

**Zebulon Board of Commissioners**  
**Minutes**  
**January 3, 2011**

Present: Robert S. Matheny-Mayor, Curtis Strickland, Beverly Clark, Roy Collins, Dale Beck, Don Bumgarner, Rick Hardin-Town Manager, Lisa Markland-Town Clerk, Mark Hetrick-Planning, Emily Lucas-Finance, Greg Johnson-Parks & Recreation, Sidney Perry-Fire, Bo Dobrzanski-Planning, Chris Ray-Public Works, Eric Vernon-Attorney

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

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENT PERIOD**

There was no one who wished to speak.

**CONSENT**

Commissioner Beck made a motion, second by Commissioner Clark to approve the minutes of December 6, 2010. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Clark to approve the minutes of the December 13, 2010 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Clark to approve the tax report for October 2010. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Clark to approve ordinance 2011-22. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Clark to approve ordinance 2011-23. There was no discussion and the motion passed unanimously.

Commissioner Beck made a motion, second by Commissioner Clark to approve resolution 2011-07. There was no discussion and the motion passed unanimously.

**OLD BUSINESS**

Finance

*Weaver's Pond/Bobbitt Easement*

Emily Lucas presented an overview of the easement associated with the Weaver's Pond Subdivision and stated that ordinance 2011-20 would loan money from the general fund for the acquisition of the easement from the Bobbitt's.

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Emily explained that it came about due to the fact that the developer installed the utility lines on the Bobbitt property without obtaining an easement from the Bobbitt's. The legal fees and acquisition of said easement were \$33,287.79.

The Town would be recouping the cost of the easement by charging a fee for Weaver's Pond Phase III and IV at a cost of \$192.96 per acre. The fee would be charged as developed.

Commissioner Strickland made a motion, second by Commissioner Collins to approve ordinance 2011-20. There was no discussion and the motion passed unanimously.

Next, Emily stated that ordinance 2011-21 would loan money to the enterprise fund from fund balance.

Commissioner Strickland made a motion, second by Commissioner Collins to approve ordinance 2011-21. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve resolution 2011-06 calling for a public hearing to amend the fee schedule to allow the Town to charge the fee stated previously. There was no discussion and the motion passed unanimously.

### Planning

#### *Hwy 96 Corridor Study and Design (Access Management Plan)*

Mark Hetrick gave an overview of the access management plan. He explained that bids were received for the design of the project from four companies. The total cost of the project would not exceed \$97,500 and staff was recommending that Wilbur Smith Associates be hired to do the work. The Town of Zebulon would be responsible for 20% and NCDOT would be responsible for 80% of the cost of the project.

The Town of Zebulon and NCDOT would discuss the scope of the project, request a formal project proposal and negotiate a professional service agreement with Wilbur Smith Associates. Once the draft agreement was approved by all parties the Town Manager would sign said agreement with Wilbur Smith Associates. Completion date is set for May 31, 2011.

Commissioner Bumgarner asked whether the funds were paid up front or after all work was completed. Chris Ray explained that there would be milestone dates and thresholds they had to cross and once they were met those milestones a percentage would be paid to the contractor.

Commissioner Bumgarner made a motion, second by Commissioner Clark to award the contract to Wilbur Smith Associates in an amount not to exceed \$97,500. There was no discussion and the motion passed unanimously.

#### *SU 2011-02—Boys & Girls Club*

Bo Dobrzanski presented that the Boys & Girls Club was seeking a special use permit to construct their facility on 3.9 acres located at the corner of Shepard School Road and Old Bunn Road. It would be permitted to operate as a community if approved.

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Bo reviewed the site plan submitted and explained that they only showed 32 parking spaces but the code of ordinances required 52 parking spaces. The TRC would require 52 parking spaces be installed onsite.

The Planning Board recommended approval with four conditions. Staff had recommended five conditions but the Planning Board chose to exclude a condition of requiring that they hook to reclaimed water if it should become available.

Bo reviewed the quasi-judicial requirements for the special use permit and the voting by the Board of Commissioners.

Commissioner Strickland made a motion, second by Commissioner Clark to approve SU 2011-02 with the following conditions.

1. Prior to construction, final zoning approval is subject to successful site plan approval by the Zebulon Technical Review Committee.
2. Development must meet all applicable state, federal, and local laws.
3. The Wake County Boys and Girls Club has to request voluntary annexation in order to connect to water and sewer services.
4. Sidewalk, curb and gutter shall be installed along Old Bunn Road.
5. If reclaimed water ever became available to the property the development must connect for all non-potable uses.

## **BOARD COMMENTS**

There were no Board comments at this time.

## **MANAGERS REPORT**

Rick Hardin said that there would be a joint public hearing on January 10 and a work session on January 19. Town offices would be closed for the Martin Luther King holiday on Monday, January 17. The annual Martin Luther King Breakfast was scheduled for Monday, January 17 at 7:00am at Zebulon Baptist Church.

The schedule for public meetings for the overlay district will be Thursday, January 20 and February 3. Additional meetings would be scheduled if necessary. The wrap up of the project is slated for May 2011.

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

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Date

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk