

Zebulon Board of Commissioners
Work Session
Minutes
October 17, 2012

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, Chris Ray-Public Works, Greg Johnson-Parks and Recreation, 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.

OLD BUSINESS

A. Planning

ZA 2012-04—Amendment to the Multimodal Transportation Plan

Mark Hetrick gave a presentation updating the Board on the proposed amendment to the multimodal transportation plan that would remove the requirement of an additional turn lane on Old US 264 from Gannon Avenue (Hwy 97) to Hwy 39.

The Planning Board and staff were recommending approval.

Mark stated that there were additional options investigated that could be a possibility for the entire plan but not suitable for a specific section.

There was discussion about the various options available to the Board and those being to amend the plan to exempt that section of road from being widened, bonding by the developer for the improvements, or to leave the plan like it was. Things discussed were possible TIA or DOT triggers that could make the developers do the improvements no matter what was laid out in the plan.

The major concerns were that there could be a need for improvements later on and then the burden was strictly on the one wanting to do the development and not spread across all those benefitting from the road improvements. Some of the Commissioners thought that it was unfair to want to force those businesses already there to have to participate in the improvements since they were not the ones causing the improvements to have to be done. They stated that if a developer wanted to come in then they should have to pay for it.

Commissioner Beck made a motion, second by Commissioner Bumgarner to approve ZA 2012-04. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. General

Use of the Municipal Complex

Mayor Matheny gave an overview of the previous uses of the facility and stated that there had been additional requests to use the facility and staff thought that the Board needed to give direction on how the facility should be used by the public. The question was whether the Board was interested in developing a policy for public use of the Municipal Complex and if so what would those parameters be for use.

Mayor Matheny stated that it was his opinion that the Town should allow for public use of the facility and a policy should be developed. Should it be a nonprofit, or anyone that wants to use it.

Commissioner Collins stated that maybe it should be allowed to let people use it for certain things. He did not have any thoughts on the limitations but it should be restricted somehow.

Commissioner Clark stated that she had real concerns and stated that the building was a governmental building. She stated that there were issues of having food in the building, destruction of property, additional wear and tear on the facility like the carpet and lawn as well as the additional staff expense. Mayor Matheny asked if she thought it should not be available at all or build into the policy the recovery of all those costs. Commissioner Clark stated that it should not be changed and allow for other to rent it especially since there was a wonderful community center that was designed for rental and had all the necessities to do so.

Commissioner Clark stated that liability was an issue even if they did have insurance. She thought it was too much and the use should not change and that would include the use of the grounds. Mayor Matheny said as he saw it if the grounds were leased then the bathrooms would be needed inside the building. Commissioner Clark stated that portable toilets were the answer to that issue.

Commissioner Strickland explained that he would like to see it done on a case by case basis. He would like to have those wishing to use the facility to give a presentation and then make a decision. Does not think one person should make that decision. He stated that things like the road race were ok but anything like a wedding, a private entity or something that would do potential damage to the lawn he did not agree that they should use the facility. He also said maybe nonprofits only should be allowed to use the facility.

Mayor Matheny said that what was needed were parameters so if someone makes a request staff could say that the Board decided what could and could not be done on site. There were statements about staff being on the property as well as setting a fee schedule if they were to rent the facility.

Commissioner Strickland asked to hear what Rick Hardin-Town Manager had to say.

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Rick Hardin stated that if the Board thought it was a bad idea and they didn't want to move forward then they wouldn't pursue it any further and no costs were be incurred. However, if they did want to move forward staff needed to know if the Board was looking at grounds or building or both. The legal issues as well as liability were an issue as well. Staff needs direction when people call and ask to use the facility.

The main question was did the Board want to move forward or did they want to not open it up any more than was already being used.

Commissioner Strickland asked if it were rented would there always be liability involved in the use and should they have insurance.

Commissioner Bumgarner said that he hated to restrict the use of the building to anyone and the bond was to renovate the facility for public use. He stated that the building should be rented for \$1 and make sure that the coverage was paid for by the renter. He thought it should be restricted to nonprofit organizations that were based in the Town of Zebulon. He did not think that they should come before the Board to present their case for approval. Finally, he thought that there could be a way to block off the building except the bathrooms.

Commissioner Beck stated that the facility was acquired with the bond to save the building for a governmental complex not for rental purposes and he thought that to go further it would be opening a pandora's box. He continued by stating it should stay the way it was and there was a very nice community center for rental as well as the various parks within the Town. There would be too many problems that could not be foreseen if it were opened up for more uses. He also did not think that the Town needed to incur additional costs to move forward.

Mayor Matheny stated that most wanted to use the facility for the grounds more so than the building. Commissioner Beck asked the question of who would cover the costs if someone were to damage a sprinkler system when they put a stake in the ground. He thought it would be difficult to charge enough to cover those costs. The park system that the Town has offers beautiful places to be rented.

Mayor Matheny asked for Eric Vernon's opinion.

Eric Vernon said that they wanted to minimize risk to the Town and could be done with an application, permit system and fee schedule. Legally if it was open to the public it had to be done in a nondiscriminatory way and if it would be possible to restrict to nonprofits and charities.

Mayor Matheny asked if it was an issue to leave things the way they were. Eric Vernon said no that those were very isolated events and they were few and far between and there was not a pattern of doing business of renting the facility. There was no precedent set currently and the uses were isolated and the relationship with the groups using the site were unique.

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The Board needed to decide whether to develop a policy or not and the Board had varying views that ranged from depends on the group, no change to the use, case by case, and minimal. After much discussion it was decided that staff should put together a policy that would allow for minimal use.

MANAGERS REPORT

Rick Hardin presented that a developer had purchased Weaver’s Pond, for Halloween Truck or Treat will be on October 25th from 5-7pm and there will be an event at the police station on the 31st from 6-9pm.

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