

Zebulon Board of Commissioners
Minutes
May 3, 2010

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, Dennis Brannan-Police, Chris Ray-Public Works, Eric Vernon-Attorney

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

APPROVAL OF AGENDA

Mayor Matheny stated that under new business they needed to add Resolution 2010-18 amending the speed limit by Heritage Christian Academy.

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

PUBLIC COMMENT PERIOD

There was no one who wished to speak.

CONSENT

Commissioner Clark made a motion, second by Commissioner Strickland to approve the minutes of April 5, 2010. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Strickland to approve the minutes of the April 21, 2010 closed session. There was no discussion and the motion passed unanimously.

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

OLD BUSINESS

Planning

Weaver's Pond Special Use Permit Withdrawal

Mayor Matheny informed the Board that the Weaver's Pond group had withdrawn their request for an amendment to their special use permit.

Ordinance 2010-40—Amendment to 152.016 & 152.129 Addition of definition of Auction House and Auto/Equipment Auction

Mark Hetrick presented that they would like to add auction house and auto/equipment auction to the definitions and permitted uses table.

Commissioner Bumgarner made a motion, second by Commissioner Clark to adopt ordinance 2010-40. There was no discussion and the motion passed unanimously.

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Ordinance 2010-41—Amendment to 152.016 Addition of definition of electronic gaming machines

Mark Hetrick presented that they needed to add the definition of electronic gaming machines as it was part of the internet café ordinance.

Commissioner Clark made a motion, second by Commissioner Collins to adopt ordinance 2010-41. There was no discussion and the motion passed unanimously.

Ordinance 2010-42—Amendment to 152.016 and 152.129 the definition of Internet Café and Electronic Gaming Parlors

Mark Hetrick stated that they needed to amend the definition of internet café and electronic gaming parlors as well as the permitted uses table. He stated that in the permitted uses table they could be an accessory use in the heavy business district.

Commissioner Bumgarner made a motion, second by Commissioner Clark to adopt ordinance 2010-42. There was no discussion and the motion passed unanimously.

Ordinance 2010-43—Amendment to 152.1466 guidelines for internet cafés

Mark Hetrick said that the ordinance would create guidelines for internet cafés that were not currently in the ordinance. Mark read the guidelines proposed.

Commissioner Beck came in at 7:08pm.

Commissioner Clark made a motion, second by Commissioner Collins to adopt ordinance 2010-43. Commissioner Strickland asked why there was an issue with it being close to a school. Mark stated that schools were added because the middle school was so close and regulating the age that could enter covered the school as well. There was no further discussion and the motion passed unanimous.

Ordinance 2010-44—Amendment to 152.1944 Traffic Impact Analysis Applicability

Mark Hetrick explained that the changes recommended dealt with schools. How it would be calculated, and when it would be used.

Commissioner Clark made a motion, second by Commissioner Bumgarner to adopt ordinance 2010-44. There was no discussion and the motion passed unanimously.

SU 2010-02—Zebulon Laundry in Triangle East Shopping Center

Mark Hetrick presented that the applicant was asking to be able to install two pool tables and several arcade/video games on site.

Mark read the requirements for issuing a special use permit.

The conditions recommended by the Planning Board were as follows:

- 1) A maximum of two pool tables.
- 2) Maximum of three video/arcade games.
- 3) No alcohol could be sold or consumed on the premises.

Commissioner Strickland made a motion to approve SU 2010-02 with the conditions recommended by the Planning Board. The motion died for lack of a second.

There was discussion about the number of pool tables that they thought should be allowed. Commissioner Beck thought that it should be no more than one table and Commissioner Bumgarner agreed.

Commissioner Strickland did not see the issue and it was an attempt to give people something to do. He did not think people would stop by to just shoot pool. Commissioner Beck thought that one pool table was sufficient to meet the need of something to do.

Commissioner Beck made a motion to recommend approval of SU 2010-02 with the following conditions: a maximum of one pool table, maximum of three video/arcade games, no alcohol could be sold or consumed on the premises. The motion died for lack of a second.

Commissioner Bumgarner made a motion to deny SU 2010-02 since it was not in harmony with the area. The motion died for lack of a second.

Commissioner Strickland made a motion, second by Commissioner Collins to approve SU 2010-02 with the following conditions:

1. a maximum of two pool tables
2. maximum of three video/arcade games
3. no alcohol could be sold or consumed on the premises

There was no discussion and the motion passed with a vote of 3-2. Commissioner Beck and Commissioner Bumgarner voted against and Commissioners Collins, Strickland and Clark voted in favor.

Mayor Matheny stated that there was not a super majority. It was explained that it was not necessary since there was not a protest petition filed.

NEW BUSINESS

General

Website Update and Contract

Lisa Markland presented that the website committee that was comprised of one person from various departments had been working on the new site. This group met with the consultant WebFullCircle and asked them to prepare a proposal for review. The proposal that was presented showed the site being completed in two phases with phase I being completed this fiscal year and phase II next fiscal year.

The website committee was recommending that WebFullCircle be hired to design the website for the Town. They also asked that the manager be allowed to enter into the agreement once the Town Attorney approved of the contract.

Commissioner Bumgarner made a motion, second by Commissioner Beck to approve the manager entering into a contract with WebFullCircle for the design of the Towns website. There was no discussion and the motion passed unanimously.

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Commissioner Bumgarner made a motion, second by Commissioner Strickland to adopt Ordinance 2010-45. There was no discussion and the motion passed unanimously.

Resolution 2010-18—Concurrence of a School Zone Speed Limit of 35mph at Heritage Christian Academy

Lisa Markland explained the DOT was asking for the Town to concur with establishing a school speed limit zone of 35mph at Heritage Christian Academy.

Commissioner Clark made a motion, second by Commissioner Strickland to adopt resolution 2010-18. There was no discussion and the motion passed unanimously.

Offer to Purchase Town Building

Emily Lucas presented that on April 28, 2010 staff received an offer to purchase the old water plant and old P&R properties located at 202 and 202½ East Vance Street in the amount of \$115,000 from LNP Inc.

Emily explained that resolution 2010-17 would need to be adopted to begin the upset bid process recognizing the bid from LNP Inc. A notice would be published in the paper and 10 days would have to elapse without receiving another bid for this bid to be accepted and the lots sold.

Commissioner Clark made a motion, second by Commissioner Strickland to adopt Resolution 2010-17. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Bumgarner commended staff for the quick work that was done after the tornado took out the tree.

Commissioner Strickland stated that the Black and White event was a great evening, asked that everyone keep Tim Hayworth in their thought since his grandmother had passed away, and Greg Johnson's mother would be undergoing surgery so she should be kept in their thoughts as well.

Mayor Matheny said that the Town had received a CDBG grant for the tot lot at the Community Park and the Boys & Girls Club had received CDBG funding for the construction of their building. The Town was awarded the Champion Award for the renovation and redevelopment of the town hall building.

MANAGERS REPORT

Emily Lucas presented the following transfers:

In Parks & Recreation:

---\$1,000 moved from Contract Services to Grounds Maintenance for installation of a small storage shed by the Zebulon Elementary ball fields

---\$550 from Contract Services to Equipment Maintenance

---\$550 from Contract Services to Community Center Materials & Supplies

---\$2,000 from Contract Services to Camp Programs

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In Powell Bill

---Moved \$1,000 from Fuel to Vehicle Maintenance

In Sanitation

---Moved \$1,500 from Contract Services to Vehicle Maintenance

In Fire

--Moved \$1,000 from Fuel to Electricity/Water

Rick Hardin presented census numbers, stated that the shelter for the park and ride lot was erected, and all the mulch had been delivered.

The traffic light at Gannon Avenue and Shepard School Road had been approved and would be installed by the end of the year.

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

Date

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk