

**Zebulon Board of Commissioners**  
**Minutes**  
**July 2, 2012**

Present: Robert S. Matheny-Mayor, Curtis Strickland, Beverly Clark, Don Bumgarner, Roy Collins, Dale Beck, Rick Hardin-Town Manager, Lisa Markland-Town Clerk, Greg Johnson-Parks & Recreation, Mark Hetrick-Planning, Tim Hayworth-Police, Chris Ray-Public Works, Sidney Perry-Fire, Charles George-Attorney

Absent: Emily Lucas

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

**APPROVAL OF AGENDA**

Mayor Matheny stated that the first item of business was to approve the agenda.

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

**PUBLIC COMMENT PERIOD**

There was no one who wished to speak.

**CONSENT**

A. Minutes

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of the April 18, 2012 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 May 23, 2012 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 May 23, 2012 closed 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 May 30, 2012 special meeting. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of June 4, 2012. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve the minutes of the June 11, 2012 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 June 20, 2012 work session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Clark made a motion, second by Commissioner Collins to approve the tax report for April 2012. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve resolution 2013-01. There was no discussion and the motion passed unanimously.

## **OLD BUSINESS**

### **A. Planning**

*RZ 2012-13—Request to rezone five properties totaling 41.51 acres along E. Gannon Ave by Walmart*

Bo Dobrzenski presented that David York was requesting that 41.51 acres for Donald Perry and R&D Development be rezoned from R20 and RMH20 to heavy business (HB). The properties were located near the Walmart and the land use plan had the majority of the property as highway business and part of it was open space.

Staff and the Planning Board were recommending approval of the request since it was already in close proximity to intense heavy business uses and was in conformity with the land use plan.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve RZ 2013-01 as submitted. There was no discussion and the motion passed unanimously.

*Ordinance 2013-09—Amendment to 152.073 Variances*

Bo Dobrzenski stated that the attorney had worked on the changes and presented them at the last public hearing. The purpose was to add clarity to the ordinance that was in the book and to align it with current case law and statutes.

Charles George explained that they thought that the changes were necessary to make compliance with the ordinance easier. The current ordinance made compliance very difficult.

Mayor Matheny said that he had one concern about C5 that stated the hardship was not the result of the applicants own actions or if so was the result of a good faith mistake. He wanted to know how something might be a good faith mistake. Charles George said that it made it a little more difficult to determine what was a good faith mistake and the Board of Adjustment would sit as a fact finding board that would have to make that determination.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve ordinance 2013-09. There was no discussion and the motion passed unanimously.

## **NEW BUSINESS**

### **A. Public Works**

*Resolution 2013-02—Authorizes the purchase of the street sweeper via the piggybacking method*

Chris Ray presented that the street sweeper was part of the newly adopted 2013 budget and he asked that they be allowed to purchase the street sweeper by piggybacking the City of Lexington bid for a regenerative air sweeper.

Chris stated that staff had reviewed the bid documents from the City of Lexington and thought that they were in compliance with general statutes. The notice to waive the bid process was posted June 24, 2012 in the Eastern Wake News.

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Staff requested that the Board award the piggyback contract for the street sweeper to Carolina Environmental Systems for \$165,808 by adopting resolution 2013-02.

Mayor Matheny stated that the \$165,808 did not match any of the bid numbers. Chris Ray stated that they would have to dig down into the bid numbers. There were several different options that were bid so you would have to dig down to get the contract number.

Commissioner Bumgarner asked what the benefit would be of having a regenerative air sweeper. Chris Ray explained that the sweep blew air down and across the surface and then it would suck it up. It allowed for very fine particles to be sucked up which was very important for the storm water program. Chris stated that was the kind of sweeper the Town currently owned.

Commissioner Clark made a motion, second by Commissioner Beck to approve resolution 2013-02. There was no discussion and the motion passed unanimously.

### **BOARD COMMENTS**

There were no comments at this time.

### **MANAGERS REPORT**

Rick Hardin stated that the town offices would be closed on July 4, 2012 for fourth of July and there would not be a public hearing on July 11.

Commissioner Bumgarner made a motion, second by Commissioner Clark to go into closed session for the purpose of personnel discussions. There was no discussion and the motion passed unanimously.

NOTE: In closed session Commissioner Beck made a motion, second by Commissioner Collins to go out of closed session.

Commissioner Beck made a motion, second by Commissioner Bumgarner to award Lisa Markland the \$500 bonus as allowed in the budget.

Commissioner Bumgarner made a motion, second by Commissioner Collins 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