Creech, a notary public for Johnston County, North Carolina, do hereby certify that Dale R. Hux appeared before me this date and acknowledged that he is the Chairman of the Board of Trustees of the WAKEFIELD CENTRAL BAPTIST CHURCH and that he executed the foregoing instrument on behalf of the Church pursuant to a resolution duly adopted by its Board of Trustees.

This 2nd day of July, 2019.



Anna S. Creech
Notary Public

Anna S. Creech
(Printed name)

My commission expires: 12-18-2019

(NOTARY SEAL)

IN TESTIMONY WHEREOF, CONNIE M. PEARCE has hereunto affixed her hand and adopted as her "SEAL" the seal adjacent to her name effective the day and year first above appearing in this document.

Connie M. Pearce (SEAL)
Connie M. Pearce

NORTH CAROLINA

WAKE COUNTY

I, Heather L. Bunting, a notary public for Wake County, North Carolina, do hereby certify that CONNIE M. PEARCE appeared before me this date and acknowledged the execution of the foregoing instrument.

This 8th day of July, 2019.

Heather L. Bunting
Notary Public

Heather L. Bunting
(Printed name)

My commission expires: 06/02/2023

(NOTARY SEAL)



WAKELON
IN TESTIMONY WHEREOF, the ~~WAKEFIELD~~ TOWNHOMES HOMEOWNERS
ASSOCIATION has authorized its President to execute this Agreement and affix its Corporate
Seal hereto all by resolution adopted by its Board of Directors in accordance with its Bylaws.

WAKELON TOWNHOMES HOMEOWNERS
ASSOCIATION

By: Peter Eggiman
President

(CORPORATE SEAL)

NORTH CAROLINA

WAKE COUNTY

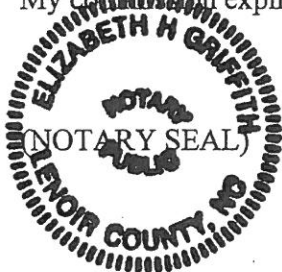
I, Elizabeth H. Griffith, a notary public for Lenoir County, North
Carolina, do hereby certify that Peter Eggiman appeared before me this date and
acknowledged that he is the President of the ~~WAKEFIELD~~ ^{WAKELON} TOWNHOMES HOMEOWNERS
ASSOCIATION and that he executed the foregoing instrument on behalf of the Association
pursuant to a resolution duly adopted by its Board of Directors.

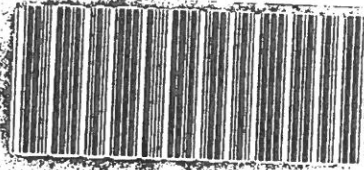
This 3th day of July, 2019.

Elizabeth H. Griffith
Notary Public

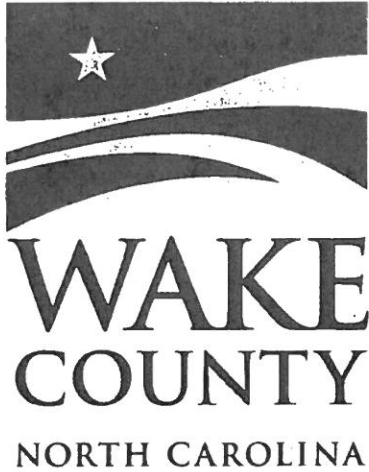
Elizabeth H. Griffith
(Printed name)

My commission expires: 2/1/2022





BOOK:017501 PAGE:01788 - 01794



Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

**Charles P. Gilliam
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

_____ 7 # of Pages

BW

J

2. The Property Owners agree that following the adoption of the ordinance by the Board of Commissioners to abandon Eddins Street, Pearce and Wakelon Townhomes will convey to the Wakefield Church by non-warranty deed the land acceded to Pearce and Wakelon Townhomes by the Abandonment of Eddins Street.

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(EXECUTION AND ACKNOWLEDGMENT ON SEPARATE PAGES)

IN TESTIMONY WHEREOF, the WAKEFIELD CENTRAL BAPTIST CHURCH has authorized the Chairman of the Board of Trustees to execute this Agreement by resolution adopted by its Board of Trustees in accordance with its Bylaws.

WAKEFIELD CENTAL BAPTIST CHURCH

By: Dale R. Hux
Chairmen of the Board of Trustees

NORTH CAROLINA

WAKE COUNTY

I, Anna S. Creech, a notary public for Johnston County, North Carolina, do hereby certify that Dale R. Hux appeared before me this date and acknowledged that he is the Chairman of the Board of Trustees of the WAKEFIELD CENTRAL BAPTIST CHURCH and that he executed the foregoing instrument on behalf of the Church pursuant to a resolution duly adopted by its Board of Trustees.

This 2nd day of July, 2019.



Anna S. Creech
Notary Public

Anna S. Creech
(Printed name)

My commission expires: 12-18-2019

(NOTARY SEAL)

IN TESTIMONY WHEREOF, CONNIE M. PEARCE has hereunto affixed her hand and adopted as her "SEAL" the seal adjacent to her name effective the day and year first above appearing in this document.

Connie M. Pearce (SEAL)
Connie M. Pearce

NORTH CAROLINA

WAKE COUNTY

I, Heather L. Bunting, a notary public for Wake County, North Carolina, do hereby certify that CONNIE M. PEARCE appeared before me this date and acknowledged the execution of the foregoing instrument.

This 8th day of July, 2019.

Heather L. Bunting
Notary Public

Heather L. Bunting
(Printed name)

My commission expires: 06/02/2023

(NOTARY SEAL)



WAKELON
IN TESTIMONY WHEREOF, the ~~WAKEFIELD~~ TOWNHOMES HOMEOWNERS
ASSOCIATION has authorized its President to execute this Agreement and affix its Corporate
Seal hereto all by resolution adopted by its Board of Directors in accordance with its Bylaws.

WAKELON TOWNHOMES HOMEOWNERS
ASSOCIATION

By: Peter Eggiman
President

(CORPORATE SEAL)

NORTH CAROLINA

WAKE COUNTY

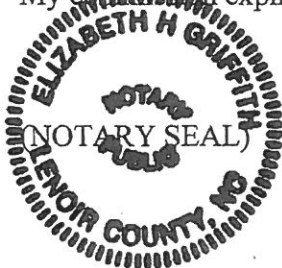
I, Elizabeth H. Griffith, a notary public for Lenoir County, North
Carolina, do hereby certify that Peter Eggiman appeared before me this date and
acknowledged that he is the President of the ^{WAKELON}~~WAKEFIELD~~ TOWNHOMES HOMEOWNERS
ASSOCIATION and that he executed the foregoing instrument on behalf of the Association
pursuant to a resolution duly adopted by its Board of Directors.

This 5th day of July, 2019.

Elizabeth H. Griffith
Notary Public

Elizabeth H. Griffith
(Printed name)

My commission expires: 2/1/2022



**RESOLUTION 2020-01
A RESOLUTION ORDERING THE CLOSING
OF EDDINS STREET WITH A RESERVATION OF UTILITY AND ACCESS
EASEMENT**

WHEREAS, on the 3rd day of April 2017, the Board of Commissioners of the Town of Zebulon directed the Town Clerk to publish Resolution 2017-12, Resolution of Intent of the Town to consider the closing of an unopened alley right of way on the south side of Proctor Street between 308 and 400 Proctor (Eddins Street), in the Zebulon Times once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers on May 1, 2017; and

WHEREAS, the Board of Commissioners on the 3rd day of April, 2017, ordered the Town Clerk to notify all persons owning property abutting the portion of Eddins Street proposed to be closed as described in the attached legal survey map, as shown on the county tax records, by first class mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Planning Staff has advised the Board of Commissioners that a letter was sent to each of the abutting property owners advising them of the day, time and place of the Public Hearing on the closing of Eddins Street, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing would be acted upon, said letters having been sent by first class mail; and

WHEREAS, the Planning Staff has advised the Board of Commissioners that adequate notices were posted on the applicable roadway as required by G.S. 160A-299; and

WHEREAS, the Planning Staff advised the Board of Commissioners that a legal advertisement of the Resolution of Intent to close said alley was published for four consecutive weeks as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said area in the public hearing held on August 5, 2019; and

WHEREAS, it now appears to the satisfaction of the Board of Commissioners that the closing of said area is not contrary to the public interest, and that no individual owning property, either abutting the roadway or in the vicinity of the roadway, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to their property; and

NOW THEREFORE BE IT RESOLVED, that an unopened alley right of way on the south side of Proctor Street between 308 and 400 Proctor, commonly known as Eddins Street, as further described below is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owner in accordance with the provisions of G.S. 160A-299, subject to the express reservation by the Town of Zebulon and the City of Raleigh reserving its right, title and

interest in any utility improvement and easement over said alley for future utilities and agreement recorded by the Wake County Register of Deeds Book 017501, Page 01788-01794.

The Planning Staff is hereby ordered and directed to file in the Office of the Register of Deeds of Wake County a certified copy of this resolution and order.

Adopted this the 5th day of August 2019
Effective this the 5th day of August 2019

SEAL

Robert S. Matheny—Mayor

ATTEST:

Lisa M. Markland, CMC—Town Clerk



STAFF REPORT
STREET MATCH GRANT REQUEST
PRESERVATION ZEBULON
AUGUST 5, 2019

Topic: Streetscape Match Grant Request—Preservation Zebulon

Speaker: Chris Ray, Director of Public Works
From: Chris Ray, Director of Public Works
Prepared by: Chris Ray, Director of Public Works
Approved by: Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider a Streetscape Match Grant request from Preservation Zebulon.

Background:

Preservation Zebulon is requesting to install "civic logo" on the Welcome to Downtown Zebulon Sign. To accomodate additional civic groups to participate; two new sidebars with six 15" circles is proposed to be installed. Currently, we have the following civic groups logos mounted below the sign:

- Zebulon Rotary Club
- Zebulon Lions Club
- Zebulon Woman's Club
- Zebulon Masonic Lodge No. 609 AF&AM
- Zebulon Downtown Arts Council (ZDAC)
- Miss Zebulon organization

Each new civic groups would reimburse the Town directly for 50% cost of the sign bracket and logo. Zebulon Public Works would coordinate the reimbursement and oversee the installation process after approval by the Board of Commissioners.





STAFF REPORT
STREET MATCH GRANT REQUEST
PRESERVATION ZEBULON
AUGUST 5, 2019

Proposed Logo Rendering:



Preservation mission statement: *Preservation Zebulon advocates for the preservation of historic buildings and landscapes that embody important elements of the history and culture of Zebulon and promotes their conservation for the enrichment of residents and businesses.*

Policy Analysis:

On June 3, 2019, the Board budgeted funding toward a Streetscape Match program. At their October 3, 2016 meeting, the Zebulon Board of Commissioners adopted a Streetscape Match Policy. (See attached Policy)

The project is eligible for consideration under the policy by meeting the following criteria:

1. Preservation Zebulon is tax-exempt organization.
2. The project assists the Town in creating a resilient downtown by creating a temporary gathering place in the downtown corridor.

Fiscal Analysis:

Accommodating additional logos requires the addition of a side panel. Adding two panels will cost \$1541.00 and allow space for six additional civic groups. Civic groups will reimburse the Town \$128.42 as they add on to the sign. When all spots are filled the non-profits would have contributed 50%, or \$770.50, to the total cost of the panels.

Discussion:

The discussion before the Board is whether they wish to grant the Streetscape Match Grant to Preservation Zebulon, and they wish to front the revenue for future installation to allow the installation of the Preservation Zebulon to add their group's logo to the "Welcome to Downtown Zebulon" sign.

Staff Recommendation:

The request is consistent with the Street Scape Policy; therefore installation of the "civic logo" is recommended on the "Welcome to Downtown Zebulon" Sign. Five additional civic groups can be added to sign before reaching capacity.

Attachments:

1. Town of Zebulon Streetscape Match Policy



STREETSCAPE MATCH POLICY

Purpose:

The purpose of this policy is to provide the Board with guidelines in making decisions regarding funding requests by local non-profit organizations to further the Town's efforts in creating a resilient downtown. The qualities of a resilient downtown include retail development, residential population, diversity, civic and cultural facilities, designated historic/heritage property, design guidelines, pedestrian friendliness, a downtown gathering place, civic leadership, and a downtown development authority.¹ The Town of Zebulon, as part of its civic leadership to foster these concepts of downtown resilience, wishes to partner with the efforts of those organizations that create a resilient downtown.

Eligibility:

To be eligible to apply for funding from the Town of Zebulon, an organization must meet the following criteria:

1. The organization must be able to provide documentation that shows compliance with all applicable federal and state laws related to tax-exempt status.
2. The operations of the organization must benefit the residents of the Town of Zebulon by assisting the Town in creating a resilient downtown by:
 - a. Increasing Property Values within the Downtown Overlay District
 - b. Decreasing Vacancy Rates within the Downtown Overlay District
 - c. Promoting event-related population within the Downtown Overlay District
 - d. Increasing day-time population within the Downtown Overlay District
 - e. Establishing residential population within the Downtown Overlay District
3. The organization is governed by a volunteer board of directors that serves without compensation.
4. The organization provides a report to the Zebulon Governing Board at one of its Regular Meetings.
5. The organization is subject to an independent audit or review annually.

Criteria:

Requests for support from non-profit organizations will be submitted to the Board of Commissioners for consideration. The organization's effort must be located within the Downtown Overlay District Boundary, and address one of the following goals:

- 1) Promotes the establishment of design guidelines (e.g. landscaping, signage, receptacles)
- 2) Facilitates pedestrian access into and within the District (e.g. wayfinding, street furniture)

¹ Burayidi, M. Resilient Downtowns: A New Approach to Revitalizing Small- and Medium-City Downtowns. New York: Routledge, 2013



STREETSCAPE MATCH POLICY

- 3) Creates temporary or permanent gathering places (e.g. tree ceremony, mini-park, art sculptures or exhibits)

Funding:

Requests from non-profit organizations will be reviewed on first come – first serve basis within a fiscal year. Town participation is limited to ½ of the cost of donation, not to exceed \$1000, when partnering with one non-profit organization; or in cases where two or more non-profit organizations seek to collaborate together and partner with the Town, this participation is limited to the proportional share of cost, not to exceed \$2000.

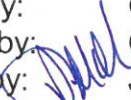
Funds distributed by the Town of Zebulon may only be spent as indicated on the application submitted by the organization. Proof of expenditures may be requested as verification by the Town. In the event that funds are not used as indicated, the full amount of funding may be required to be returned to the Town.

Any organization receiving funding will hold the Town of Zebulon harmless from any claim or liability that may arise or result from the operation of any program or service assisted with funding from the Town of Zebulon.



STAFF REPORT
ORDINANCE 2020-22
BEAVERDAM CREEK GREENWAY – PHASE I
LAPP/CMAQ GRANT AGREEMENT
AUGUST 5, 2019

Topic: Ordinance 2020-22 Beaverdam Creek Greenway – NCDOT/CMAQ grant agreement

From: Chris D. Ray, Director of Public Works
Prepared by: Chris D. Ray, Director of Public Works
Presented by: Chris D. Ray, Director of Public Works
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the Beaverdam Creek Greenway – Phase I construction funding agreement with North Carolina Department of Transportation (NCDOT).

Background:

The Beaverdam Greenway is a mile-long, 10-foot-wide asphalt trail connecting the subdivisions of Taryn Meadows, Taryn Creek, and Weaver's Pond to the Wakelon Elementary School Park. The proposed greenway will connect with 1.4 miles of greenway (existing and proposed) through Weavers Pond and is accessible to approximately 2000 households living within a half-mile radius of the heart of the greenway.

The Commissioners budgeted funds towards the design, permitting, easement acquisition, and construction through adoption of budget Ordinance 2017-16. The ordinance recognized Town funding, grant funding, and fees-in-lieu from development along the corridor (see Fiscal Analysis for breakdown).

A contract with Kimley-Horn for design, permitting, and easement acquisition support was approved on April 3, 2017. The design is complete, all permits are acquired, and all easements are secured.

The Town received notice of award for a LAPP/CAMQ grant from NCDOT. Adoption of the attached agreement is a pre-condition to receiving the funds. The construction agreement between NCDOT and The Town of Zebulon covers construction funding for construction-related activities, such as construction costs, contingency, NCDOT review allowances, bidding, and geotechnical inspection and reporting. This agreement is similar to past completed projects with NCDOT (e.g. Shepard School Road Sidewalk Improvements, Boy and Girls Club Roadway Widening, North Arendell ARRA sidewalk project, and North Arendell Ave widening from Hendricks to Pearces). The LAPP/CMAQ grant of \$1,605,196 requires a minimum local match of 20% in non federal funds totaling \$401,299.



STAFF REPORT
ORDINANCE 2020-22
BEAVERDAM CREEK GREENWAY – PHASE I
LAPP/CMAQ GRANT AGREEMENT
AUGUST 5, 2019

Discussion:

The discussion before the Board is whether to accept this grant by entering into a construction agreement with NCDOT for the construction of Beaverdam Creek Greenway – Phase 1.

Fiscal Analysis:

As of July 26, 2019, the Town of Zebulon used dedicated revenues to pay for design, permitting, community outreach, easement acquisition, and mitigation impact fees. The breakdown is as follows:

Expenditures to date:

Design/Permitting	\$237,000
Easement Acquisition	\$10,280
Mitigation Impacts	\$18,261
Total Expenditures	\$265,541

Revenues to date:

John Rex Grant	\$24,000
Wake County Open Space Grant	\$228,625
Weavers Pond Ammenties	\$7,840
Taryn Lake Fee in-lieu	\$194,000
Cypress Creek fee-in-lieu	\$102,238
NCPARTF Grant	\$90,230
Town Funds – FY 2017-2019	\$765,314
CMAQ/NCDOT Grant*	\$1,605,196
Total Revenue	\$3,017,443

*pending approval

Revenues minus Expenditures:

Total Revenues	\$3,017,443
Less Total Expenditures	\$265,541
Available for Construction	\$2,751,902



STAFF REPORT
 ORDINANCE 2020-22
 BEAVERDAM CREEK GREENWAY – PHASE I
 LAPP/CMAQ GRANT AGREEMENT
 AUGUST 5, 2019

As of April 29, 2019 The estimated project construction cost of Beaverdam Creek Greenway – Phase I is \$2,006,495. The breakdown is as follows:

2018 Construction Cost	\$1,222,905
2019 CPI @ 10%	\$122,291
25% Contingency	\$336,299
NCDOT Review and Coordination	\$50,000
NCDOT Submittal/Construction Adm. and Bidding	\$50,000
Construction Engineering Inspection Allowance	\$200,000
Geotechnical Testing Allowance	\$25,000
Total Construction Cost	\$ 2,006,495

While revenues exceed estimated construction costs, the actual costs cannot be verified until the project is bid in late winter(see attachment for construction schedule). If revenues do exceed estimated costs, the Board may decide to reappropriate revenues already dedicated by the Town (e.g. return to Fund Balance, fund other projects such as sidewalk construction).

In anticipation of the potential for revenue to exceed expenditures, Staff intends to bid the Hendricks Pond Loop (ref. Site Plan Map) as a Bid Alternate. Bid Alternates are not part of the base bid and the Board of Commissioners can decide to add, or not add, the Hendricks Pond Loop after the bids are received.

The estimated project construction cost of the west portion of the Hendricks Pond loop is \$353,925. The Breakdown is as follows:

2019 Construction Cost	\$251,175
2020 CPI @ 10%	\$ 25,120
Project Contingency @ 10%	\$ 27,630
Construction Engineering Inspection Allowance	\$50,000
Total Construction Cost	\$ 353,925



STAFF REPORT
ORDINANCE 2020-22
BEAVERDAM CREEK GREENWAY – PHASE I
LAPP/CMAQ GRANT AGREEMENT
AUGUST 5, 2019

Policy Analysis:

On October 5, 2015, the Board of Commissioners approved the *Town of Zebulon Greenway, Bicycle and Pedestrian Master Plan*. Construction of Beaverdam Creek Greenway – Phase I is recognized as the highest priority project based upon the master plan’s evaluation criteria.

The construction of greenways is consistent with the goals and action items in the *Town of Zebulon Comprehensive Plan* adopted June 2008. A key concept to improve transportation is the development of a pedestrian circulation system to include greenway trails linking neighborhoods to parks and other neighborhoods. The section on greenway corridors specifically names the Beaverdam Creek Greenway connecting to the Weaver’s Pond community and Wakelon School Park.

The construction of Beaverdam Creek Greenway is consistent with the *Zebulon 2030 Strategic Plan* adopted June 4, 2018 for Small Town Life by increasing the connectedness and walkability in the community.

Staff Recommendation:

Staff recommends entering into the construction funding agreement with NCDOT for the Beaverdam Creek Greenway construction and approval of Budget Admendment 2020-22 to recognize the grant funding.

Attachments:

1. Construction Schedule
2. Site Plan Map
3. NCDOT Agreement
4. NCDOT Award Letter for Recission Funding
5. Ordinance 2020-22

Attachment – Construction Schedule

Next Steps:

Date	Task
June 24,2019	CAMPO awards grant
Aug 5, 2019	Zebulon Board of Commissioners accepts grant
Aug 6, 2019	Request NCDOT ROW certification
Aug 6, 2019	Request NCDOT approval of construction plans
Aug 6, 2019	Zebulon begins negotiation of CEI services
Sep 4, 2019	Finalize CEI contract & submit to NCDOT for approval
Oct 4, 2019	NCDOT approves final plans
Oct 8, 2019	Request NCDOT construction authorization
Nov 7, 2019	NCDOT approves CEI contract
Dec 9, 2019	NCDOT approves construction authorization
Jan 3, 2020	Zebulon advertises project
Jan 17, 2020	Pre-bid meeting
Feb 3, 2020	Bid opening
Mar 2, 2020	Zebulon awards project subject to NCDOT concurrence
Mar 30, 2020	NCDOT concurs with award
Apr 3, 2020	Notice of Award
May 1, 2020	Zebulon issues Notice to Proceed/Construction begins
Oct 1, 2020	Construction completed

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: Town of Zebulon

County: Wake

TIP: C-5604 FA

Project: Beaverdam Creek Greenway Phase I

Scope: construction of a greenway between Spiderlily Court (Taryn Meadows subdivision) and Pippin Road (Weaver's Pond subdivision, Wakelon School and Park) in Zebulon.

Eligible Activities:

PE	_____	Design
		Environmental
ROW	_____	ROW Acquisition
		Utility Relocation
CON	43714.3.18	Construction
FEDERAL-AID	0532012	

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Congestion Mitigation and Air Quality	\$1,605,196	80 %	\$401,299	20 %
Total Estimated Cost			\$2,006,495	

Responsibility: The Town of Zebulon shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

WAKE COUNTY

DATE: 7/12/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: C-5604 FA

AND

WBS Elements: PE _____

ROW _____

TOWN OF ZEBULON

CON 43714.3.18

FEDERAL-AID: 0532012

CFDA #: 20.205

Total Funds [NCDOT Participation] \$1,605,196

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Zebulon, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, Fixing America's Surface Transportation (FAST) Act allows for the allocation of federal funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Beaverdam Creek Greenway Phase I, hereinafter referred to as the Project, in Wake County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$1,605,196 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General

Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;

- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of construction of a greenway between Spiderlily Court (Taryn Meadows subdivision) and Pippin Road (Weaver's Pond subdivision, Wakelon School and Park) in Zebulon.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Construction

as further set forth in this Agreement.

3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is Congestion Mitigation and Air Quality. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on project responsibilities outlined in this agreement.

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse 80% (\$1,605,196) of eligible expenses incurred by the Municipality. The Municipality shall provide the 20% (\$401,299) non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Congestion Mitigation and Air Quality	\$1,605,196	80 %	\$401,299	20 %
Total Estimated Cost			\$2,006,495	

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or \$200,649, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering

and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. PERIOD OF PERFORMANCE

The Municipality has five (5) years to complete all work outlined in the Agreement from the date of authorization of Federal funds for the initial phase of work. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legregs/legislat.html and www.ncleg.net/gascritps/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain

or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at

www.fhwa.dot.gov/legregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascritps/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference

<https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for

documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legsregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Beaverdam Creek Greenway Phase I, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in

Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$1,605,196 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project.

These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF ZEBULON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by the Town of Zebulon as attested to by the signature of _____

on _____ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Town of Zebulon

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

June 24, 2019

MEMORANDUM

To: Chris Lukasina
Capital Area Metropolitan Planning Organization

From: Heather J. Hildebrandt
CMAQ Program Manager

Subject: Reallocation of funds from C-5604OF

Thank you for submitting new project proposals for funds previously allocated under C-5604OF for funding through the North Carolina CMAQ Program. Transportation Planning Division is pleased to inform you that the submitted applications have completed the required interagency review and has been approved for CMAQ funding. C-5604OF will be cancelled. A summary of the projects follows:

STIP Number	Description	Phase	CMAQ Funding	Local Match	Total Funding	FFY
U-5530GA	Fuquay-Varina: Park Depot Greenway Trail- 1,870 lf of greenway between Old Honeycutt Park to South Lakes Subdivision	CON	\$989,728	\$247,432	\$1,237,160	2019
C-5604FA	Zebulon: Beaverdam Creek Greenway- 5,100 lf between Spiderlily Court and Pippin Road	CON	\$1,605,196	\$401,299	\$2,006,495	2019
		TOTAL	\$2,594,924	\$648,731	\$3,243,655	

Please notify the requesting local government agency (LGA) of approved projects within their jurisdictions and inform the LGA that they are responsible for initiating the local agreement with the NCDOT Local Program Management Office (LPMO) to begin project implementation.

In order to implement approved projects, the LGA will need to request a local project agreement through the NCDOT Local Projects Management Office. **Please provide the attached document containing instructions for this request to each LGA who has been awarded a**

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING BRANCH
1554 MAIL SERVICE CENTER
RALEIGH, NC 27699-1554

Telephone: (919) 707-0900
Fax: (919) 733-9794
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

CMAQ project. Please note that projects that are not implemented according to the approved schedule may be subject to cancellation.

If you have any questions about the CMAQ Program or the projects that have been awarded funding, please contact me by telephone at 919-707-0964 or by email at hjhildebrandt@ncdot.gov.

Attachment

cc: Jamal Alavi, PE, Manager, Transportation Planning Division
Travis Marshall, PE, Transportation Planning Division
Sheila Gibbs, Local Programs Management Office
Michael Kneis, NCDOT Division 5
Gretchen Vetter, CAMPO

Requesting Local Agreements for CMAQ Projects

The Local Programs Management Office (LPMO) has a web-based system for requesting agreements for locally-administered projects. As a Local Government Agency (LGA) with an upcoming CMAQ project to administer with NCDOT, you will be responsible for requesting an agreement through the Enterprise Business Portal (EBS). In order to access the EBS, you will need a **user id** and **password**, issued by NCDOT.

Please visit the LPMO website at

<https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx> and download the LPMO Security Form, complete, sign and e-mail to the contact address in the form. Once you have a user id and password assigned, you may log into the EBS at <https://www.ebs.nc.gov/irj/portal>, from there, submit a request for a new agreement.

If you have any questions, please contact the LPMO office at LPMO@ncdot.gov. You can also access Help Guidance for the EBS at the following website:

<https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>

Please note the following:

- At this time the EBS can only be used to manage new projects that do not currently have an executed municipal agreement. If you have been approved for additional funding on an existing CMAQ project that is managed outside the EBS portal, please coordinate with Heather Hildebrandt, CMAQ Program Engineer, to request a local agreement.
- CMAQ transit projects that are being flexed to Federal Transit Administration do not require a local agreement. Please contact Heather Hildebrandt, CMAQ Program Engineer, to determine the steps for implementing these projects.
- Contact information:
Heather J. Hildebrandt
CMAQ Program Engineer
Telephone: 919-707-0964
Email: hjhildebrandt@ncdot.gov

ORDINANCE 2020-22

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to North Carolina General Statutes 159-15, the following amendment be made to the capital project budget ordinance.

Section 1. To amend the Greenways Capital Project Fund budget as follows:

	INCREASE	DECREASE
REVENUES		
NCDOT CMAQ Grant	\$1,605,196.00	
EXPENDITURES		
Construction	\$1,175,196.00	
Engineering and Design	350,000.00	
Geotechnical	30,000.00	
NCDOT Review	50,000.00	

Section 2. Copies of this amendment shall be furnished to the Town Clerk, and to the Budget Officer, and to the Finance Officer for their direction.

Adopted: August 5, 2019

Effective: August 5, 2019

Robert S. Matheny – Mayor

ATTEST:

Lisa M. Markland, CMC – Town Clerk