

TOWN OF ELIZABETHTOWN
Regular Scheduled Meeting
April 5, 2010

The Elizabethtown Town Council met for their regular scheduled meeting on Monday, April 5, 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, Ricky Leinwand, Charles DeVane 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 Town Manager Eddie Madden. Absent: Council Members Herman Lewis and Russell Priest.

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

Mayor Campbell presented the April 5, 2010 agenda and supplemental for approval. A motion was made by Council Member Dicky Glenn and, seconded by Council Member Ricky Leinwand, to approve the agenda and supplemental as presented (Unanimous).

Item #1: Approval of Previous Minutes

Mayor Campbell presented to Council, the minutes of March 1, 2010, Work Session, March 1, 2010 Regular Session, March 1, 2010 Closed Session, March 8, 2010 Retreat, March 15, 2010 Special Called and March 15, 2010 Closed Session. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Dicky Glenn, to approve the minutes as presented (Unanimous).

Item #2: Presentation

Mayor Campbell recognized Dr. Ronald Cottle for his volunteer work in Haiti in which they endured a devastating earthquake. Dr. Cottle approached Council Members and reported that his mission was to provide medical care to those injured during the earthquake. Dr. Cottle reported that an estimated 300,000 lives were lost due to the earthquake and many were seriously injured. Dr. Cottle stated that a team of physicians arrived for a 6 week stay in which medical attention was given on a day to day basis and numerous individuals were treated. Mayor Campbell and Council Members presented a framed Resolution of Recognition in which they each thanked Dr. Cottle for his time and services in Haiti.

Item #3: Public Hearing: Amendment to Code of Ordinance for Privilege License Tax-Chapter 110, Section 110.15

Mayor Campbell opened the public hearing for public comments or questions regarding the Privilege License Taxes. Mayor Campbell recognized Town Manager Eddie Madden to report on this agenda item. Mr. Madden stated that Council has the opportunity to amend the privilege license schedule due to a

new business that is locating to the Town, that being Internet Cafe or Cyber Sweepstake establishments. The Town has contacted numerous authorities such as the Institute of Government, League of Municipalities, etc; on how to address this type of business and the impact it has on local communities. Mr. Madden advised that staff continues to research information on Cyber Sweepstake establishments as to how to characterize them as well as how to set fee's. Mr. Madden stated that an ordinance is presented to Council, in which staff worked with the Town Attorney as well as the Institute of Government to obtain information that is pertinent to these establishments. Mr. Madden recommended a license tax of \$2,000 for each establishment as well as a fee for each and every computer machine in the amount of \$500. Mr. Madden reported this privilege license schedule will go into effect for each fiscal year beginning with July 1, 2009 through June 30, 2010. Mr. Madden stated that Fire Chief Byron Graham and Planning Technician Robert Lewis have visited each Computer Gaming Establishment and identified the total number of gaming machines throughout Elizabethtown. Presently, a total of 87 machines have been recorded. Mayor Campbell asked for questions, but none were noted. Mayor Campbell closed the public hearing.

Item #4: Public Hearing: Quasi-Judicial Procedure - Special Use Permit Request by Mr. Artie Odom, Jr. to allow the construction of a 1,280 sq. ft. accessory building at 570 Singletary Avenue, Case # SU 0210107084

Mayor Campbell recognized Planning Technician Robert Lewis to present the Quasi-Judicial hearing. Mayor Campbell further stated that anyone wishing to speak on this public hearing, must be sworn in by the Deputy Town Clerk. Planning Technician Robert Lewis reported that Mr. Artie Odom has submitted a Special Use Application requesting the construction of a 1,280 sq. ft. accessory building at 570 Singletary Avenue. As a matter of record, Mr. Odom's application notes 1200 sq. ft. Mr. Lewis reported that the Elizabethtown Zoning Ordinance requires a special use permit for any accessory building over 750 sq. ft. In issuing a special use permit, it is the responsibility of the applicant to present evidence that the standards of the zoning ordinance are met. As with every special use permit request, the Council should consider whether this use as proposed will meet the criteria listed in Article 5, Section 5.3.2 of the Elizabethtown Zoning Ordinance and specifically the requirements listed in Article 5, Section 5.3.2 C. Mr. Lewis reported that the special use request was duly advertised in the local paper and notification letters were sent to property owners with abutting parcels of land regarding this request. Mayor Campbell asked for questions or comments regarding this public hearing, but none were noted.

Item #5: Code of Ordinance Amendment (Ord. #10-01) for Chapter 110 - Privilege License Tax, Section 110.15

Mayor Campbell recognized Town Manager Eddie Madden to briefly summarize the recommendation of the Privilege License Tax. Mr. Madden stated that by Council adopting the amendment to the Code of Ordinance for Chapter 110 regarding Computer Gaming Establishments, it is requested this amendment take effect the current year, effective July 1, 2009. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to approve

the Code of Ordinance Amendment as presented (Unanimous).

Item #6: Project Ordinance: Downtown Revitalization Project

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the Project Ordinance for Downtown Revitalization Project. Mr. Madden stated that the downtown project will soon be underway and due to budget matters, it is necessary for the Town to establish a capital ordinance for this project, since the revenues and expenditures will carry-over into the next fiscal year. This process will keep the Town on track with grant funds and also keep the budget process in order. Mr. Madden stated that \$1,708,138 will be used for conversion of utility lines, site work, traffic signals, landscaping and designs. Mr. Madden stated funds of \$650,000- USDA Loan, \$200,000-grant funds USDA, Local funds-\$333,138, DOT-\$450,000 and RBEG-\$75,000 are anticipated. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve the project ordinance as presented and attached (Unanimous).

Item #7: Special Use Permit Request by Mr. Artie Odom, Jr. to allow construction of a 1,280 sq. ft. accessory building at 570 Singletary Avenue, Case # SU 0210107084

Mayor Campbell reminded Council that this agenda item was previously discussed in the public hearing; to allow a 1,280 sq. ft. accessory building on the applicants property application noted 1200 sq. ft). A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to table the Special Use Permit. Public Services Director Pat DeVane injected that Planning Technician Robert Lewis had contacted Mr. Odom requesting that he attend the meeting and submit his site plans. Town Attorney Goldston Womble stated that comments were not allowed after a motion was made. Council Member Dicky Glenn stated that he would withdraw his motion. Attorney Womble allowed comments from Mr. DeVane. A motion was made by Council Member Dicky Glenn and seconded by Mayor Pro Tem Rufus Lloyd to table this agenda item (Unanimous).

Item #8: Resolution of Recognition (#R-10-001) for Dr. Ronald Cottle

Mayor Campbell and Town Council Members presented Dr. Ronald Cottle with a framed Resolution for his services given to Haiti, upon experiencing a devastating earthquake on January 12, 2010. This Resolution was presented at the beginning of the Town Council meeting due to a previous engagement Mr. Cottle had to attend.

Item #9: Resolution (#R-10-002) for Surplus Property Disposal - 512 Nick Street

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning surplus property in which the Town would like to sell. Mr. Madden stated that the Town acquired property located at 512 Nick Street through a foreclosure procedure and it is suggested that the property be sold for a minimum of \$5,000 using the five (5) options that are available in which the Town may sell the property, they are listed below:

- (1) Private negotiation and sale;
- (2) Advertisement for sealed bids;
- (3) Negotiated offer, advertisement, and upset bid;
- (4) Public auction; and
- (5) Exchange

Mr. Madden recommended that Council consider the sealed bid process (Item #2) and designate official to handle the sealed bids and setting date and time for acceptance of sealed bids. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Ricky Leinwand to approve the Resolution and designate Town Manager Eddie Madden to handle the sealed bids (Unanimous).

Item #10: Tax Releases

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

2009 Addie Cromartie L/W	5013929
REASON: Elderly Exemption	
Value: \$19,000	
Real Property	
Tax Released	\$116.85
2009 James Pittman	2000004
REASON: Not in City Limits	
Value: \$158,000	
Personal Property	
Tax Released	\$971.70
2009 Walter McDuffie L/E	5012817
REASON: Home 60% Completed	
Value: \$23,390	
Real Property	
Tax Released	\$259.10
Grand Total Tax Releases	\$1,347.65

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

Item #11: Audit Services Contract

Mayor Campbell recognized Town Manager Eddie Madden to give an update on the audit contract from Thompson, Price, Scott, Adams & Co. Mr. Madden stated that this fiscal year will soon come to a close and a decision is needed on the audit contract. Mr. Madden stated that the auditing firm has

submitted a total auditing cost of \$13,000 plus \$3,500 for preparation of financial statements and this is consistent of the limitation of the Local Government Commission's guidelines. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Ricky Leinwand to approve the Audit Services contract as presented (Unanimous).

Item #12: Abandoned Structure Ordinance to Remove or Demolish Structures at 613-615 Newkirk Street and 701-703 Newkirk Street

Mayor Campbell recognized Town Manager Eddie Madden to brief Council Members on an Ordinance to remove or demolish structures located on Newkirk Street. Mr. Madden stated that numerous complaints were received on two structures located on Newkirk Street they are dilapidated and in need of removal. Mr. Madden stated that Planning Technician Robert Lewis has followed procedures in contacting property owners of these two structures requesting that they contact the Town of Elizabethtown; no response was given. Mr. Madden reminded Council that in years past, funds have been appropriated to "get rid" of blighted structures and placed liens accordingly to offset the actual cost of the clean-up process. It is the position of the Town to file these liens and should the property owner sell the property in question, it will reveal that the Town has placed the lien and possibly allow the Town to recoup funds. Mr. Madden further stated that the Town has the authority to claim and sell the property; however, there are cases where the property owner is making payments faithfully but there are property owners that have not paid anything. Therefore, it is necessary for the Town to forward all information to the Town Attorney in an effort to exercise our right. A request is presented to Council to approve the Ordinance Directing Abandoned Structure Inspector to Remove or Demolish the Structures located at 613-615 and 701-703 Newkirk Street, owned by Mr. Byron Mason Williams and Mr. Giovanni Enrico Williams and then filing the necessary liens against those owners for the cost of clean-up. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand, approve the attached ordinance as presented and to proceed with what is necessary for the Town Manager to clean-up the properties located on Newkirk Street (Unanimous).

Item #13: RAFI-USA (Rural Advancement Foundation International-USA) Contract for Farmer's Market Grant Funds

Mayor Campbell reported that a grant was received from RAFI-USA in the amount of \$30,000 to place toward the Farmer's Market to pay for engineering and architectural services. Mr. Madden stated that certain task will need to be fulfilled throughout the grant process and it will need to be closed out by October 31, 2010. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Ricky Leinwand to approve the contract agreement as presented (Unanimous).

Item #14: Fire Service Contract

Mayor Campbell stated that the Fire Service Contract between the Town and the County is for a period of five (5) years; this states that the Town will furnish fire protection service to all property lying within the boundaries (6 miles) of the Elizabethtown Fire District. Mr. Madden stated that the last five (5) years

the cost was \$62,000, this is the extension of a new contract for an additional five year period in the amount of \$84,500. The new position of Deputy Fire Chief will be paid with a percentage of the contract funds. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the Fire Service Contract as presented (Unanimous).

SUPPLEMENTAL INFORMATION

Item #19: Other Business- Street Lighting Costs for Downtown Project

Mayor Campbell recognized Town Manager Eddie Madden to give an update on the street lighting cost for the Downtown Project. Mr. Madden stated that he continues to work with Sid Livingston at Progress Energy to obtain the final cost for the Downtown Project concerning street lighting. A design has been selected (Mitchell Fixture with Top Hat, Rib Band and Medallions). The poles will require a monthly fee to Progress Energy and three options have been submitted on how the Town intends to pay for the monthly cost, options are listed accordingly:

Option 1- If receptacles on each pole are billed on a monthly basis, the amount per month is \$2,675.61.

Option 2- For a one-time charge for pole receptacles, \$2,576.26 per month plus a one-time charge \$845.59.

Option 3- Pay \$181 per pole up-front to waive the monthly charge of \$3.62 permanently. Up-front payment would be \$9,593.00 which would decrease the monthly light costs by \$191.86 per month.

Public Services Director Pat DeVane reviewed each option and found that Option 3 was the preferred choice; therefore, a recommendation was made for Option #3 on the street light receptacles for downtown project. Council Member Leinwand asked if the Town knew about the cost of street lights prior to proposed downtown renovations. Mr. Madden stated that typically Progress Energy charges a fee over and above a typical street light fee for the decorative type; however, staff was not aware what the exact cost would be. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Dicky Glenn to approve Option #3 for the street light receptacles for downtown project (Unanimous). As a note, Mr. Madden stated that the Department of Transportation (DOT) classified downtown Elizabethtown as a pedestrian area and if the downtown area had been classified as vehicular standards, additional street lights would be required.

Item #20: Memorandum of Agreement

Mayor Campbell recognized Town Manager Eddie Madden to report on the Memorandum of Agreement concerning the sign ordinance. Mr. Madden stated that staff contacted the NC Department of Commerce, Division of Community Assistance (DCA) to assist the Town with updating the Town's Sign Ordinance. Ms. Shanelle Bullock made a presentation in the January Planning

Board meeting and stated that there was a long waiting list. Elizabethtown was not able to have large projects accomplished through DCA; however, they were able to assist with the sign ordinance update. Mr. Madden reported that there is no cost to update the sign ordinance but any expenses incurred to DCA such as, meals, mileage, etc would be paid for through the Town. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the Memorandum of Agreement as presented (Unanimous).

Item #15: "Briefly"

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

-Mr. Madden reminded everyone of the Spring Clean-up Day which is planned for April 15th.

-A Golden Leaf Community Forum is scheduled for Tuesday, April 13th at Bladen Community College; everyone was encouraged to attend.

-Mr. Madden stated that the Chamber of Commerce luncheon is April 13th at noon, Front Porch Restaurant.

-The annual Lu Mil Business Expo was April 3rd, in which the Cape Fear Farmer's Market constructed a booth to initiate the interest of a Farmer's Market in the County.

-On April 8th Council Members who have not completed the Ethics Training Course will have an opportunity to attend at White Lake from 6:30pm to 8:30pm.

-Mr. Madden stated that the NCLM Regional Legislative meeting is scheduled for April 15th at 4pm at The Depot in Whiteville.

-Mr. Madden anticipates the proposed budget will be presented in the Town Council meeting May 3rd and following work sessions will take place and the adoption of the budget in June.

-Mr. Madden reported that staff received information from the Department of Transportation regarding construction bids for the Downtown Revitalization work. Low bidder, Allen Grading was disqualified due to the lack of meeting guidelines for goals of minorities. Mr. Madden stated that Allen Grading, Goldsboro, NC met Federal guidelines but not State guidelines. Therefore, the second lowest bidder was presented and reviewed and it was found that they met one category but failed in another. Additional steps were taken to allow these companies to come into compliance; however, they still did not meet State guidelines. Council will be requested to look at the third lowest bidder, which does meet both minority categories; however, the bid was \$936,000 (low bid \$752,000). If the second lowest bidder does not meet the DBE Goals, a recommendation comes from the engineering firm to reject all bids and re-bid. Mr. Madden stated that in talking with Greg Burns of DOT, the Municipal Agreement of \$450,000 was approved.

Item #16: Open Forum

Mayor Campbell asked if anyone with questions or concerns may approach Council for open forum, but none were noted.

Item #17: Closed Session

Mayor Campbell stated that Council would enter into closed session. A

motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to enter into closed session under NCGS 143-318.11(a)(6)-Personnel and Appointment of Public Officer (two Housing Authority vacancies) (Unanimous).

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk