

**TOWN OF ELIZABETHTOWN**  
**Regular Scheduled Meeting**  
**February 1, 2010**

The Elizabethtown Town Council met for their regular scheduled meeting on Monday, February 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, Police Chief Robert Kinlaw, Finance Director Jan Lennon, Fire Chief Byron Graham and Town Manager Eddie Madden

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

Mayor Campbell presented the February 1, 2010 agenda for approval. A motion was made by Council Member Dicky Glenn and, seconded by Mayor Pro Tem Rufus Lloyd, to approve the agenda and the supplemental agenda as presented (Unanimous).

**Item #1: Approval of Previous Minutes**

Mayor Campbell presented to Council, the minutes of January 11, 2010 Work Session, January 11, 2010 Regular Session, and December 23, 2009 Closed Session. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Ricky Leinwand, to approve the minutes as presented (Unanimous).

**Item #2: Public Hearing: Zoning Code Text amendment for Section 11.1 - Zoning Enforcement Officer, Case #TA0119108780**

Mayor Campbell opened the public hearing for public comments regarding administrative changes that have taken place in the Planning Department and Fire Department. Mayor Campbell recognized Town Manager Eddie Madden to report further on this agenda item. Mr. Madden advised that a request was made by the Town of Elizabethtown to change the Zoning Code Text Amendment for Article 11, Section 11.1 as it relates to appointment of the Zoning Enforcement Officer. The proposed change will appoint the Town of Elizabethtown Fire Chief as the Zoning Administrator for the Town. Mr. Madden stated that this request was presented to the Planning Board this evening with a unanimous vote and was forwarded to Town Council by Planning Board Chairman Jim McLaney. Mayor Campbell stated that no one had signed in to speak; therefore, the public hearing was closed.

**Item #3: Public Hearing: USDA Grant Applications for Downtown Revitalization Project and Fire Station Renovation Project**

Mayor Campbell opened the public hearing for public comments regarding the USDA application that was submitted in the fall for the Downtown Revitalization project and for proposed renovations to the Elizabethtown Fire

Department. Mayor Campbell recognized Town Manager Eddie Madden to give an update on this agenda item. Mr. Madden stated that USDA has been reviewing and processing the Town's applications; however, the transaction process of securing a loan for the Downtown Revitalization project and renovations to the Fire Station requires a resolution signed by the Mayor. Also, such resolution will authorize the Mayor and Town Clerk to sign any required paperwork with regard to obtaining the loans and grants from USDA. Mr. Madden stated that the funding request for the Downtown Revitalization project application loan is \$650,000 and the grant is \$200,000 with Municipal Building and property being offered as security. The funding request for the proposed renovations to the Fire Station is \$253,370 and proposed grant amount is \$136,430 with the Fire Station and property offered as security. Mayor Campbell stated that no one had signed in to speak; therefore, the public hearing was closed.

**Item #4: Public Hearing: To Establish a Moratorium on Internet Cafe'/Cyber Sweepstake Businesses**

Mayor Campbell opened the public hearing for public comments regarding the moratorium on Internet Cafe'/Cyber Sweepstake Businesses and recognized Town Manager Eddie Madden to report on this agenda item. Mr. Madden stated the purpose of the moratorium is to establish and/or clarify zoning rules that pertain to Internet Cafe'/Cyber Sweepstake businesses. It was recommended by staff that a 60-day moratorium be placed on all businesses that are not permitted or those who seek to obtain a permit for the internet sweepstake machines. Mr. Madden advised that he would like further discussion on these types of businesses, such as where these establishments are permitted, how much the business licenses should cost for the individual machines, or whether they are permitted at all. Mr. Madden advised that he would talk with staff at the North Carolina League of Municipalities for a more relevant definition. Mayor Campbell stated that one individual had signed up to speak at this evening's public hearing.

Mr. Greg Powell stated that he signed up to speak because currently he owns an Internet Cafe'/Cyber Sweepstake business. Mr. Powell advised that his business operated as a respectful business and he did not allow rambunctious activities to take place. He further stated that he would allow patrons to buy internet time which allowed them to partake of gambling through sweepstakes or to use the internet for browsing. Mayor Campbell asked for questions or comments from Council.

Council Member Dicky Glenn asked Mr. Powell if he would be interested in operating his internet business without the gambling portion. Mr. Powell stated that he would not.

Mayor Campbell asked if there were further questions or comments, none were noted; therefore, the public hearing was closed.

**Item #5: Zoning Code Text Amendment for Section 11.1 - Zoning Enforcement Officer, Case #TA-0119108780**

Mayor Campbell called for a motion pertaining to the requested changes in the Zoning Code Text Amendment for Section 11.1, Zoning Enforcement Officer. A motion was made by Council Member Russell Priest, and seconded by, Council

Member Herman Lewis to approve changes in the Zoning Code Text Amendment to reflect changes in Article 11, Section 11.1 to appoint the Fire Chief as Zoning Administrator of the Town. The Town Council has reviewed these documents and found the following text amendment consistent with the objectives and policies in the adopted Land Use Plan and goals of the Strategic Plan; and the text amendment is reasonable and in the public interest at this time (Unanimous).

**Item #6: Resolutions #R-09-030 and #R-09-031 - To Authorize Mayor and Town Clerk to Execute all Forms Necessary to Obtain Loans and Grants from USDA**

Mayor Campbell called for a motion pertaining to the request of Resolutions #R-09-030 and 09-031. A motion was made by Council Member Ricky Leinwand, and seconded by Mayor Pro Tem Rufus Lloyd to approve the Mayor and Town Clerk to execute all forms necessary to obtain loans and grants from USDA for the Downtown Revitalization Project and Fire Station Renovation Project (Unanimous).

**Item #7: Resolution #R-09-032 - State Aid to Mosquito Control - FY 2011**

Mayor Campbell called for a motion pertaining to the request of Resolution #R-09-032 which will allow Public Services to pursue NC Department of Environment and Natural Resources application for financial aid to help with mosquito control during the upcoming FY 2011. Public Services Director Pat DeVane stated that this grant is handled on reimbursement basis, based on the amount of spraying and other work that is done and the cost incurred in doing this work. Funds received last were in the amount of \$1,750. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to approve the Resolution as presented (Unanimous).

**Item #8: Resolution of Recognition - #R-09-033 Desmond Jerele Bryant**

Mayor Campbell recognized Desmond Jerele Bryant in which a Resolution of Recognition was read and presented as well as a Key to the City. Mr. Bryant graduated from East Bladen High School in 2004 and in June 2009 graduated from Harvard University. In August 2009, he joined the Oakland Raiders Football Team as a defensive tackle. Mayor Campbell thanked Mr. Bryant for being a shining example in sports and wished him the best in his new career. The Resolution of Recognition was unanimously approved in the Council Work Session at noon.

**Item #9: Ordinance to Establish Moratorium for Internet Cafe'/Cyber Sweepstakes Businesses**

Mayor Campbell requested a motion to establish a moratorium for Internet Cafe'/Cyber Sweepstake businesses in Elizabethtown. A motion was made Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the ordinance to establish a 60-day moratorium on Internet Cafe'/Cyber Sweepstake Businesses (Unanimous).

**Item #10: Request from Mr. Boris Powell**

Mayor Campbell stated that this agenda item would be stricken from the

evening meeting. Mr. Powell presented his concern in the Council Work Session at noon.

**Item #11: Presentation of Drafted Audit Report for 2009**

Mayor Campbell stated this agenda item would be stricken from the evening meeting.

Item #12: Tax Releases

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

2009 Dennis C. Clifton 510846  
REASON: Billed to Wrong Taxpayer  
Value: \$43,100.00  
Personal Property  
Tax Released \$265.07

2009 Trinity United Methodist Church  
5009236  
REASON: Exempted  
Value: \$1,000,000  
Real Property  
Tax Released \$6,150.00

2009 Town of Elizabethtown 5008678  
REASON: Exempted  
Value: \$1,000,000  
Real Property  
Tax Released \$6,150.00

2009 Town of Elizabethtown 5008678  
REASON: Exempted  
Value: \$1,000,000  
Real Property  
Tax Released \$6,150.00

2009 Bladen County 5008821  
REASON: Exempted  
Value: \$1,000,000  
Real Property  
Tax Released: \$6,150.00

2009 Bladen County 5008821  
REASON: Exempted  
Value: \$1,000,000  
Real Property  
Tax Released: \$6,150.00

2009 Bladen County	5008821
REASON: Exempted	
Value \$1,000,000	
Real Property	
Tax Released	\$6,150.00
2009 Bladen County Board of Education	5008820
REASON: Exempted	
Value: \$19,000.000	
Real Property	
Tax Released:	\$116,850.00
2009 Bladen County Board of Education	5008820
REASON: Exempted	
Value: \$1,000,000	
Real Property	
Tax Released	\$6,150.00
2009 WW Woodhouse & Carol C W Still	5013710
REASON: Total Acres 99.69, only 31.27 in City	
Value: \$388,998.00	
Real Property	
Tax Released	\$21,273.84
Grand Total Tax Releases	\$181,943.73

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

**Item #13: FY 2009-10 Budget Amendment - #2010-03**

Mayor Campbell recognized Public Services Director Pat DeVane to report on this agenda item concerning a budget amendment. Mr. DeVane stated that Williams Street had periodically incurred pavement problems that Public Services would patch and repair. However, a sinkhole has become prevalent in the roadway of Williams Street and will need to be repaired. Mr. DeVane stated that a cost estimate of \$68,000 was submitted; therefore, a budget amendment is presented for Council's consideration. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis to approve Budget Amendment #2010-03 as presented (Unanimous).

**Item #14: 2010 Tax Lien Advertisement**

Mayor Campbell recognized Town Manager Eddie Madden to present the 2010 Tax Lien Advertisement which is requested for outstanding unpaid real property taxes. Mr. Madden advised that unpaid taxes are listed from 1999 to 2009 for Council's review in the amount of \$255,674.22. Therefore, in accordance with NCGS 105-369(a)(c), Council shall review the unpaid tax list and order posting and advertisement at least once between March 1st and June

30th.

**Item #15: Agreement for Swanzy Ridge Apartment Project**

Mayor Campbell stated the Swanzy Ridge Apartment Project agreement was presented to Council in their January meeting; however, it was tabled due to the language presented in the contract being unclear as it related to Article 3 (Water and Sewer Service), and Council requested a better understanding of same. Town Manager Eddie Madden advised that he along with Town Attorney Goldston Womble spoke with the developer, Holly Smith of Swanzy Ridge Apartments and specific language was drafted to convey a better understanding of the agreement. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the agreement for Swanzy Ridge Apartment project as presented (Unanimous).

**Item #16: Appointment to Planning Board**

Mayor Campbell stated that this agenda item was tabled in the January Council meeting due to the lack of candidate names for appointment to the vacant Planning Board seat. Mayor Campbell requested candidate names and they are as followed:

-Ken Register  
-Howell Clark

Mayor Campbell stated that Mr. Ken Register resides outside of the Town of Elizabethtown. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Russell Priest to approve Howell Clark to the Planning Board to fill the unexpired term of Mr. Manly Clark (Unanimous).

**Item #17: Parking Lot Lease for Farmer's Market**

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning the lease on the Farmer's Market parking lot. Mr. Madden requested that Council consider the parking lot lease for the Farmer's Market which would allow the use of the Inman parking lot for a tailgate Farmer's Market until the property is actually purchased by the Town. Mr. Madden advised that he along with Town Attorney Goldston Womble have produced a lease that has been agreed upon by the Inman Family. It is the intent of the Farmer's Market Committee to begin the tailgate market in early spring of 2010. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve the Parking Lot Lease for Farmer's Market (Unanimous).

**Item #18: Farmer's Market Project: Policies, Vendor Application and Vendor's Certificate**

Mayor Campbell recognized Town Manager Eddie Madden to present the Farmer's Market Project. Mr. Madden stated that the Farmer's Market Committee met on several occasions and compiled a list of Rules and Regulations that will be beneficial to the Farmer's Market. Along with the rules and regulations a Vendor Application and Vendor Certificate was comprised of questions that will be completed by the vendor upon selling their goods or produce at the market. Mr.

Madden requested that Council consider the policies and vendor information for the Farmer's Market. A motion was made by Mayor Pro Tem Rufus Lloyd and Council Member Russell Priest to approve the Farmer's Market Rules and Regulations, Vendor Application and Vendor's Certificate as presented (Unanimous).

**Item #19: "Briefly"**

Mayor Campbell recognized Town Manager Eddie Madden to give an update on important dates.

-Mr. Madden reminded Council there would be a pre-bid conference for the Downtown Revitalization project on February 18th at 10am at the Municipal Building.

-It is anticipated that a Special Called Meeting will be Monday, February 22nd to award the bid for the downtown project.

-Mr. Madden reported that damage is being caused by the Bradford Pear Trees located behind the Municipal Building, in which the roots are causing the concrete sidewalks to buckle. Direction is requested by Council as to how this matter needs to be handled.

-The meeting minutes from the January Farmer's Market are enclosed in each Council packet for their review.

-The NCLM Regional Meeting is scheduled for April 15th at The Depot in Whiteville, the meeting will begin at 4pm.

**Item #20: Open Forum**

Mayor Campbell asked if anyone present at the evening meeting had issues or concerns, and if so, they would be allowed three minutes to speak; however, no one spoke.

**Item #21: Deed of Easement and Access Agreement (Supplemental Agenda)**

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning the Deed of Easement and Access Agreement. Mr. Madden stated that a Deed of Easement and Access Agreement is presented for Council's consideration. The agreement is for 1.56 acres between the Town and Ben and Mary Greene in connection with providing access to property owned by Mr. Ben Greene adjacent to RPZ zone. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the Deed of Easement and Access Agreement as presented (Unanimous)

**Item #22: Closed Session**

Mayor Campbell stated that Council is requested to 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)(5) - Real Estate (Unanimous).

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Sylvia Campbell, Mayor

ATTEST:

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Sarah L. Baysden, Deputy Town Clerk