

Zebulon Board of Commissioners
Minutes
August 6, 2012

Present: Robert S. Matheny-Mayor, Curtis Strickland, Beverly Clark, Don Bumgarner, Dale Beck, Rick Hardin-Town Manager, Lisa Markland-Town Clerk, Greg Johnson-Parks & Recreation, Emily Lucas-Finance, Bo Dobrzanski-Planning, Tim Hayworth-Police, Chris Ray-Public Works, Sidney Perry-Fire, Eric Vernon-Attorney
Absent: Roy Collins

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

PUBLIC COMMENT PERIOD

There was no one wishing to make public comment.

CONSENT

A. Minutes

Commissioner Clark made a motion, second by Commissioner Strickland to approve the minutes of July 2, 2012. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Strickland to approve the minutes of the July 2, 2012 closed session. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Strickland to approve the minutes of the July 18, 2012 work session. There was no discussion and the motion passed unanimously.

B. Planning

Commissioner Clark made a motion, second by Commissioner Strickland to approve resolution 2013-04. There was no discussion and the motion passed unanimously.

C. Finance

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

Commissioner Clark made a motion, second by Commissioner Strickland to approve ordinance 2013-12. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Parks & Recreation

Ordinance 2013-13—Requesting additional funds for Phase 2 of the Community Park trail

Greg Johnson presented that there was a need for additional funding for the trail at Community Park which was part of the Healthy Places grant. After several meetings it was discovered that additional funds would be needed to do the necessary drainage and ground work for that project. An additional allocation of \$2560 from the grant funds would be needed to do that work.

Mayor Matheny asked about the connector to the church that was not going to occur, and if that would not provide enough funding to do the additional work necessary. Greg Johnson stated it would not and the addition funding would be needed.

Commissioner Clark made a motion, second by Commissioner Strickland to approve ordinance 2013-13. There was no discussion and the motion passed unanimously.

B. Planning

ZA 2012-04—Amendment to the Zebulon Multimodal Transportation Plan

Bo Dobrzanski presented that staff was making recommendations to amend the Transportation Plan that was adopted in 2001. Bo gave an overview of the proposal and the problems that staff and the property owners were having with old US 264 between Hwy 97 and 39 and the requirements of the plan. Staffs proposal was to remove the requirement of enlarging the road to require a turn lane when properties were expanded.

The numbers estimated for growth were inaccurate as well as the traffic counts supported that assessment. The TIA would still be used if a development were large enough to warrant it as well as DOT input and requirements would not be changed when development occurred.

The planning board and staff were recommending approval of the amendment.

Commissioner Beck asked if the amendment would only be for the area shown or would other areas be included. Bo stated that it would be for old 264 only.

Mayor Matheny stated that he had a problem with one property owner being tapped to do the road improvements and thought that they should not be required to bare the entire cost of that development. Bo stated that as far as he knew there was no way to go back and require the other property owners to participate in the cost of those road improvements. It had always been the development that trips the requirement for road improvements be the one to pay for them.

Commissioner Bumgarner asked about development on the large tracts of land across the street from Wal-Mart and how the intersection would be widened to accommodate any development there. Bo explained that the intersection there was already as wide as what would be required by the transportation plan, but if DOT thought that it needed further expansion due to development of that land then they could require it or the TIA could require it.

There was extensive discussion about what could be done so that one development doesn't get caught paying for the entire expansion. Bo stated that a moratorium might be a possibility and

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Rick Hardin stated that was not something that had been researched so staff would need to do that before they could say that a moratorium would be a possible solution. A fee in lieu was also discussed and also the possibility that the Town would pay the other half of the costs if there was no property owner that could be required to cover those costs.

Mayor Matheny said that he would prefer that instead of amending the plan and not requiring any expansion on old US 264 he would prefer staff to investigate other ways to get the road widened either by the Town paying for the other half or some other method that the other property owners down that road would have to pay for it. Commissioner Strickland stated that he thought it was only the small section that was depicted in the yellow box in the presentation was in question not the entire road. Rick Hardin stated that if there was a heavy development the TIA would kick in as would DOT require expansion that could or could not go past their property. Rick also said that the attorney would need to look at that and give his opinion on what would be legal and what wouldn't be legal.

There was discussion about assessments and if that were to be done Emily explained that the Town would be responsible to cover half of the cost of the project. The Town could only assess property owners 50% of the costs and the Town would have to pick up the other half. Emily stated that it could be bonded as well.

Commissioner Clark said that she thought that what was being proposed needed work and that staff should work on it and bring it back.

Commissioner Strickland said that he did not agree that everyone else should have to pay for road improvements when one developer wanted to locate out there. He also stated that was the price of wanting to develop.

Commissioner Bumgarner did not agree with Commissioner Strickland, he thought it should be spread all over the properties not just the last one that tripped the trigger. He thought it needed more work and come back to the Board.

Commissioner Beck said that he thought that if they wanted to develop then they needed to pay to do the road work. He did not think it was fair to require a property owner that had been there 10 or 20 years to have to pay to widen the road because someone wanted to develop a piece or property close by.

Mayor Matheny said that staff needed to go back to the drawing board to see what other options were available to the Board. He stated that he did realize that there may not be any other options. Commissioner Beck said that he thought it needed to be equitable but he didn't think that requiring an established business to widen the road when a new development came along was equitable.

There was discussion about bonding and how that worked. It was stated that was not the best way to do that when it could be five years down the road and there still weren't adequate funds to do the project.

Mayor Matheny stated that what he was hearing from the Board was for staff to go back and see if there was some way to put work in abeyance today until it was needed so that the cost could be spread over all the property owners along that section on old US 264.

NEW BUSINESS

A. General

CAFR Presentation

Mayor Matheny presented that the Town had received the CAFR award for the financial reporting that was done by the finance department. Emily Lucas thought that it was the 18th year in a row that the Town was receiving the award.

Board Appointments

Lisa Markland presented that there were three openings on the Planning Board two of which were in-town positions and one was in the ETJ. Gene Blount a current in-town representative and Wallace Jenkins a current ETJ representative both expressed an interest in continuing to serve. Kenneth Waldroup submitted an application expressing his interest in filling the other in-town position. Lisa also explained that the Board would be recommending to the Wake County Board of Commissioners their desire that they appoint Wallace Jenkins to continue to serve on the Planning Board as the ETJ representative.

Commissioner Bumgarner made a motion, second by Commissioner Beck to appoint Gene Blount and Kenny Waldroup to the Planning Board as in-town members and to recommend to the Wake County Commissioners that Wallace Jenkins be appointed to serve as the ETJ representative. There was no discussion and the motion passed unanimously.

On the Parks & Recreation Board there were three openings and Allen Boyette, Ken Griswold and Richard Harris were currently serving and were interested in continuing to serve on that board.

Commissioner Clark made a motion, second by Commissioner Bumgarner to appoint Allen Boyette, Ken Griswold and Richard Harris to the Parks & Recreation Board. There was no discussion and the motion passed unanimously.

Resolution 2013-05—Calling for Joint Public Hearing

Mayor Matheny stated that the resolution was to call for a public hearing on August 27th so that the special use hearing could be heard since there would not be a quorum of the Board of Commissioners on the August 13th date of the regularly scheduled hearing.

Commissioner Clark stated that she would not be able to be at that meeting and would really rather not have a special meeting on that date. Commissioner Beck asked if the applicant had a problem with waiting until the September 10th meeting. Bo Dobrzanski said that the applicant preferred the August 27th date but would be available on the 10th if needed.

Commissioner Bumgarner made a motion, second by Commissioner Strickland to adopt resolution 2013-05 calling for a joint public hearing on August 27, 2012 at 7:00pm. There was

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no discussion and the motion passed with a vote of 3-1 with Commissioners Beck, Bumgarner and Strickland voting in favor and Commissioner Clark voting against.

B. Finance

Financing of Capital Projects

Emily Lucas presented the capital projects that were part of the CIP that were to be financed and those projects were the replacement of the roof and repair the walls at the community center, replacement of the ballfield lights at community park, and replacement of the fuel system at public works.

The Local Government Commission would have to approve the financing and one of the steps that must be taken would be to call for a public hearing and since bids would be solicited for the financing the Board must authorize staff to do so.

Resolution 2013-03 would call for the public hearing on October 1, 2012 which would allow for a lot of the behind the scenes work such as engineering and design for the projects, construction bids and financing bids.

The statement of debt was required to be submitted to the Board so a completed application was on file with the clerk for the financing of the projects stated.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve resolution 2013-03. There was no discussion and the motion passed unanimously.

BOARD COMMENTS

There were no comments at this time.

MANAGERS REPORT

Rick Hardin stated that there would not be a joint public hearing on August 13 but there would be one on August 27. There would not be a work session in August since there were no items that needed to come forward. On August 16 there would be a presentation from Toshiba Rice with Track My Steps on education from 7:00pm -8:30pm. The next Board of Commissioners meeting would be on Tuesday, September 4, 2012 to accommodate for the Labor Day Holiday.

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

Date

Robert S. Matheny—Mayor

SEAL

Lisa M. Markland, CMC—Town Clerk