

**Zebulon Board of Commissioners**  
**Minutes**  
**September 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, Chris Ray-Public Works, Eric Vernon-Attorney

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

**APPROVAL OF AGENDA**

Commissioner Clark made a motion, second by Commissioner Collins to approve the agenda. 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 Bumgarner to approve the minutes of August 2, 2010. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of the July 12, 2010 joint public hearing. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve the minutes of the August 18, 2010 work session. There was no discussion and the motion passed unanimously.

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

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2011-05. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2011-06. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2011-07. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner Bumgarner to approve Ordinance 2011-08. There was no discussion and the motion passed unanimously.

## **OLD BUSINESS**

### Planning

#### *SU 2010-05—ST Wooten request for Asphalt Plant on Mack Todd Road*

Mark Hetrick gave an update on the request. It was approximately 25 acres of land located beside the concrete plant on Mack Todd Road and Barbee Street. It was currently zoned IH or heavy industrial. The Comprehensive Land Use Plan had the area listed as medium industrial. Mark noted the surrounding property uses. The use was consistent with the plan.

Mark explained the roadway improvements that would have to be made to Mack Todd Road to add turn lanes to accommodate the asphalt plant. Neither of those roads were listed as congested or as a high accident site within the Transportation Plan.

Mayor Matheny asked for clarification that the site was listed in the comprehensive land use plan as medium industrial or medium residential. Mark Hetrick said it was listed as medium industrial.

Mark Hetrick reviewed the possible conditions that could be associated with the special use request. Mark reviewed the votes of the Planning Board and that they recommended denial of the special use request. He continued by stating that it was not appropriate for staff to make a recommendation on approval or denial of special use permits.

Commissioner Strickland asked if there were weight limits on Barbee Street or Mack Todd Road. Mark Hetrick said that there would be no restrictions to the route of travel that the trucks could travel.

Mayor Matheny asked the Board members if there had been any exparte communication. Commissioner Strickland stated that he had been contacted about the condition of the surrounding properties and that he would be able to vote impartially and based solely on the information obtained during the public hearing.

Commissioner Beck said that there definitely needed to be conditions and one of them needed to be that all drives and the working areas around the plant needed to be paved. The other conditions mentioned by staff needed to be attached as well.

Mayor Matheny said that it sounded like Commissioner Beck was concerned with dust control.

Commissioner Beck said that wherever there would be trucks driving then that area needed to be paved.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve SU 2010-05 with the five conditions proposed by staff and the additional paving. The conditions were as follows:

1. Prior to operation, final zoning approval is subject to successful site plan approval by the Zebulon Technical Review Committee.

2. Acquire all applicable air quality permits from the North Carolina Department of Environmental and Natural Resources, Division of Air Quality, Raleigh Regional Office.
3. Must meet all applicable state, federal and local laws.
4. No portion of the asphalt plant shall be located within any flood plains, floodway, or Neuse River riparian buffers.
5. Asphalt plant shall comply with all storm water regulations.
6. Paving of the driveway and the working area around the plant wherever trucks would be driving would be required.

There was no discussion and the motion passed unanimously.

### General

#### *Board Appointment*

Lisa Markland stated that a vacancy on the Board of Adjustment was created when Gloria Driver was appointed to the Planning Board at the August meeting. Annie Moore had submitted an application of interest for the vacant position which was an in town alternate position.

Commissioner Clark made a motion, second by Commissioner Collins to appoint Annie Moore to the Board of Adjustment as an in town alternate. There was no discussion and the motion passed unanimously.

### **NEW BUSINESS**

#### Public Works

##### *Solid Waste Contract with Waste Industries*

Chris Ray presented that the current solid waste contract would expire on June 30, 2011. The contract required a six month notice if the Town wanted to exercise the one year extension of the contract. Waste Industries would like to extend the contract with the same rates that the Town currently held in their contract. Staff recommended staying with Waste Industries and to do the one year extension of the current contract.

Mayor Matheny asked about providing bi-weekly trash collection, meaning twice a month. Chris Ray said they had not considered it and would not recommend it.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve the one year contract extension with Waste Industries. There was no discussion and the motion passed unanimously.

### **BOARD COMMENTS**

There were no comments from the Board at this time.

### **MANAGERS REPORT**

Rick Hardin said that there would be a joint public hearing on September 13, work session on September 22, Habitat for Humanity kickoff September 24 at 6:30 on the front lawn, Zebulon

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Night Out would be a joint effort between the Fire and Police Departments on October 12 from 6-9 at Town Hall.

Commissioner Bumgarner made a motion, second by Commissioner Clark to go into closed session for the purpose of discussing litigation of Bobbitt v. Town of Zebulon. There was no discussion and the motion passed unanimously.

NOTE: In closed session Commissioner Strickland made a motion, second by Commissioner Clark to come out of closed session. There was no discussion and the motion passed unanimously.

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