

Zebulon Board of Commissioners
Minutes
September 4, 2012

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

Absent: Greg Johnson

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 Collins 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 Collins to approve the minutes of August 6, 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 August 27, 2012 public hearing. 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 June 2012. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve ordinance 2013-14. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve ordinance 2013-15. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Collins to approve ordinance 2013-16. There was no discussion and the motion passed unanimously.

OLD BUSINESS

A. Planning

Arbor Day Proposal

Mark Hetrick presented that staff had been in conversations with the railroad concerning the crossing on South Arendell before Barbee Street. The discussions dealt with beautification of that area with landscaping that would meet the requirements for being a Tree City as well as the possibility of installing a sign.

Mark reviewed the requirements for being a Tree City, a rough site plan of what it would look like with and without the sign. The project was broken down into three phases with the first being landscaping at a cost of \$2386; phase two would be the sign at approximately \$5000 and phase three would be installing the electrical to light the sign at a cost of approximately \$1600. The total cost of the project with 10 percent contingency would be roughly \$10,000. He stated that they would be looking for donations for the project for the sign and lighting. The Town had budgeted some money for Arbor Day events which was approximately \$1000 for fiscal year 2012-2013.

Mayor Matheny asked if the money the Town budgeted would be used for the landscaping to meet the Arbor Day requirements as a Tree City. Mark stated that was correct and donations would still be needed to supplement that phase of the project.

Rick Hardin asked for Mark to explain what the plan would be if sufficient funds were not obtained to do the signage. Mark Hetrick stated that they would not do the other phases if funds were not raised but they did want to run the conduit during phase one just in case it would be needed later on.

Mayor Matheny asked if staff was wanting to know if the Board liked the project and wanted to direct staff to raise the funds needed to go with the Town's to do as much of the project as possible. Mark stated that was correct.

The Board agreed that they would like to see staff proceed with the project.

SU 2013-01—Special Use Permit for internet café at 156 Wakelon St. by Gregory Hotta

Bo Dobrzanski presented that Gregory Hotta, Fiesta Sweepstakes LLC, was asking to open an internet café at 156 Wakelon Street which was in the Triangle Shopping Center. The applicant would be offering internet services only to customers. The applicant would meet all the necessary requirements of the Town ordinance.

The business was approximately 1200 feet from the front door of the middle school located across Shepard School Road. There was discussion about the placement of the front door and where it was located.

Bo reviewed the findings of fact and how the Board would need to proceed if they should choose to approve or deny the special use request. The recommended conditions from the Planning Board were 1) the special use would be limited to the approximately 1600sf suite known as 156 Wakelon St 2) hours of operation on Friday-Saturday would be 7am-11pm 3) maintain a written

operations manual that would include a section on how to verify a person's age and the use of alcohol 4) a sign posted at the entrance stating that they must be 18 or older to enter.

Commissioner Beck asked if the conditions recommended would apply to the internet café already in town or be specific to the Wakelon St. facility. Bo said it would only apply to the Wakelon St. facility. Mayor Matheny said that he had a problem restricting the hours of operation to 11pm for this facility when it was not done to the other internet café in town and thought that should be changed. Commissioner Beck agreed with the Mayor's comments.

Commissioner Strickland asked about concessions. Bo stated that they could offer concessions but it was not discussed. There was discussion about the legal ramifications should the Supreme Court rule them to be illegal. Mayor Matheny asked about the Boards authority to restrict alcohol consumption. Eric Vernon stated that it was fine to be in the document but the Board did not have the authority to restrict it and that was the responsibility of the ABC Board. However, it did help the Town when the ABC Board asked for a recommendation on allowing alcohol consumption on the premises the Town could show that it was not approved in that area for that use. Commissioner Beck made reference to restricting it in the conditions.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve SU 2012-01 with the following conditions 1) the special use permit is limited to the approximately 1600sf suite know as 156 Wakelon Street 2) A sign must be posted at the entrance informing patrons "only persons 18 years or older will be admitted".

Commissioner Strickland stated that the recommended condition from the Planning Board did not have anything having to do with alcohol. It stated "There are to be written standards and procedures regarding age verification at the door." Mayor Matheny stated that at the public hearing Mr. Hotta stated that they already had an operations manual, so by leaving it in would not make him do something he hasn't already done.

Chief Hayworth stated that they could not serve alcohol in an establishment without having specific training from the ABC Board.

There was no further discussion and the motion passed unanimously.

MAYOR'S COMMENTS

Mayor Matheny wanted to announce that Lisa Markland was in the first group that received the North Carolina Certified Municipal Clerk designation through the North Carolina Association of Municipal Clerks and with the help of the UNC School of Government.

BOARD COMMENTS

Commissioner Beck stated that Lisa Markland did a great job and the Board was very proud of her accomplishments.

MANAGERS REPORT

Rick Hardin stated that there would be a joint public hearing on September 10, there would not be a work session in September. The next Board of Commissioners meeting would be on October 1, 2012.

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