

Zebulon Board of Commissioners
Work Session
Minutes
January 24, 2013

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, Tim Hayworth-Police, Chris Ray-Public Works, Sidney Perry-Fire, Greg Johnson-Parks and Recreation, Bobby Fitts-Finance, Eric Vernon-Attorney

Absent: Curtis Strickland, Roy Collins

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

Mayor Matheny stated the Commissioners Strickland and Collins were both absent due to illness.

APPROVAL OF AGENDA

Mayor Matheny asked that the agenda be amended to add item IIIB—NCLM Advocacy Goals.

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. Finance

Ordinance 2013-28—Cemetery Ordinance

Emily Lucas presented that the Cemetery Ordinance was being brought to the Board to be amended. Emily explained that it was proposed that section on mausoleums be amended that would allow staff to approve a mausoleum as long as it was not larger than 4x9x10 and constructed from acceptable materials.

Mayor Matheny asked about the materials and if those were to be granite and marble or was concrete allowed. Emily stated that it was to be granite and marble. It was recommended that it be amended to be specific to state marble and granite but the base could be concrete.

Emily reviewed the other changes: repair to damaged marker had to be done by owner of the plot so it was not dangerous. It would be subject to penalty 92.99. The length of time would be added to the ordinance for repairs to be made. The purchase of plots was discussed and there were questions about why it was an issue to sell more than four plots to one person. Staff could not explain why that was an issue since it had been in the ordinance since before anyone on staff could explain it. The deed passes to the heirs if the owner should pass away. The plots could not be sold or exchanged for a profit. The fee would become a part of the fee schedule so that the Board has the right to change it as they choose.

There were no comments so it would be amended and brought back to the Board for a decision at a later date.

Ordinances 2013-30, 31, 32, 33, 34

Emily Lucas stated that ordinance 2013-30 was to recognize funding from the state for the PEG channel; Ordinance 2013-31 was to move funds from the police and building and grounds salaries to police and building and grounds part time salaries; Ordinance 2013-32 was to recognize insurance proceeds for damaged police vehicles; Ordinance 2013-33 was to appropriate \$1500 to the stormwater department for the monthly fees charged by the City of Raleigh and finally Ordinance 2013-34 recognized a grant from the United Arts Council to the Parks and Recreation Department to do some programming.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2013-30. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2013-31. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2013-32. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2013-33. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2013-34. There was no discussion and the motion passed unanimously.

Budget Update

Emily Lucas gave a presentation on the budget to show where the Town was in fiscal year 2013 for revenues and expenditures as well as projections to the end of the year. The general fund budget revenues received to date were \$5,313,221 and expenditures to date were \$4,177,633. The estimated revenues by June 30, 2013 were \$7,084,669 and expenditures were \$7,433,622. There was a difference of \$343,000 which would come out of fund balance.

OLD BUSINESS

A. Planning

Transportation Plan

Mark Hetrick gave a quick update about the need to help improve the development process.

Mayor Matheny stated that he did not think it was good to do at this time and asked if staff had talked to others to get bids for a better price. Mark Hetrick said that they had not since the company had done the work before and was very familiar with the Town and they gave a good price.

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The proposed time frame would be 3-4 months from beginning to end. There was discussion about the proposal and that the Board hated to have to spend the money when times were tough but they understood that it needed to be done. They also talked about what they could do, if anything, in the interim to help development.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve ordinance 2013-29. There was no discussion and the motion passed unanimously.

Facility Use Policy

Rick Hardin presented that the policy presented was put together based on the information given to staff in November and was reviewed by the Town Attorney for his comments to be incorporated.

Mayor Matheny stated that he still was not happy and thought that the facility should be made available to at least the non-profits that were located in Zebulon. He continued by asking if he understood correctly that people had the right to assemble on public property and that the Town could not limit them from doing it. Eric Vernon stated that the Town was absolutely within their right to restrict the use of the facility. The Mayor said that he did not think that limiting the use of the front lawn was good, that insurance should be required, and closing the gates should also be allowed.

Commissioner Beck said that he did not want to allow the use of the facility except for the Friends of Wakelon and the Zebulon Chamber of Commerce. The facility was a government building and that was not the intent of how it was to be used when it was purchased and renovated. He continued by saying that they could not go to Raleigh and use the government buildings like that and it didn't matter that it was paid for by tax payer dollars. It was an office building and should be used as such.

Commissioner Beck said that what was presented was written incorrectly since that was not what the Board had said they wanted. It was not to be used except by the Friends of Wakelon and the Zebulon Chamber of Commerce and it did not say that. Commissioner Clark agreed with those comments. Eric Vernon said that he asked that the references to them be taken out he thought it would be easier to defend. Staff had done what was asked and he removed it. Commissioner Beck said there was a community center and parks and those were suitable for rental, not the Town Hall and its grounds.

Commissioner Bumgarner said that he appreciated Commissioner Beck's concerns but he thought that it should be available for nonprofits to use it and the Board could approve it. Mayor Matheny said that they should pay security deposits, rental fees, insurance, and so on.

Commissioner Clark said that she agreed with Commissioner Beck and that it should not be allowed to be rented. She did think that insurance should be paid and that only Friends of Wakelon and the Zebulon Chamber of Commerce.

Commissioner Beck said that a policy should be put in place and the requests should not come before the Board. That would be arbitrary and could be much harder to defend legally. Eric Vernon said that from a lawyer's point of view it would be much easier to defend if no one or just the Friends of Wakelon could use it. That would be easy to defend but when it opens up to other groups it would be harder to defend, legally.

Mayor Matheny said that prohibiting the use of front lawn and interior of the building should be taken out, they had to have insurance to use the facility, both gates could not be closed and so on.

After considerable discussion Mayor Matheny asked if staff had enough direction to go back to the drawing board and bring something back to the Board. Rick Hardin said that he would like to know if it was one or two groups as in the past or all nonprofits etc. Mayor Matheny said that there should be a policy with nonprofits only in the Town of Zebulon, an option with no one using it, and an option with just the two groups. He continued by saying the interior, the front lawn, pay for staff, security deposit, front gates, signage and so on. That would allow for the Board to choose one.

B. General

NCLM Advocacy Goals

Mayor Matheny gave an update on what was voted on and gave everyone a list of those that were approved and would go before the legislature.

MANAGERS REPORT

Emily Lucas presented the following departmental line item transfers.

Governing Body: Moved \$2,400 out of Professional Services; \$1,450 went to Travel & Training and the \$950 went to Special Appropriations-Bus Service

Admin/Finance: Moved \$1,500 out of Professional Services to Unemployment Compensation to pay for 2011-2012 claims.

Planning: Moved \$150 from Professional Services to Cell Phones for a cell phone upgrade.

Buildings & Grounds: Moved \$1,000 from ZMC Utilities to Equipment Maintenance.

Police: Moved \$1,250 from Materials & Supplies to Other Contracted Services.

Fire: Moved \$1,350 from Part-time Salaries to Other Fringe Benefits.

Powell Bill: Moved \$1,000 from Contracted Services to Equipment Maintenance.
Moved \$650 from Snow/Ice Materials. \$350 went to Vehicle Maintenance and \$300 to Fuel.

Parks & Recreation: Moved \$1,400 from Part-time Salaries to Equipment Maintenance.

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Rick Hardin stated that the chamber banquet would be February 15 and if a board member was going to attend they needed to let Lisa know by Friday.

Mayor Matheny presented Emily Lucas a plaque.

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

Date

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk