

TOWN OF ELIZABETHTOWN
Regular Scheduled Meeting
March 1, 2010

The Elizabethtown Town Council met for their regular scheduled meeting on Monday, March 1, 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 Herman Lewis, Dicky Glenn, Russell Priest, Ricky Leinwand, Charles DeVane and Town Attorney Goldston Womble. Department Heads present included Public Services Director Pat DeVane, Detective Dwayne Cheshire (standing in for Chief Kinlaw), Finance Director Jan Lennon, Fire Chief Byron Graham and Town Manager Eddie Madden. Absent: Department Head Police Chief Bobby Kinlaw.

Mayor Campbell recognized Rev. Valente' and Shirley Perry, Sr of Abundant Life Victory Center. Rev. Perry led the invocation for Town Council.

Mayor Campbell presented the March 1st 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).

Item #1: Approval of Previous Minutes

Mayor Campbell presented to Council, the minutes of February 1, 2010, Work Session, February 1, 2010 Regular Session, February 1, 2010 Closed Session, December 7, 2009 Closed Session and December 14, 2009 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 of the Town's FY 2008-09 Audit

Mayor Campbell stated that auditor Bryon Scott presented the Town's FY 2008-09 audit and Ms. Angie McKeel was available in the evening meeting to answer any questions that may exist. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Dicky Glenn to adopt the audit report as presented (Unanimous).

Item #3: Tax Releases

Mayor Campbell reported that Tax Collector Beverly Robinson has submitted the following tax releases:

2009 Cole Willis Hunter III & Sandra
5011013

REASON: Only .79 acres in City Limits
Value: \$112,330.00
Personal Property
Tax Released \$787.02

2009 Ben W. Greene

5000963

	REASON: Not in City Limits	
	Value: \$248,550.00	
	Real Property	
	Tax Released	\$1,528.58
2009 Andrew Lee Willis		5002802
	REASON: Elderly Exemption Corrected	
	Value: \$43,780	
	Real Property	
	Tax Released	\$97.29
2009 Jeffrey B. Pridgen		5013888
	REASON: Only 2.14 acres in City Limits	
	Value: \$15,982.00	
	Real Property:	
	Tax Released:	\$153.86
2009 Donnell G Adams & Diana H		5008756
	REASON: Home Demolished in 2008	
	Value: \$10,600.00	
	Real Property	
	Tax Released	\$141.45
2009 Donnell G Adams & Diana H		5008968
	REASON: Home Demolished in 2008	
	Value: \$7,900	
	Real Property	
	Tax Released	\$123.61
2009 Canon Financial Services, Inc.		5013807
	REASON: Wrong Value	
	Value: 2,921.00	
	Personal Property	
	Tax Released	\$12.53
	Grand Total Tax Releases	\$2,844.34

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Rufus Lloyd to approve the tax releases as presented (Unanimous).

Item #4: FY 2009-10 Budget Amendments - #2010-04 and #2010-05

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning budget amendments. Mr. Madden stated that two (2) budget amendments were necessary, this involved the Recreation Commission and the Farmer's Market. Mr. Madden stated that \$18,800 needed to be moved from the Recreation Commission's Reserve account and into the Recreation's budget for improvements that are underway at Leinwand Park such as additional

dugouts and fencing. Mr. Madden stated that a budget amendment is needed for \$5,011.37 for contracted services performed by W.K. Dickson in preparation of grant applications on behalf of the Town. Mayor Campbell asked for questions regarding the budget amendments, but none were noted.

A motion was made by Mayor Pro Tem Rufus Lloyd, and Council Member Herman Lewis to approve the budget amendments #2010-04 in the amount of \$18,800 and #2010-05 in the amount of \$5,011.37 (Unanimous)

Item #5: Appointments for Recreation Commission

Mayor Campbell reported that three (3) members of the Elizabethtown Recreation Commission will have expiring terms this month. Mayor Campbell stated that the expiring terms are Ernest Bacote, Clint Hester and Mark Gillespie; contact was made by the Mayor and they have agreed to serve an additional 4-year term. Council Member Charles DeVane stated that these three (3) members of the Recreation Commission do an outstanding job and a motion was made by Council Member DeVane, and seconded by Mayor Pro Tem Rufus Lloyd to re-appoint Mr. Bacote, Mr. Hester and Mr. Gillespie to serve additional terms on the Recreation Commission (Unanimous).

Item #6: Cash Drawer Balancing Standards Policy

Mayor Campbell recognized Finance Director Jan Lennon to present this agenda item regarding the cash drawer balancing standards policy. Ms. Lennon stated this policy would give specific guidelines where the current policy is very general. Ms. Lennon advised this policy would give consequences after a certain number of times a cash drawer comes up short or is over. Mayor Pro Tem Rufus Lloyd reiterated the fact that at this particular time there is no current policy in place. Ms. Lennon stated that was correct. Mayor Campbell asked for questions or comments, but none were noted. A motion was made by Council Member Ricky Leinwand, and seconded by Mayor Pro Tem Rufus Lloyd to adopt the policy as presented (Unanimous).

Item #7: Engineering Services Agreement for USDA Application Submitted for Proposed Renovations to the Elizabethtown Fire Station

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the Engineering Services Agreement for USDA and the application submitted for proposed renovations to the Elizabethtown Fire Station. Mr. Madden stated that staff has been working on submitting the USDA Application for renovations to the existing fire department building which include numerous deficiencies. Mr. Madden advised that the Town could capitalize on renovations with building cost being at a low rate as well as utilizing recovery dollars for projects such as this. Mr. Madden advised that the total cost of renovations to the fire station are \$380,000 in which half is being funded through recovery funds, the remaining would be funded through a USDA loan under a very nominal rate and terms. Mr. Madden stated that an additional requirement would include a 2 year completion deadline. Mr. Madden stated that FEMA Grants may be awarded to fund this project entirely; however, the Town did not want to miss out on recovery funds; therefore, the application was submitted to USDA. This agreement includes engineering services for Koonce, Noble and

Associates and is a required agreement that is provided to the Town by USDA which establishes the engineering fee and all the stipulations that USDA requires. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the Engineering Services Agreement as presented (Unanimous).

Item #8: Facade Improvement Grant Application - Mehler Law Firm, PLLC

Mayor Campbell stated that the Facade Improvement Grant is set aside for local businesses to upgrade the exterior portion of their building and this application is submitted by Mr. Morgan Mehler, Mehler Law Firm.

Mayor Campbell asked that Council Member Ricky Leinwand refrain from this agenda item due to a conflict of interest. A motion was made by Mayor Pro Tem Rufus Lloyd, seconded by Council Member Herman Lewis that Mr. Leinwand be excused from participating in this item of business (Unanimous).

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the application in the amount of \$650.71 (Unanimous).

Item #9: Renewal of Lease Assignment Agreement - T-Mobile-Swanzy Street Water Tank Site

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the renewal of a Lease Agreement with T-Mobile. Mr. Madden stated that the firm Md7 contracted with T-Mobile to negotiate leases for cell tower sites. Mr. Madden advised that currently there is a cell tower on the water tank located on Swanzy Street beside the Fire Department and T-Mobile is the primary carrier. The lease was renewed on March 6, 2006 and will expire 2011. Mr. Madden reported that discussions have begun with the T-Mobile/Md7 group and Town Attorney Goldston Womble was included in the discussion and the following options were reviewed:

Option #1:

\$27,422.36 per year with agreement commencing 4/10/2010;
5% rent increase every 5 years, commencing 4/1/2015; and
In exchange, T-Mobile will modify its termination rights to ensure rental income stream starting immediately for the next 120 months, totaling over \$284,459.38.

Option #2:

\$25,993.68 per year with agreement commencing 4/10/2010;
10% rent increase every 5 years, commencing 4/1/2015; and
In exchange, T-Mobile will modify its termination rights to ensure rental income stream starting immediately for the next 120 months, totaling \$278,392.33.

Option #3:

\$27,477.36 per year with agreement commencing 4/10/2010;

20% rent increase every 5 years, commencing 4/1/2015; and
A rent holiday commencing April 2031; rent will resume April 2036; and
In exchange, T-Mobile will modify its termination rights to ensure rental income
stream
starting immediately for the next 120 months, totaling over \$302,250.95

Mr. Madden made a recommendation to the Council Members that Option # 1 be considered. A motion was made by Mayor Pro Tem Rufus Lloyd and seconded by Council Member Dicky Glenn to consider the T-Mobile contract and approve Option #1 (Unanimous).

Item #10: Selection of Name for Farmer's Market

Mayor Campbell stated that a list of possible names for the proposed Farmer's Market was submitted by the Farmer's Market Committee, and their choice was Cape Fear Farmer's Market. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve the name of Cape Fear Farmer's Market (Unanimous).

Item #11: Small Construction Agreement between the NCDOT and Town of Elizabethtown for Downtown Revitalization Project

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning the agreement between the NCDOT and the Town of Elizabethtown for the Downtown Revitalization Project. Mr. Madden stated this was a required agreement by the Department of Transportation (DOT) due to the obligations between the Town and the DOT on certain expenditures that are involved in the project. Mr. Madden advised that the State is funding \$600,000 for this project. Initially the Town's budget included resurfacing the downtown area; however, DOT will provide \$450,000 and pay for the resurfacing. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to approve the NCDOT Small Construction Agreement (Unanimous).

Item #12: Proclamation - "Multiple Sclerosis Awareness Week" - March 8-14th, 2010

Mayor Campbell presented this agenda item concerning a Proclamation for "Multiple Sclerosis Awareness Week beginning the week of March 8, 2010. This request was received from Governor Beverly Purdue for the Town of Elizabethtown to declare this week as Multiple Sclerosis Week. A motion was made by Council Member Herman Lewis, and seconded by Council Member Ricky Leinwand to approve the Proclamation declaring March 8-14, 2010 as "Multiple Sclerosis Awareness Week" (Unanimous).

Item #13: "Briefly"

Mayor Campbell recognized Town Manager Eddie Madden to report on upcoming events. Mr. Madden presented the following:

-The Annual Budget Retreat will be Monday, March 8th at White Lake Town Hall beginning at 9am.

-Bid openings are to take place for the Downtown Revitalization on Thursday,

March 11th at 2pm

-On Monday, March 15th at 10am a Special Called Meeting is scheduled for bid award and Public Hearing for 180-day extension on moratorium on Internet Cafe/Cyber Sweepstake businesses.

-Smithfield Foods provided the Town of Elizabethtown a contribution of \$20,000 to place towards the purchase of a new street clock for the downtown area.

-A copy of the Farmer's Market Meeting minutes are attached for Council's review. Mr. Madden called the Council's attention to the new Chairman of the Farmer's Market is Mr. Ray Allen, Vice Chairman-Dean Morris and Mr. Al Daniel was named Coordinator for the Tailgate Market which will begin in the spring.

-The Town's Spring Clean-up Day is scheduled for Thursday, April 15th from 10am to 3pm.

-Mr. Madden stated that the Ethics Law will be mandatory by January 1, 2011 for County and Municipalities. On April 15th, a class will be held at the Train Depot in Whiteville; however, the Institute of Government will provide a Webinar in the amount of \$95.00 for a two hour session and arrangements can be made whereby the webinar may be available for viewing by Council at the Municipal Building.

Item #14: Open Forum

Mayor Campbell opened the meeting to anyone wishing to speak.

Ms. Judd spoke requesting funds to possibly elevate her home as well as others in her area that have frequent flooding where they are located. Mr. Madden stated that Ms. Judd contact Emergency Management through the State about funding opportunities that may help with raising the house to get it out of the flooding area. Mr. Madden was given a contact number by the name of Chris Cruise and this issue will be followed and an update will be given to Ms. Judd.

Item #15: Closed Session

Mayor Campbell requested that Council enter into Closed Session at this time. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to enter into closed session in accordance to NCGS 143.318.11(a)(6)-Personnel (Unanimous).

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk