

Zebulon Board of Commissioners
Minutes
June 7, 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, Tim Hayworth-Police, Chris Ray-Public Works, Greg Johnson-Parks & Recreation, Sidney Perry, Fire, Eric Vernon-Attorney

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

APPROVAL OF AGENDA

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

PUBLIC HEARING

Emily Lucas presented the 2010-2011 proposed budget.

The proposed general fund was \$7,427,000 with revenues at \$6,923,000 and expenditures at \$7,427,000 and that would be a decrease of eight percent from the 2010 budget. No tax increase was recommended; there were several fee changes; staff was recommending that the maximum merit raise be lowered by one percent to four percent and that the amount the town put into the employees flexible spending account be lowered to \$10 per month.

The mandated storm water program would be a new program that the Town would have to incorporate into the day to day responsibilities by staff. An additional position in the planning department would be for a Code Enforcement Officer to help with the additional responsibilities that the storm water program would create. The water and sewer rates were proposed to increase by five percent.

There were no comments on the budget from the public.

PUBLIC COMMENT PERIOD

Joe Scarruzo of 315 W. Franklin Street stated that the potholes in the street were awful and that they were quite a few that needed to be repaired. The speeders on West Franklin Street were a real problem with mailboxes being hit on several occasions and finally the garbage truck was leaking hydraulic fluid and the company needed to be notified.

CONSENT

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of May 3, 2010. There was no discussion and the motion passed unanimously.

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

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Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the May 19, 2010 work session. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the May 10, 2010 Joint Public Hearing. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve the minutes of the December 10, 2008 work session. There was no discussion and the motion passed unanimously.

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

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-46. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-47. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-48. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-49. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-50. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-51. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-52. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-53. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-54. There was no discussion and the motion passed unanimously.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2010-55. There was no discussion and the motion passed unanimously.

OLD BUSINESS

Planning

SU 2010-03—Special Use Permit request by Ricky Congleton for Internet Café at 412 W. Gannon Avenue (RLC Business Center)

Mark Hetrick came forward and gave a PowerPoint presentation showing that the applicant had amended their request to meet the Town's ordinance for the number of machines and the hours of operation.

Mark reviewed the requirements for approving or denying a special use permit.

The Planning Board recommended approval provided that the applicant amended their request to meet the ordinance adopted by the Town.

Commissioner Clark asked if all computers could be seen from the front windows of the establishment. Mark stated that they could be seen from the exterior of the buildings.

Commissioner Beck asked if Mark was confident that the applicant had met all the requirements in the ordinance for internet cafés. Mark said he was confident they had done so.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve SU 2010-03. There was no discussion and the motion passed unanimously.

Special Use Permit request by Rick Hancock for Internet Café at 156 Wakelon Street Triangle East Shopping Center (Zebulon Business Center)

Mark Hetrick gave a power point presentation and stated that the applicant wanted to be open for business during different business hours as well as have quite a few more computer than what the Town's ordinance allowed for. Currently, the Town has not received an amended request from the applicant that would meet the Town's ordinance requirements.

Mark reviewed the layout of the facility with windows in the front of the building and a wall in the center of the building with a door and some windows. The computers would be located in front of the wall and behind the wall. The 1000' distance from a school requirement would be met.

The Planning Board voted 4-2 to recommend approval of SU 2010-04 provided that the application was amended to meet the requirements of the Town's ordinance. Mark stated that they did not receive an amended application from the applicant.

Mayor Matheny stated that he was wrong about the smoking ordinance that was discussed at the public hearing. The Town would not be able to regulate smoking in the establishment.

Mayor Matheny reviewed the options that the Board had on the case as to approve, table or deny.

Commissioner Bumgarner stated that there was also a wall in the establishment that obstructed the view from the front of the business, which was against the adopted ordinance of the Town.

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Commissioner Beck asked if staff had made efforts to contact the applicant. Mark stated that they had made numerous efforts but had not received any response from them.

Commissioner Clark made a motion, second by Commissioner Beck to deny SU 2010-04 since it was not in conformity with an official plan adopted by the Board.

Commissioner Bumgarner asked if it could be adopted with them meeting the requirements of the Town ordinances and the applicant decided not to move into the building would that open the door for another person to come into the same location and open an internet café. Eric Vernon said that the special use permit went with the property not to the individual, so yes another company could move in.

Commissioner Bumgarner asked how long they had to wait to apply again. Mark said it was six months.

There was no further discussion and the motion passed unanimously.

Finance

Proposed Budget 2010-2011

Emily presented ordinance 2010-56 the budget ordinance for 2010-2011 based on the information presented during the public hearing and the salary schedule, fee schedule and all authorized positions.

Commissioner Beck made a motion to table the budget ordinance to the worksession for further discussion about the merit raises, flex spending accounts and a few other things. Motion died for lack of a second.

Commissioner Strickland said that he would like to discuss the issues now.

Commissioner Beck said that he thought that merit raises needed to stay at five percent and that flex spending contributions by the Town needed to stay where they were. Mayor Matheny said that he was in favor of the four percent and that many of the other municipalities were doing nothing or less than the five percent the Town was proposing. The Mayor also thought that if it was increased to five percent then they needed to figure out what they were going to pull from the budget to fund the raises.

Commissioner Beck asked if the new planning position was necessary for the 2010-2011 budget, would the work be there and was it wise to add another salary in the budget at that time. Rick Hardin said that he did not recommend taking out the planning position but would recommend taking the revenue from fund balance or to cut a capital project. Rick did remind the Board that they were holding the position until January and it would be evaluated at that time. They would be holding capital projects until the state budget was approved to make sure that all revenues from the state would be received as budgeted.

Commissioner Strickland said that he wanted to keep the merit increase at five percent for the employees and the flexible spending accounts as they were last year. He stated that the Town was financially sound with a fund balance at 74 percent so he thought it should be left as it was.

The employees needed to be taken care of if at all possible. Commissioner Clark and Commissioner Collins said that they agreed that the merit should stay at five percent and the flexible spending accounts as last year.

Mayor Matheny said that he would like for the budget to go to work session so that the Board could figure out where to pull the money from and he stated he thought a capital project should be taken out and not pull it from fund balance.

Commissioner Beck made a motion, second by Commissioner Clark to table the budget until June 23, 2010. Commissioner Strickland asked how much it would cost for the five percent merit. Emily stated it was \$33,900. There was no further discussion and the motion passed with a vote of 4-1 with Commissioner Strickland voting against and Commissioners Clark, Beck, Collins and Bumgarner voting in favor.

NEW BUSINESS

Planning

Hwy 96 Extension from Hendricks Drive to Pearces Road.

Mark Hetrick presented that DOT had agreed to widen Arendell Avenue from Hendricks Drive to Pearces Road so that it would have four lanes of traffic all the way to Pearces Road. DOT would fund 80 percent and the Town would be responsible for 20 percent. It was estimated to cost \$130,000 making the match for the Town \$26,000. The Town would spend the money up front but then be reimbursed by the state on a monthly basis.

Commissioner Beck asked how long the distance was that would be improved. Mark stated it was approximately 250 feet.

Commissioner Strickland asked what the funds could be used for and if it could be used for other projects around town. Mark stated it could only be used for that section of road.

Mark Hetrick stated that staff was asking for the Board to approve the manager to enter into a contract with state for the Hwy 96 extension project.

Mayor Matheny thought that the project should be held over to the worksession so they could figure out where the money should be pulled from. Rick Hardin asked Emily to present the possible options for funding that staff had discussed.

Emily Lucas explained that downtown sidewalk project and the street sweeper repair had come in under budget by approximately \$15,000 and there was \$5,000 from a project that was not completed so that would be \$20,000 and there would have to be \$6000 from the general fund budget.

Mayor Matheny said that the Board could approve the project and then come back at the worksession to figure out where to pull the money from.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve moving forward with the Hwy 96 street widening project and that DOT and CAMPO would be notified. There was no discussion and the motion passed unanimously.

General

Board Appointments

Planning Board

Lisa Markland presented that there were three positions available for the Planning Board, which consisted of one in town position and two ETJ Positions. Four applications had been received which included Avon Privette, David Hughes, Darrell Jones and Gloria Driver.

Mayor Matheny stated that the three serving members had agreed to serve again and Gloria Driver was interested in serving on the Planning Board or the Board of Adjustment.

Commissioner Beck made a motion, second by Commissioner Collins to appoint the currently seated members of the Planning Board to serve another three year term. Those currently serving would be Avon Privette, David Hughes and Darrell Jones. There was no discussion and the motion passed unanimously.

Board of Adjustment

Lisa Markland stated that there were four positions available. Two in town regular positions and two alternate positions with one being in town and the other being ETJ. Tad Adams and Larry Loucks were currently serving in the regular positions and wanted to continue in that capacity. Gloria Driver stated that she would be interested in serving on the Board of Adjustment as well.

Commissioner Bumgarner made a motion, second by Commissioner Clark to appoint Larry Loucks and Tad Adams to the Board of Adjustment in the regular positions and Gloria Driver as an alternate in town position. There was no discussion and the motion passed unanimously.

Parks & Recreation

Lisa Markland explained that there were three positions available. Joe Beck, Anthony Brown and Lisa Gibson were currently serving and were interested in continuing to serve.

Commissioner Clark made a motion, second by Commissioner Collins to appoint Joe Beck, Anthony Brown and Lisa Gibson to the Parks & Recreation advisory Board. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

Commissioner Strickland asked Chris about the painting a crosswalk at Gannon and Arendell Avenue. Chris Ray stated he would talk to NCDOT and see what they might allow the Town to do. He asked Tim Hayworth if those in a crosswalk had the right of way. Chief Hayworth said that if a person was in a crosswalk they had the right of way.

Commissioner Bumgarner stated that he would like to have the fan in the lobby downstairs changed out to be something that matched the building. A wooden old time looking fan would

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have a much better appearance and a larger fan as well. Rick Hardin said that he would check into it and bring it back to the Board.

Commissioner Beck said that he was thankful that the Food Lion parking lot got paved and then asked about Arendell Avenue in front of Debnam Hardware and how the Town could get the road paved or fixed. It was really bad and needed to be taken care of. Chris Ray said that the standard answer they got from DOT was that it was not in the current funding cycle so they would not be able to do it. However, he would ask them again.

Commissioner Collins asked for an update on the light at Sheperd School and Gannon Avenue. Rick Hardin stated that they were installing one and it should be in by the end of the year according to DOT.

MANAGERS REPORT

Emily Lucas presented the following budget transfers.

Parks & Recreation

Moved \$1000 from contract services to grounds maintenance; \$550 from contract services to equipment maintenance; \$550 from contract services to community center materials and supplies; \$2000 from contract services to camp program

Powell Bill

Moved \$500 from fuel to materials and supplies

Sanitation

Moved \$2500 from contract services to vehicle maintenance

Fire Department

Moved \$1000 from fuel to electricity and utility; \$1500 from fuel to building maintenance

Streets

Moved \$1000 from equipment maintenance to vehicle maintenance; \$500 from fuel to vehicle maintenance

Rick Hardin stated there would not be a joint public hearing in June and the worksession would be June 23rd and Town offices would be closed on July 5th and the next meeting would be July 6th.

Mayor Matheny asked why there was not going to be a joint public hearing and Mark Hetrick stated that there was a notification error so the meeting had to be postponed to July.

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

Date

SEAL

Robert S. Matheny—Mayor

Lisa M. Markland, CMC—Town Clerk