

TOWN OF ELIZABETHTOWN
Re-Scheduled Meeting
July 12, 2010

The Elizabethtown Town Council met for a re-scheduled meeting on Monday, July 12, 2010 at 7:00 p.m. in the Council Chamber of the Elizabethtown Municipal Building. Those in attendance were Mayor Sylvia Campbell, Mayor Pro Tem Rufus Lloyd, Council Members, Dicky Glenn, Charles DeVane, Ricky Leinwand, Herman Lewis, Russell Priest and Town Attorney Goldston Womble. Department Heads present included Public Services Director Pat DeVane, Police Chief Bobby Kinlaw, Finance Director Jan Lennon, Fire Chief Byron Graham and Human Resources Director Jennifer Dowless, Planning Technician Robert Lewis and Town Manager Eddie Madden. Deputy Town Clerk Sarah Baysden was absent.

Mayor Campbell called the meeting to order and asked Mayor Pro Tem Rufus Lloyd to give the invocation.

Mayor Campbell presented the July 12, 2010 agenda for approval. A motion was made by Council Member Dicky Glenn and, seconded by Council Member Herman Lewis, to approve the agenda as presented (Unanimous). This motion also approved bringing the rezone request of Mr. Thomas Gooden back to Council for consideration.

Item #1: Approval of Previous Minutes

Mayor Campbell presented to Council, the minutes of June 7, 2010 Work Session, June 7, 2010 Regular Session, June 7, 2010 Closed Session Meeting, June 21, 2010 Special Called Meeting and April 5, 2010 Closed Session. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis, to approve the minutes as presented (Unanimous).

Item #2: Presentation

Mayor Campbell recognized Mr. Richard Bridgers of Bridgers Barber Shop of Elizabethtown, for 50 years of service. Mayor Campbell and Town Council presented to Mr. Bridgers a Resolution of Recognition and thanked him for the many years he has provided service in the Town of Elizabethtown. Mr. Bridgers' wife, Mary Anna, and his son Russ were also in attendance for this presentation.

Item #3: Public Hearing: Zoning Text Amendment - Article 5, Section 5.2, Table of Permitted Uses to Require a Special Use Permit for New Construction for Commercial Use in the Bypass Commercial (B-C), Central Commercial (C-2), General Commercial (C-1) and Office Institutional (O-I) Zoning Districts. Also, the amendment will add new language to Article 5, Section 5.3.3.11 Regarding Development Guidelines Required for Site Plans for New Construction, Case # TA-0527108780

Mayor Campbell opened the public hearing and recognized Town Manager Eddie Madden to present the zoning text amendment. Mr. Madden

reported that the Town is requesting a change in Article 5, Section 5.2 of the Elizabethtown Zoning Ordinance. The amendment would also include new language for Article 5, Section 5.3.3. II. The proposed amendment will require a special permit for new construction for commercial use in the Bypass Commercial (B-C), Central Commercial (C-2), General Commercial (C-1), and Office Institutional (O-I) Zoning Districts and this would also establish development guidelines for new construction, if approved by Council.

Mayor Campbell asked if there were any questions or comments from Council, but none were noted. Mayor Campbell reported that no one had signed up to speak; therefore, the public hearing was closed.

Item #4: Public Hearing: Zoning Map Amendment Request by Ms. Jane Tilden Applewhite to rezone approximately 7.3 acres located at 3006 W. Broad Street from Heavy Industrial (H-I) to General Commercial (C-1), Case # RZ-0215101578

Mayor Campbell opened the public hearing and recognized Planning Technician Robert Lewis to present the rezoning request of property located at 3006 W. Broad Street. Mr. Lewis stated that a request was submitted to the Planning Board in June to rezone approximately 7.3 acres of property located at 3006 W. Broad Street from Heavy Industrial (H-I) to General Commercial (C-1). The petitioner, Ms. Jane Tilden Applewhite, wishes to develop two-family dwellings in multi-family units with more than one building per lot. Mr. Lewis reported that the request was approved by the Planning Board and forwarded to Town Council for their consideration.

Mayor Campbell stated that several had signed up to speak regarding the rezoning; Mr. Will Johnson has signed up to speak in which he is for the proposal.

Mr. Will Johnson stated that he submitted a request on behalf of his mother, Jane Tilden Applewhite, in which she is requesting the rezoning of the property located on W. Broad Street. Mr. Johnson stated that by rezoning, it would allow the construction of a two-family dwelling in a multi-family development.

Mayor Campbell recognized Mr. David Cross, in which he signed against the proposal.

Mr. Cross stated that he was against the proposal due to the fact that the property would be better utilized as industrial use and hopes that later on the Town of Elizabethtown would be able to recruit an industry to come and establish itself on this property. Mr. Cross further stated that this property is one of the few pieces of property that has access to natural gas, the river and fronts a main highway.

Mayor Campbell recognized Mr. Nile Brisson who signed against the proposal.

Mr. Brisson stated that he would like to see the property remain industrial zoning and that his concerns consisted of the neighboring plant (Topaz) contemplating future renovations that may possibly generate noise that the tenants would not prefer.

Mayor Campbell recognized Lee Cole who signed against the proposal.

Mr. Cole stated that he lives across the street from the property in question (Woodland) and feels his community does not need this type of housing; a

low-income housing development would be out of character for that area.

Mayor Campbell recognized Powell Cross in which he signed in to speak on the sign in sheet under "Other".

Mr. Cross presented a picture of low income housing and submitted for Council members to review and he asked, if this is what they wanted in Elizabethtown.

Mayor Campbell stated that no one else signed in to speak; therefore, the public hearing was closed.

Item #5: Zoning Text Amendment Request: Article 5, Section 5.2, Table of Permitted Uses to Require a Special Use Permit for new construction for commercial use in the Bypass Commercial (B-C), Central Commercial (C-2), General Commercial (C-1) and Office Institutional (O-I) Zoning Districts. Also, the amendment will add new language to Article 5, Section 5.3.3.3 11 regarding development guidelines required for site plans for new construction

Mayor Campbell presented the zoning text amendment request for Councils consideration. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the zoning text amendment stating that Town Council has reviewed these documents and found that the following zoning text amendment is inconsistent with the objectives and policies in the adopted Land Use and Strategic Plans; however, the zoning text amendments are reasonable and in the public interest at this time (Unanimous).

Item #6: Zoning Map Amendment Request by Ms. Jane Tilden Applewhite to rezone approximately 7.3 acres located at 3006 West Broad Street from Heavy Industrial (H-I) to General Commercial (C-1) , Case # RZ0215101578

Mayor Campbell presented the zoning map amendment request for Council's consideration. A motion was made by Council Member Charles DeVane, and seconded by Council Member Russell Priest to disapprove the zoning map amendment from Heavy Industrial (H-I) to General Commercial (C-1). Town Council has reviewed these documents and found that the following zoning map amendment is inconsistent with the objectives and policies in the adopted Land Use and Strategic Plans; and the zoning map amendment is not reasonable and in the public interest at this time (Unanimous).

Item #7: Zoning Map Amendment Request by Mr. Thomas Gooden to rezone approximately 0.44 acres located in the 600 Block of South Poplar Street from Medium Density Residential (R-12) and Central Commercial (C-2) to Office Institutional (O-I)

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the zoning map amendment for Mr. Thomas Gooden. Mr. Madden stated that in Town Council's May meeting Mr. Thomas Gooden presented a rezoning request in order that he may construct a new building on S. Poplar Street. Council had previously discussed a zoning text amendment to the Elizabethtown Zoning Ordinance pertaining to development guidelines for new construction. Mr. Madden stated that the zoning text amendment was in the early stages of gathering information; therefore, Mr. Gooden's request was tabled at that

time. Mr. Madden reported that the zoning text amendment was approved earlier in this evening's Council meeting. Mr. Gooden's previous request to rezone property at the 600 Block of S. Poplar Street was presented again. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the zoning map amendment. Town Council has reviewed these documents and found that the following zoning map amendment is inconsistent with the objectives and policies in the adopted Land Use and Strategic Plans; however, the zoning map amendment is reasonable and in the public interest at this time (Unanimous).

Item #8: Resolution of Recognition (#R-10-07) to recognize Mr. Richard Bridgers of Bridgers Barber Shop for 50 years of service in Elizabethtown

Mayor Campbell recognized Mr. Richard Bridgers earlier in the Council meeting in which Mr. Bridgers accepted a framed Resolution of Recognition on behalf of the Mayor and Town Council. This resolution was approved at the Noon Council meeting.

Item #9: Resolution (#R-10-08) for Surplus Property Disposal -Tanks from Ben St. and Locks Rd. Lift Stations

Mayor Campbell recognized Public Services Director Pat Devane to present this agenda item concerning surplus property disposal. Mr. DeVane reported that two surplus tanks from the Ben Street and Locks Road Lift Stations are available for purchase; Town of White Lake has agreed to purchase one tank at \$300. Mr. Madden reported that the tanks have been on the grounds of Public Services since upgrades were made to the lift stations in 2009. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis to approve the attached Resolution for Surplus Property Disposal as presented (Unanimous).

Item #10: Resolution (#R-10-09) Authorizing Funding Application to the NC DENR Public Water Supply Section for Flexnet Meter Replacement/Improvement Project

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the funding of the Flexnet Meter Replacement/Improvement Project. Mr. Madden stated that the Town needed to complete a publicly-owned water distribution system project in order to ensure efficient usage of water and other Town resources relative to meter reading and water system operation. Mr. Madden reported that the Town will be requesting funding assistance from the following: High Unit Cost Grant Program, the State Low Interest Loan Program or the State Revolving Loan Program for the project be considered. Mr. Madden requested that a Resolution authorizing funding application to the NC DENR Public Water Supply Section for the FlexNet Meter Replacement/Improvement project. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the attached resolution as presented (Unanimous).

Item #11: Resolution (#R-10-10) Affirming Residential Water and Sewer Rates for the NC Rural Center Supplemental Grant: Town of Elizabethtown

Flexnet Meter Replacement/Improvement Project

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding a supplemental grant received by the Town of Elizabethtown. Mr. Madden stated that the Town of Elizabethtown received a supplemental grant in the amount of \$500,000 from the NC Rural Center to complete a publicly owned water distribution system project described as a FlexNet Meter Replacement / Improvement in order to ensure efficient usage of water and other Town resources relative to meter reading and water system operations. Mr. Madden stated that water and sewer rates for the grant would need to be certified. A motion was made by Council Member Herman Lewis, and seconded by Council Member Charles DeVane to approve the attached resolution as presented (Unanimous).

Item #12: Tax Releases

Mayor Campbell stated that Tax Collector Beverly Robinson has submitted the following tax releases for Council's consideration:

2009 Lillie McDowell	5011256
REASON: Corrected Elderly Exemption	
Value: \$26,000	
Real Property	
Tax Released	\$159.90
2009 Ivey Renee Freeman	5012734
REASON: Billed on Wrong Value-Only part in City Limits	
Value: \$103,561.00	
Real Property	
Tax Released	\$572.63
2009 Thomas Johnson M II ETUX Kelly G	5013092
REASON: Billed on Wrong Value-Only part in City Limits	
Value 108.700	
Real Property	
Tax Released	\$681.87
Grand Total Tax Releases	\$1,414.40

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Ricky Leinwand to approve the tax releases as presented (Unanimous).

Item #13: Appointments to Elizabethtown Housing Authority

Mayor Campbell stated that two vacancies were existing on the Elizabethtown Housing Authority Board and two names were submitted: Ms. Sandra Baldwin and Ms. Ericka Campbell and they have agreed to serve. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the two appointed individuals to serve on the Elizabethtown Housing Authority Board (Unanimous).

Item #14: Name for Access Road at Swanzy Ridge Apartments

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding a name for the access road at Swanzy Ridge Apartments. Mr. Madden stated that Holly Smith of Swanzy Ridge Apartments, LLC was requesting to name the access road entering Swanzy Ridge Apartments as "Swanzy Ridge Lane". The street name will require Town Council's approval since it does not meet the definition of a private driveway or street; the street will be used for public ingress and egress and maintained by the apartment complex. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve the access road name into Swanzy Ridge Apartments as "Swanzy Ridge Lane" (Unanimous).

Item #15: Request to Move Stop Signs for New Bus Route for Elizabethtown Primary School

Mayor Campbell recognized Police Chief Bobby Kinlaw to report on this matter regarding the removal and replacement of stop signs at Elizabethtown Primary School. Chief Kinlaw stated that the Board of Education is requesting that the stop signs located near Elizabethtown Primary be changed to face the opposite direction they are in now. The Board of Education will be re-routing the school buses and would like the direction of the stop signs changed to increase the safety at a nearby intersection. Therefore, a motion was made by Council Member Rufus Lloyd and seconded by Council Member Herman Lewis to change the direction of stop signs as presented (Unanimous). Chief Kinlaw is to place a sign indicating a new traffic pattern once the stop signs have been relocated.

Item #16: "Briefly"

Mayor Campbell recognized Town Manager Eddie Madden to give an update on upcoming events.

- Mr. Madden reported that the loan closing for the Downtown Project would take place at 1pm on July 12th followed by a pre-construction conference at 2pm in the Council Room and a follow up pre-construction conference on July 13th at 10:30 am.
- USDA notified Town of additional \$25,650 RBEG funds for Farmer's Market project making a total in RBEG funds of \$75,650.
- Mr. Madden reminded Council Members that the groundbreaking ceremony for the Farmer's Market would take place on Friday, July 23rd at 11am.
- Dr. Lynn Welborn from BCC will be conducting a seminar on July 15th from 1pm-3pm in the Council Room, "Communication Skills for the Workplace".

Item #17: Open Forum

Mayor Campbell opened the meeting to anyone wishing to speak; however, no one came forward.

Item #18: Closed Session

Mayor Campbell stated that Council would enter into Closed Session. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Charles DeVane to enter into closed session in accordance to NCGS

143-318.11 (a)(3) Attorney-Client Privilege and NCGS 143-318.11 (a)(5) Real Estate (Morehead Street Property).

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk