

**Zebulon Board of Commissioners**  
**Minutes**  
**November 7, 2011**

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, Sidney Perry-Fire, Greg Johnson-Parks & Recreation, Eric Vernon-Attorney

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. The Mayor asked that the agenda be amended to add Ramona Davis to speak as item IA Presentations.

Next, the Mayor asked that the following items ordinances 2012 16, 2012-17 and 2012-18 be removed from consent and placed under old business as item B-Finance.

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

**PRESENTATIONS**

Ramona Davis came forward and presented that she would like to update the Board on the Beautification Committee. The Committee had planned a Christmas in downtown Zebulon for Friday, December 2, 2011 from 7-9pm. The Board received a flyer on the event that was prepared presenting the information on the event. Most of the businesses downtown would be open for the evening and Santa would be at the old Tuesday Market building so that the children could come see Santa and have their picture taken. Prizes would also be given away.

**PUBLIC COMMENT PERIOD**

There was no one who wished to speak.

**CONSENT**

A. Minutes

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve the minutes of October 3, 2011. There was no discussion and the motion passed unanimously.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve the minutes of the October 10, 2011 public hearing. There was no discussion and the motion passed unanimously.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve the minutes of the October 19, 2011 work session. There was no discussion and the motion passed unanimously.

B. Finance

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve the tax report for August 2011. There was no discussion and the motion passed unanimously.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve ordinance 2012-15. There was no discussion and the motion passed unanimously.

**OLD BUSINESS**

A. Planning

*Ordinance 2012-19—Text Amendment to section 152, Article III of the Zebulon Code of Ordinances dealing with Special Use Permits*

Mark Hetrick presented the proposed changes to the ordinance which was to clarify the language in the code so that it was consistent, the need for submittal requirements, and staff consultations.

The Planning Board was recommending approval of the proposed amendments with the following changes. They recommended that section 152.39 that the Planning Board would attend the public hearing to be held according to 152.38B to be held jointly with the Board of Commissioners and they would consider the application and the attached staff report within 40 days after it was referred to them at the close of the public hearing.

Mayor Matheny asked if that wording implied that there had to be quorum of the Planning Board to hear the case. Eric Vernon explained that typically, the Planning Board could cure an absence by listening to the audio tape of the proceedings and would not be prevented from voting at a later date if they listened to the audio of the public hearing. There would not be the need of having a quorum of the Planning Board present to hold the public hearing.

Staff recommended approval of the ordinance with the Planning Boards recommendations.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve ordinance 2012-19. There was no discussion and the motion passed unanimously.

B. Finance

*Ordinance 2012-16—GSK reduction in property tax revenue*

Mayor Matheny asked if GSK had resolved the issue with the County. Emily Lucas stated that was correct. GSK reported to the County and it resulted in a decrease of \$37 million in value. That required that projects be removed from the budget.

Mayor Matheny said that he would still like to see a prioritization of the projects that were removed. Rick Hardin stated that it would be presented with the budget numbers and other CIP items for next year. Rick asked if he would like to see them prioritized with all the other projects that would be coming forward or separately. Mayor Matheny said that they could be prioritized all together.

Commissioner Beck asked what the original figure was that was previously presented. Emily Lucas said that Wake County estimated it was between \$28 million and \$41 million. GSK estimated specifically \$35 million and it came back at \$37 million.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve ordinance 2012-16. There was no discussion and the motion passed unanimously.

*Ordinance 2012-17—Adjustment to the Workers Compensation Line Item*

Mayor Matheny asked if it was due to an experience modification in workers compensation. Emily stated it was not experience modification but due to a worker's compensation audit that was done at the end of each year. That audit compared estimated payroll to actual payroll and the actual was more than the estimated.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve ordinance 2012-17. There was no discussion and the motion passed unanimously.

*Ordinance 2012-18—Re-appropriates funds from last year's budget for the Hwy 96 Project*

Mayor Matheny asked if the money was rolled over or was it presented as unassigned funds. Emily Lucas explained that they were waiting to make sure that there would be no changes in the amount of the project due to the first contract with DOT lapsing. DOT did not get their paperwork signed in a timely fashion so that was why it lapsed.

Mayor Matheny asked if it was unassigned in the budget. Emily stated that was correct. Mayor Matheny said that in the future he would like to know that the unassigned balance shown had projects incorporated in that number where funding would be rolling over in the next year.

Commissioner Bumgarner made a motion, second by Commissioner Clark to approve ordinance 2012-19. There was no discussion and the motion passed unanimously.

## **NEW BUSINESS**

### A. Finance

#### *Audit Presentation*

Emily Lucas introduced Keith Joyce with Joyce and Company who gave the audit presentation.

Keith Joyce stated that the Town of Zebulon was receiving a clean unqualified opinion. They were also receiving the GFOA Certificate of Excellence for the 18<sup>th</sup> year in a row which was a significant feat considering only 12 to 15 percent of the town's nationwide receive that award.

There was only one significant deficiency which was the separation of duties, which was the same as it always had been since the size of the staff did not allow for that separation.

### B. Parks and Recreation

#### *Ordinance 2012-20—Walking Track at Community Park*

Greg Johnson gave a PowerPoint presentation that showed the three phases of the proposed walking track. Staff was asking that the Board approve the ordinance that would build the first phase which was around the baseball field.

Greg explained that the funding was coming from the Healthy Places and Active Spaces Grant. The Town received \$85,000 to be distributed over three years.

Mayor Matheny asked what the distance of the three phases would be. Greg said that it was approximately  $\frac{3}{4}$  of a mile.

Commissioner Strickland made a motion, second by Commissioner Clark to approve ordinance 2012-20. There was no discussion and the motion passed unanimously.

#### C. Police

##### *Resolution 2012-11—Mutual Assistance Agreement Policy*

Chief Tim Hayworth stated that for years the department have had mutual aid agreements with other departments to help in times of need with manpower and equipment. He explained that the statute that gave the entities the authority to enter into the agreements had been interpreted that there needed to be a resolution adopted by the governing body that allowed the police chief to enter into those agreements.

The proposed resolution would grant the police chief the authority to enter into mutual aid agreements. The agreements that Chief Hayworth entered into prior to the adoption of the resolution would be approved and allowed to stand as well.

There was some discussion about the use and that all the commissioners were in favor of this type of agreement.

Commissioner Beck made a motion, second by Commissioner Collins to approve resolution 2012-11. There was no discussion and the motion passed unanimously.

#### D. General

##### *Resolution 2012-12—Contract for sale of Property at 202 W. Barbee Street*

Emily Lucas stated that the Town and County had received an offer to purchase property at 202 W. Barbee Street for \$3000 from the adjoining property owner, Tiffany Richardson.

The resolution would accept the bid and then the county would have to accept the bid. If both accepted the bid then it would go through the upset bid process then the sale would be finalized. The offer would cover the back taxes and the cost of the sale.

There was discussion about the tax value and the fact that it would not change due to the sale price of the property. Commissioner Bumgarner stated that there was no way that the small parcel of land was worth \$15,000 as stated in the tax value.

Commissioner Bumgarner made a motion, second by Commissioner Beck to approve resolution 2012-12. There was no discussion and the motion passed unanimously.

### **BOARD COMMENTS**

Commissioner Beck stated that the Town needed to adopt a resolution protesting the Wake County School Board moving the Zebulon children from East Wake High School to Rolesville High when it opens in 2013.

**MANAGERS REPORT**

Rick Hardin said that town offices would be closed on November 11 for Veteran’s day; everyone needed to get out and vote on November 8; there would not be a joint public hearing; there would be a work session on November 16, and the Arbor Day celebration would be November 17.

Commissioner Clark made a motion, second by Commissioner Strickland 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