

Zebulon Board of Commissioners
Minutes
February 1, 2010

Present: Robert S. Matheny-Mayor, Curtis Strickland, Beverly Clark, Don Bumgarner, Roy Collins, Dale Beck, Rick Hardin-Town Manager, Lisa Markland-Town Clerk, Mark Hetrick-Planning, Emily Lucas-Finance, Tim Hayworth-Police, Chris Ray-Public Works, Roger Knight-Attorney

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

APPROVAL OF AGENDA

Mayor Matheny stated that item B(2)(d) needed to be pulled from the consent agenda and added to the budget update section as New Business C(2)(a).

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

PUBLIC HEARING

Mayor Matheny declared the public hearing open and called for staff report. Emily Lucas presented that there were two proposed amendments to the fee schedule and one was to the privilege license schedule A for Internet Cafés. Staff was proposing a \$500 fee per machine.

The second proposed change was to add an administrative fee for filing an appeal for a civil citation that would be return if the appeal was granted. This would appear under the police department section.

Commissioner Beck asked about the fee for internet cafés. Emily explained that it was a fee per machine. Upon looking at what other municipalities were doing it was right in the middle. Some were as small as \$25.00 and others were as much as a \$10,000 flat fees or \$1000 per machine.

Mayor Matheny asked about a definition of “per machine” and thought that it needed to be defined. Mark Hetrick and Emily stated that the “per machine” addressed each terminal or computer that could be used to purchase internet time.

After some discussion Mayor Matheny stated that it should say per computer instead of per machine so there was not any question at to what was intended or meant by the ordinance.

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

The public hearing was closed to be discussed later in the meeting.

PUBLIC COMMENT PERIOD

There was no one who wished to speak.

CONSENT

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of January 4, 2010. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of the January 11, 2010 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of the January 20, 2010 work session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of the January 20, 2010 closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve the tax report for November 2009. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve Ordinance 2010-30. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve Ordinance 2010-31. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve Ordinance 2010-33. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve Resolution 2010-16. There was no discussion and the motion passed unanimously.

OLD BUSINESS

Planning

Ordinance 2010-34—Creation of an Internet Café Ordinance

Mark Hetrick stated that staff was proposing that the Board enact an ordinance that would regulate internet cafés. It included the sale of internet time, providing business services such as faxing, copying, and printing.

The ordinance would create a definition; amend the parking regulations and the requirement for a special use permit to have an internet café. Mark Hetrick continued to explain about the internet gaming component. It was not internet gambling but was a predetermined prize that would be given out randomly. It was more like a sweepstakes.

Mark reviewed what some of the other municipalities had done to regulate that type of business whether it was by ordinance or special use permit conditions.

The Planning Board did recommend approval of the ordinance with the proposed change to the definition that was presented by staff that clarified it was a for profit business that charged a fee and had more than three computers.

Mark Hetrick stated that staff was asking that the Board table the issue so that they could generate a definition for electronic gaming parlors.

There was some discussion about the definition for an internet café and how that would be handled along with the cost per computer, how it would be policed, what happened if the special use permit was violated and that the state was not regulating it currently.

Commissioner Bumgarner made a motion, second by Commissioner Beck to table ordinance 2010-34 for 30 days. There was no discussion and the motion passed unanimously.

Interlocal Agreement for Stormwater

Mark Hetrick stated that on January 4, 2010 the Board adopted the Stormwater Ordinance. The Board also requested that some changes be made to the Interlocal Agreement with Wake County that would administer the ordinance.

The proposed changes were presented to Wake County and they agreed to them and gave some additional verbiage.

Commissioner Beck made a motion, second by Commissioner Clark to approve the interlocal agreement with Wake County for the administration of the Town of Zebulon Stormwater Ordinance. There was no discussion and the motion passed unanimously.

NEW BUSINESS

General

Resolution 2010-15—Support to revise the Transportation Equity Formula

Mayor Matheny stated that the request came from Charles Meeker asking that the Town adopt the proposed resolution that would review the transportation equity formula used to distribute funding from DOT. Currently, the money was not distributed based on population and that was how most thought it should be distributed.

Commissioner Bumgarner agreed that was the way it should be handled and thought it needed to be changed. It was a big topic of discussion with the members of CAMPO.

Commissioner Bumgarner made a motion, second by Commissioner Strickland to adopt resolution 2010-15. There was no discussion and the motion passed unanimously.

Fire

Resolution 2010-14—Authorizing Sale of Tanker Truck

Emily Lucas presented that the Fire Department would be receiving a new tanker truck that Wake County paid for and therefore would not need the 1992 GMC Tanker Truck they were

Board of Commissioners
Minutes
February 1, 2010

currently using. The Fire Department would like to declare that vehicle as surplus property and offer it for sale by sealed bid to be sold to the highest bidder.

Commissioner Strickland made a motion, second by Commissioner Clark to adopt resolution 2010-14. There was no discussion and the motion passed unanimously.

Finance

Fee Schedule Amendment

Mayor Matheny stated that the fee that went along with internet cafes should be tabled along with the ordinance that was tabled.

The second fee that was proposed was for the appeal fee for the civil citation program.

Commissioner Beck made a motion, second by Commissioner Bumgarner to adopt the proposed administrative fee for appeals of civil citations. There was no discussion and the motion passed unanimously.

Commissioner Bumgarner made a motion, second by Commissioner Collins to table the internet café fee for 30 days. There was no discussion and the motion passed unanimously.

Budget Update for 2009-2010

Emily Lucas gave the Board a copy of the powerpoint presentation that updated the Board on how the budget was progressing after six months.

Emily reviewed the revenues and expenditures and stated that staff was projecting that revenues would come in about one percent over what was budgeted and expenditure would come in six percent under what was budgeted. That meant that only \$65,000 of fund balance would be needed to balance the budget instead of the \$607,000 that was budgeted.

The next topic was the increase in legal fees that was not anticipated and currently the proposed cost was at approximately \$115,000 which was an increase of \$75,000 over what was budgeted. A budget amendment would be necessary to cover those costs and staff looked at the entire budget to see where money could be pulled from to accommodate the needed increase in that line item.

Ordinance 2010-32 would move money from the various line items to cover the increase in attorney fees.

Emily spoke about the various capital projects that had been put on hold until the Board could review the budget. Those projects put on hold were the Little River Park sign, street paving, Green Pace Road tank painting, Powell Bill mowing trailer and P&R field maintenance equipment.

Staff was requesting that the following capital projects be released so staff could proceed with completion: the tank painting that Raleigh was planning to do this year, the Powell Bill trailer, and P&R field maintenance equipment.

The street paving would not be spent this year but rolled over to be used next fiscal year.

There was discussion about the seal on the tank on Green Pace Road and whether it needed to be painted at all. Commissioner Beck said that he thought that they should hold off on doing that project. Chris Ray said that additional information would be brought back to the Board for their consideration and to make their final decision.

Commissioner Clark made a motion, second by Commissioner Collins to adopt Ordinance 2010-32. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to allow staff to move forward with the purchase of the mowing trailers and the field maintenance equipment at a cost of \$16,000. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Strickland stated that staff did an excellent job with the snow removal. The lighting at Triangle East Shopping Center also needed to be taken care of, it was too dark.

Commissioner Beck asked about the paving of the Triangle East Shopping Center and that it needed to be taken care of.

MANAGERS REPORT

The following transfers were reported.

- Moved \$2,000 from Administration-Group Insurance to Special Appropriations-Retiree Insurance
- Moved \$4,950 from Police-Uniforms to Police-Salaries to cover clothing allowances for detectives

Rick Hardin said that there would be a joint public hearing on February 9 and no work session. The retreat would be on Tuesday, February 23 at the Community Center.

Commissioner Bumgarner 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