

TOWN OF ELIZABETHTOWN
Regular Meeting
October 4, 2010

The Elizabethtown Town Council met in regular session on Monday, October 4, 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, Herman Lewis 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, Human Resources Director Jennifer Dowless and Town Manager Eddie Madden. Absent: Council Member Russell Priest

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

Mayor Campbell presented the October 4, 2010 agenda and supplemental for approval. A motion was made by Council Member Ricky Leinwand and, seconded by Council Member Dicky Glenn, to approve the agenda and supplemental as presented (Unanimous).

Item #1: Approval of Previous Minutes

Mayor Campbell presented to Council, the minutes of September 7, 2010 Regular Work Session, September 7, 2010 Regular Meeting, September 27, 2010 Special Called Meeting. 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: Public Hearing: Zoning Text Amendment, Article 9, Section 9.2.8, Letter Q, to change the off-street parking requirements for indoor commercial recreation centers (physical fitness centers, etc.) from one (1) space per 130 sq. ft. of gross floor area to one (1) space per 700 sq. ft. of gross floor area, Case # TA 811102893

Mayor Campbell opened the public hearing and recognized Planning Technician Robert Lewis to present this Zoning Text Amendment. Mr. Lewis stated that owners of Healthwork Fitness Center Brian Campbell and Dean Hilton, submitted a request to the Planning Department to change text in Article 9, Section 9.2.8, letter Q to change off-street parking requirements for indoor recreational centers. Currently, the Zoning Ordinance states that Indoor Commercial recreation facilities are allowed one (1) space for each 130 sq. ft. of gross floor area devoted to such use. Mr. Lewis advised that Mr. Campbell is requesting to amend the ordinance from 130 sq. ft. of space to 700 sq. ft. of gross space per floor area.

Mr. Campbell approached Council and stated that he along with Mr. Hilton have remodeled the fitness center and anticipate future additions on this same property. Mr. Campbell advised that he did talk with the owner of Dollar General and asked if they would be able to share parking spaces which joins with the fitness center; Mr. Campbell did receive permission in a letter from Dollar General that they would join parking space usage.

Council Member Dicky Glenn conveyed his concern for the amount of parking spaces that Mr. Campbell would be giving up.

Mr. Campbell advised that they have looked at all angles of this request and felt this was a good decision and hoped that Council would be able to approve this request.

Mayor Campbell asked if there were additional questions, but none were noted; therefore, the public hearing was closed.

Item #3: Public Hearing: Zoning Text Amendment by Town of Elizabethtown to amend Article 6, Section 6.5 Business Sign Requirements in the Heavy Industrial (H-I) and Light Industrial (L-I) Zoning Districts, Case # TA-815108780

Mayor Campbell opened the public hearing and recognized Planning Technician Robert Lewis to present this agenda item concerning a change in the Zoning Ordinance. Mr. Lewis stated that a request was made by Mr. Cole Young to decrease the number of signs allowed, height, and square footage for freestanding and wall-mounted signs in the Heavy Industrial (H-I) and Light Industrial (L-I) Districts.

Mr. Young approached Council and stated his reason for requesting the change in the ordinance. Mr. Young advised that he did not like the signage restrictions, that he had been in business for a year and half at the Industrial Park behind trees that are along the by-pass; therefore, no one is aware of his business. Mr. Young sought a company to prepare a sign for his business and found that the size was not in line with the zoning district he was located in.

Mr. Lewis stated that all signs located in zoning districts of Heavy and Light Industrial would decrease the number of signs allowed, height, and square footage for freestanding and wall-mounted signs. Mr. Lewis stated that Mr. Young is requesting to amend Article 6, Section 6.5 in the Zoning Ordinance. Mr. Lewis noted that the existing signs would be grandfathered in.

Mayor Campbell asked for additional questions or comments, but none were noted; therefore, the public hearing was closed.

Item #4: Resolution of Intent (#R-10-14) to Close Unopened Street - 282 feet from Martin Luther King Drive to Ward Street

Mayor Campbell recognized Town Manager Eddie Madden to report on this agenda item concerning town owned property on Martin Luther King Drive. Mr. Madden stated that town resident Ernest Bacote requested to purchase property adjacent to his on MLK Drive, which was intended for a street (Ward Street). The street was never completed and undergrowth and pine samplings cover the area. Mr. Madden stated that for years, Mr. Bacote has maintained the town property; however, he found two large trees that have become diseased and in last month's Council meeting, he brought this to the attention of the Council Members in "Open Forum". Mr. Madden stated that Mr. Bacote expressed his desire for obtaining the property if the Town would be willing to give it to him; Council agreed to discuss this matter and return an answer to Mr. Bacote before the next meeting.

Town Attorney Goldston Womble, advised that research would need to take place to see if there was a street dedication and there is also the matter of ingress and egress to their property. Attorney Womble stated that once these matters have been researched and found reasonable means to move forward, a public hearing would need to

take place, as well as four (4) weeks of public notices in the local paper. Mr. Madden stated that Mr. Bacote would be responsible for the cost of advertising, the cost of surveying and complete deed search which would cost approximately \$2,000.

Mr. Bacote approached Council and stated that he was very interested in the property but he needed time to think about it and see what direction he needed to take.

Mayor Campbell advised that Council would wait to hear from Mr. Bacote. Mayor Campbell called for a motion regarding the Resolution of Intent (#R-10-14). A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to table this agenda item until further notice from Mr. Bacote (Unanimous).

Item #5: Resolution (#R-10-15) - Brownfields Assessment Grant Application

Mayor Campbell recognized Town Manager Eddie Madden to present the Brownfields Assessment Grant application. Mr. Madden stated that the Town would once again submit a Brownfields Assessment application in hopes of having a chance to secure funds to refurbish areas that could be potential sites for redevelopment. A Resolution is requested for Council's consideration. A motion was made by Council Member Ricky Leinwand and seconded by Mayor Pro Tem Rufus Lloyd to approve the attached Resolution #R-10-15 as presented (Unanimous).

Item #6: Resolution (#R-10-16) - Halloween

Mayor Campbell stated that Halloween this year, falls on Sunday, October 31st. A resolution is submitted for Council's consideration to observe trick-or-treating on Saturday, October 30th with a 11pm curfew. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the attached Resolution #R-10-16 as presented (Unanimous).

Item #7: Resolution (#R-10-17) for Surplus Property Disposal and Use of Gov.Deals.com and Resolution (#R-10-18) Disposition of Personal Property by Private Sale

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the disposal of surplus property. Mr. Madden stated that the Public Services Department has various items of equipment that are worn and in need of repairs. It is requested that these items be sold on the Internet Auction Disposal, www.govdeals.com. Other surplus property included used Christmas Light Decorations and Mr. Madden requested that Council consider approving the Resolution Authorizing the Disposition of Certain Personal Property by private sale. A motion was made by Mayor Pro Tem Rufus Lloyd, and Council Member Dicky Glenn to approve the attached, Resolution #R-10-17 and Resolution #R-10-18 as presented (Unanimous).

Item #8: Zoning Text Amendment: To amend Zoning Ordinance, Article 9, Section 9.2.8, letter Q, to change the off-street parking requirements for indoor commercial recreation centers (physical fitness centers, etc.) from one (1) space per 130 sq. ft. of gross floor area to one (1) space per 700 sq. ft. of gross floor area, Case # TA 811102893

Mayor Campbell requested that she be excused from this agenda item, due to the fact it would be a conflict of interest. A motion was made by Council Member Russell Priest, and seconded by Mayor Pro Tem Rufus Lloyd to excuse the Mayor from this item

of business (Unanimous). Therefore, Mayor Pro Tem Rufus Lloyd presided over this agenda item and requested a motion to approve or disapprove this item of business. A motion was made by Council Member Herman Lewis, and seconded by Council Member Ricky Leinwand to approve amendment of the Zoning Ordinance. 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 text amendment is reasonable and in the public interest at this time (Unanimous).

Mayor Campbell returned to her seat to complete the remainder of the Council meeting.

Item #9: Zoning Text Amendment: To amend Zoning Ordinance, Article 6, Section 6.5, Business Sign Requirements in the Heavy Industrial (H-I) and Light Industrial (L-I) Zoning Districts, Case #TA-815108780

Mayor Campbell requested a motion regarding the amending of the Zoning Ordinance in Article 6, Section 6.5. A motion was made by Council Member Ricky Leinwand, and seconded by Mayor Pro Tem Rufus Lloyd to approve the amending of the Zoning Ordinance concerning Article 6, Section 6.5. 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 text amendment is reasonable and in the public interest at this time.

Item #10: Tax Releases

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

2010 Electronic Data Systems, LLC	508360
REASON: Double Listed with HP Enterprise	
Value: \$490.00	
Personal Property	
Tax Released	\$3.31
2010 EC Sasser Family Trust	5013123
REASON: Sold Hangar in 2009	
Value: \$127,600.00	
Real Property	
Tax Released	\$784.74
2010 Shane Melvin	510032
REASON: Not in City Limits	
Value 3,636	
Real Property	
Tax Released	\$22.36
2010 Shane Melvin	510032
REASON: Not in City Limits	

Value:	2,970.00	
Real Property		
Tax Released:	\$18.27	
Grand Total		\$828.68

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

Item # 11: FY 2010-11 Budget Amendment #2010-04 and #2011-05

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding a budget amendment. Mr. Madden stated that a budget amendment (#2010-04) is being presented in the amount of \$197,789, due to the following expenditures:

- Fee-Internet Auction Service \$799.00
- Corridor Study-Benchmark \$7,500
- White Lake Planning Grant \$10,000
- Street Light Installation \$176,000
- Fire Dept. Firefighter Camp \$3,490
- Total \$197,789

Regarding Budget Amendment #2010-05, Mr. Madden presented for Council's consideration a purchase price for a vehicle that would be used by the Town Manager. A vehicle was located at Capital Ford in Wilmington at a cost of \$14,784.09. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the budget amendment which includes the cost of a vehicle that will be used by the Town Manager (Unanimous).

Item #12: FY 2010-11 Budget Ordinance Amendment #1

Mayor Campbell recognized Town Manager Eddie Madden to present the Budget Ordinance Amendment on the Commercial Solid Waste rate. Mr. Madden stated that in tabulating the figures for the budget, it was discovered that the new rate of \$19.34 had been overlooked for the Commercial Solid Waste rate, due to the 4% not being applied. During the budget process a cost of \$18.54 was used rather than \$19.34. Therefore, Budget Ordinance Amendment #1 will include the new Commercial Solid Waste rate of \$19.34.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the FY 2010-11 Budget Ordinance Amendment #1 as presented (Unanimous).

Item #13: Change Order No. 1 for Swanzy Ridge Project

Mayor Campbell recognized Town Manager Eddie Madden to present the Change Order for Swanzy Ridge Project. Mr. Madden stated that the Swanzy Ridge Apartments are well into their construction and the Town has found that it is necessary to submit a Change Order for the purpose of making minor improvements and other sewer-related

additions for this project. Mr. Madden advised that grant funds would pay for the improvements in the amount of \$173,150.50 (allocated grant funds).

A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve Change Order No. 1 as presented (Unanimous).

Item #14: Contract for NC Economic Infrastructure Fund, Building Reuse and Restoration Development Grant for Rural Center - Cape Fear farmer's Market project

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning the grant for Cape Fear Farmer's Market. Mr. Madden stated that the Town has received a contract from the NC Rural Center; this pertains to the Cape Fear Farmer's Market. Mr. Madden advised that in receiving this grant (\$168,000), if the Town fails to achieve certain job creation goals for 14 individuals, within 24 months of the award date, the Town will be responsible for paying the amount of \$12,000. Therefore, presented for consideration is a copy of the Agreement, Loan Performance Agreement, Promissory Note and Waiver of Confidentiality.

Council Members asked if a total of 14 people were required at all times to work with the Farmer's Market. Mr. Madden stated "no", that it would be for a short amount of time and then it could be cut back to a less amount.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the acceptance of the Rural Center contract for the Building Reuse and Restoration Development grant funds as presented (Unanimous).

Item #15: "Briefly"

Mayor Campbell recognized Town Manager Eddie Madden to report on upcoming events.

- Mr. Madden stated that the Lumber River Council of Governments will host their annual banquet on October 21st at the Farmer's Market in Lumberton, NC.
- Industry Appreciation Day is scheduled for October 7th at Carolina Sands Golf Course at 11 am with a meal being served at 5 pm.
- Mr. Madden reported that the NCLM Conference would be held in Winston-Salem, NC from Sunday, October 24th through October 26th.
- A Special Called Meeting will take place on Wednesday, October 20th to consider RFP's being obtained to finance the purchase of street lights for the downtown area.
- Council Members are encouraged to attend the 2010 Rural Partners Forum which is scheduled for November 4th and 5th at the N. Raleigh Hilton.
- Mr. Madden presented Council with news that the Golden Leaf Project had been awarded to the Cape Fear Farmer's Market in the amount of \$446,000.

Item #16: Open Forum

Mayor Campbell opened the meeting to anyone wishing to speak.

Ms. Minnie Price approached Council and stated that the Bladen County Youth Project wished to extend an invitation to Council Members in which they will have their 1st Annual October Festival, Saturday, October 16th from 7 until 10 pm. in Elizabethtown.

Chairman Ray Allen of the Cape Fear Farmer's Market approached Council and stated that he was aware that Council had concerns regarding seafood vendors at the market. Chairman Allen advised that this matter was brought to the attention of the Farmer's Market Committee and they unanimously agreed to allow seafood vendors to sell at the market; providing they harvested the seafood themselves and their paperwork indicated such. On another matter, Chairman Allen stated that he recently attended the RC & D Annual Meeting in Burgaw in which the Farmer's Market applied for a \$68,000 grant. Chairman Allen is in hopes that the Farmer's Market will be awarded this grant in the next couple of weeks.

A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Herman Lewis to adjourn the Council meeting (Unanimous).

With no further discussion, Mayor Campbell declared that the meeting was adjourned.

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk