

## TOWN OF ELIZABETHTOWN

### Scheduled Meeting

August 5, 2013

The Elizabethtown Town Council met for their regular meeting on August 5, 2013 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, Ricky Leinwand, Paula Greene, and Attorney Goldston Womble. Department Heads present included Public Services Director Pat DeVane, Finance Director Jan Lennon, Police Chief Bobby Kinlaw, Fire Chief Byron Graham, Zoning/Code Enforcement Officer Bryan Martin and Town Manager Eddie Madden. Absent: Council Member Ray Allen

Mayor Campbell recognized Mayor Pro Tem Rufus Lloyd to lead the invocation for the evening meeting.

Mayor Campbell presented the August 5, 2013 agenda and supplemental for approval. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the agenda and supplemental as presented (Unanimous).

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

Mayor Campbell presented to Council, the minutes of July 1, 2013 Noon Work Session and July 1, 2013 Regular Meeting. A motion was made by Council member Herman Lewis and seconded by Mayor Pro Tem Rufus Lloyd to approve the minutes as presented (Unanimous).

#### Item #2: Dustin Kornegay, Summer Intern

Mayor Campbell recognized Summer Intern Dustin Kornegay to give a presentation regarding his job shadowing experience. Mr. Kornegay gave an overview of projects that he worked on for each department as well as meetings that he attended with the Town Manager. Mr. Kornegay spoke about his learning experience and thanked the Mayor, Council Members, Staff and the Town Manager for allowing him to participate and be a part of the daily functions that took place at Town Hall.

Mayor Campbell and Council Members presented a gift to Mr. Kornegay and wished him the very best in his senior year at Appalachian State University.

Item #3: Potential Renovation Project at the Cape Fear Farmer's Market presented by Terry Cox

Mayor Campbell recognized Architect Terry Cox to expound on proposed renovations for the interior of the Cape Fear Farmers Market. Mr. Cox presented to Council a proposal to renovate the Cape Fear Farmer's Market in which the tenant's at Burney's Sweets & More requested additional working space for their bakery. Mr. Cox stated that he along with the Town Manager viewed different options in which to span and this allowed only three areas, without expanding into the parking area. Mr. Cox advised that the options available in which to expand, would pertain to two storage rooms that are adjacent to Burney's Bakery and they would be connected to the doorway. Mayor Campbell asked for questions or comments for Mr. Cox.

Council Member Ricky Leinwand asked if Burney's Bakery would be paying for the renovations. Mr. Cox stated that the board would make that decision.

Item #4: Public Hearing: Code of Ordinance Amendment No. 2013-01 for Title VII. Traffic Code for 200 Block of East Swanzy Street

Mayor Campbell opened the public hearing and recognized Town Manager Eddie Madden to present the pertinent information regarding this hearing. Mr. Madden stated that Council approved in the May meeting to lower the speed limit on East Swanzy Street due to a church located in the area, contending with motorist exceeding the posted speed limit. The pastor stressed his concern; therefore, Council agreed to lower the speed limit as well as move the posted speed limit signs away from the church. Mr. Madden stated that before the speed limit could officially be changed by ordinance, a public hearing would need to be conducted.

Mayor Campbell asked for questions or comments, but none were noted. Mayor Campbell stated that no one had signed up to speak; therefore, the public hearing was closed.

Item #3: Council Member Dicky Glenn requested that the Mayor revert back to Agenda Item #3 in which Council needed to authorize Town Manager Eddie Madden to work with Burney's Sweets & More to establish an agreement concerning rent on both storage areas and the cooler as well as paying for repairs.

Mayor Campbell stated that a recommendation was requested only. Mr. Madden stated that he would proceed with that request.

Item #5: Public Hearing: Quasi-Judicial Procedure-Special Use Permit Request by Family Foods, Inc.  
Special Use Permit SU 062813-2771 New Construction-Restaurant

Mayor Campbell opened the public hearing and recognized Town Manager Eddie Madden to present the Special Use request. Mr. Madden stated that he would like to recognize Zoning/Code Enforcement Officer Bryan Martin.

Bryan Martin-Good evening I have a special use request SU 0062813-2771. This special use request is for Family Foods based out of Fayetteville, NC. It is for a new commercial construction for a restaurant.

Town Attorney Womble-Mr. Martin you must be sworn in. This is a special use request so it is Quasi-Judicial.

Deputy Clerk Sarah Baysden-The statement that you are about to give is the truth, the whole truth and nothing but the truth so help you God.

Hope Campbell-Yes.

Joey Taylor-Yes.

Bryan Martin-This is a special use request SU 0062813-2771 for Family Foods out of Fayetteville, NC in reference to a new commercial construction, free standing restaurant. Under Agenda Item 5-A is a generalized aerial view of the site in question. The site plan has been included under Agenda Item 5-B, freestanding signage schematics Agenda Item 5-C, building elevations Agenda Item 5-D and E and computer generated rendering of the building Agenda Item 5-F. Agenda Item 5-G includes special use guidelines in the Zoning Ordinance Article 5, Section 5.3. In accordance with the provisions of G.S. 160-384, the property owners of the property involved in the special use application and the owners of the parcels of land abutting the property involved in the special use application have been sent notification of this evenings public hearing. Additionally, notification of said hearing was advertised in the "Bladen Journal" on July 23rd and July 30th. No protest petitions have been received by the Town. In your supplemental items, you will see the Planning Boards recommendations and a favorable recommendation is forwarded to Council with two modifications and that is for a site plan to be submitted for landscaping and a stormwater plan. Council should keep in mind that while considering this special use request, they are as follows:

- 1) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- 2) that the use meets all required conditions and specifications;

3) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

4) that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Elizabethtown.

Mayor Campbell-Are there any questions for Bryan? Thank you Bryan. At this time Mr. Joey Taylor has signed up to speak so I will ask him to come forward at this time.

Joey Taylor-Bryan did such a great job in explaining everything I don't know if there is anything left to say. We have been in close contact with DOT regarding the driveway and the various options on the driveway so we went through three scenarios and went back to the original submittal to him (inaudible) he told us earlier on that (inaudible) they would like for us to look at joint driveways if we could and as it worked out, when we submitted the proposal, he came back and said well actually it works better. So we are going to follow through on that with that recommendation. As Bryan mentioned, the stormwater plan does not include the preliminary sketch, it will soon be completed by the engineers for Family Foods and submitted to the Town for your approval, landscaping the same way. Taco Bell has had a pretty standard landscaping plan, from my understanding, if you see one Taco Bell you will see something very similar for here. If you have any questions, I'll be glad to try and answer.

Mayor Campbell-Who is the gentleman here tonight?

Joey Taylor-Mike Anderson of Family Foods.

Mayor Campbell-Mr. Anderson would you like to come up and address the board? We are so glad to have you with us.

Mike Anderson- I am Chief Operating Officer for Family Foods and we hope to have something open by the first of next year. Let me expound on what he said about the landscaping. Our franchise wants to make sure that it makes the Town proud.

Mayor Campbell-We are so glad to be getting Taco Bell and its going to be an asset to Elizabethtown and I'm (inaudible) I hope we will be to Taco Bell as well.

Mike Anderson-We are excited about it and Taco Bell has already approved it.

Mayor Campbell-Hope Campbell had signed up.

Hope Campbell-I'm good.

Mayor Campbell-So she foregoes anything she was wanting to say. Any questions from our board. (Pause) If not, I am going to close this public hearing and we are going to be voting on this shortly.

Item #6: Code of Ordinances Amendment No. 2013-01 for Title VII. Traffic Code for 200 Block of East Swanzy Street

Mayor Campbell stated that this Code of Ordinance Amendment would change the speed limit on East Swanzy Street from 35 mph to 25 mph. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Herman Lewis to approve the Amendment as presented (Unanimous).

Code of Ordinances Amendment No 2013-01 is attached and incorporated herein by reference.

Item #7: Special Use Permit Request by Family Foods, Inc. Special Use Permit SU 062813-2771, New Construction-Restaurant

Mayor Campbell presented the Special Use Request by Family Foods, Inc. for a new building that would house Taco Bell. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the Special Use Permit for Taco Bell and impose additional conditions that the landscaping and stormwater plan will be approved first (Unanimous). Copy of Planning Board's recommendation is attached and incorporated herein by reference.

Item #8: Change Orders No. 2, 3 and 4 - Fire Station Renovation Project

Mayor Campbell recognized Town Manager Eddie Madden to present the change orders for fire station renovation project. Mr. Madden requested Architect Terry Cox to assist him in the presentation.

Mr. Cox stated that many things can happen with existing buildings and construction has been moving along very well, overall cost is still above 1.6% which is very good considering the type of construction taking place. Mr. Cox presented the following change orders:

Change Order #2 in the amount of \$861.12

Additional Wall Outlet in Laundry Room

Additional Water Line and Drain for Laundry

Exterior Light with Photo Cell

Change Order #3 in the amount of \$925.60

Repair and Replace Rotted Studs, Sheathing, Bottom Plate in Former Office/Bunk Room Area

Place Liquid Vapor Barrier at Each Truss

Add Water Line for Icemaker

Change Order #4 in the amount of \$1,305.20

Frame Platform for Access Door and Pull-Down Ladder

A motion was made by Council Member Paula Greene, and Council Member Ricky Leinwand to approve the change orders as presented (Unanimous). Change order copies are attached and incorporated herein by reference.

Item #9: Update on AMR (Automated Meter Replacement) Project

Mayor Campbell recognized Public Services Director Pat DeVane to give an update on the AMR project. Mr. DeVane stated that staff has been working on this project for a very long time and information has now been received stating that there are changes in the State Government that would be taking place that will have a direct effect on funding of this AMR project. Mr. DeVane stated that a \$500,000 grant through the NC Rural Center has been halted on the project until funding can be released. Mr. DeVane stated that one Purchase Order has been issued for Incode software which is necessary to synchronize with the AMR project. Mr. DeVane asked for questions and/or comments but none were noted.

Item #10: Update on Inmate Labor Matter due to Prison Camp Closure

Mayor Campbell recognized Town Manager Eddie Madden to give an update on the inmate labor due to the closure of the White Lake Prison Camp. Mr. Madden stated that staff continues to explore options on obtaining inmate labor, specifically, from the prison system in Tabor City. Mr. Madden stated that the Town is also exploring the options of obtaining the outside services of a provider to handle leaf & limb; currently the inmates and employees are providing this service. Mr. Madden stated that preliminary numbers continue to be worked on, a vendor is scheduled to meet with staff regarding the same service (leaf & limb). Once information is obtained, Council will be informed. Mr. Madden stressed that the Town will continue the same level of service, without any impact to the budget. It is hoped that the current staff will suffice so that the Town will not have to add personnel to the payroll.

Mayor Campbell asked for questions and/or comments, but none were noted.

Item #11: Bid Award for Sidewalk Construction on Cypress Street- Mr. Floyd Adams, P.E.

Mayor Campbell recognized Mr. Floyd Adams of The Adams Company to present the bid award for the Sidewalk Construction on Cypress Street.

Mr. Adams stated this project is part of a CDBG-Housing Development grant program. Mr. Adams stated that the residents of the Tall Oaks facility will be able to use the sidewalks to get into the town business area. Mr. Adams stated that the low bidder was T & H Construction of NC in the amount of \$44,997.17.

Mayor Campbell asked for questions and/or comments.

Council Member Ricky Leinwand asked Mr. Adams if T & H Construction had done prior work for Mr. Adams. Mr. Adams stated yes and that he would highly recommend this construction business.

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis to accept the recommended bid (Unanimous). Copy of bid tabulation and Notice of Award attached and incorporated herein by reference.

Item # 12: Renew Banking Services Contract with First Citizens Bank

Mayor Campbell stated that the Town's banking services agreement with First Citizens Bank is set to expire in 2013 unless it is renewed by Council for an additional three-year period. Mayor Campbell stated that Finance Director Jan Lennon has been very satisfied with the service.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Paula Greene to approve the contract with First Citizens Bank (Unanimous). Copy of acceptance letter attached and incorporated herein by reference.

Item #13: Contract with GS3 for GIS Services

Mayor Campbell recognized Mr. Joey Taylor of GS3 Surveying to present this agenda item regarding a contract with the Town on GIS services. Mr. Taylor stated that in talking with the Town Manager regarding the GIS services, it was conveyed that all departments needed GIS services, specifically the Public Services Department. Mr. Taylor stated that the Town's GIS has not been maintained for several years and Public Services has been at a critical point in locating water lines, sewer lines, etc. The GIS would provide a very accurate map of existing lines and deter potential problems caused by improper digging. Mr. Taylor stated that equal distribution of GIS knowledge would be beneficial in the case of employee's leaving and taking that information with them. Mr. Taylor stated that the contract period is proposed to begin August 5, 2013 and will continue until June 30, 2014 with an estimated total hours to complete the work of 650 hrs. Mr. Taylor stated the he would rebuild the

GIS for water, sewer and focus on storm system. Mr. Taylor stated that he would like to add the Powell Bill mapping to the GIS system as well as the Town's zoning map.

Mayor Campbell asked Public Services Director Pat DeVane if he would like to add anything to Mr. Taylor's comments. Mr. DeVane stated that he is looking forward in working with Mr. Taylor and this system as well as the knowledge of the GIS system is needed in all departments.

A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Herman Lewis to approve the contract with Joey Taylor of GS3 Surveying (Unanimous).

#### Item #14: Downtown Street Tree Matter

Mayor Campbell recognized Public Services Director Pat DeVane to provide an update. Mr. DeVane stated that several trees in the downtown area are diseased and need to be replaced. Mr. DeVane stated that currently two different types of tree's were planted during the revitalization project; however, 17 October Glory Maples are severely damaged by a disease and need to be replaced. Mr. DeVane stated that Green Biz Nursery traveled to Elizabethtown and viewed the maples and they stated they could supply the Town with the same trees in similar size. Mr. DeVane advised that the tree's would be very costly to replace and the October Glory is very prone to disease. Therefore, Green Biz has agreed to help staff in choosing alternative trees. Mr. DeVane advised that once he meets with Green Biz, a recommendation will be forthcoming to Council.

#### Item #15: Appoint Voting Delegate and Alternate Voting Delegate for NCLM Conference-October 13-15

Mayor Campbell stated that the NC League of Municipalities will host their annual conference in Hickory, NC October 13th - 15th. Since business matters are considered during the conference, each municipality is asked to send at least two council members to the conference with two members having voting privileges.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to appoint Mr. Herman Lewis as voting delegate and Mr. Rufus Lloyd as the Alternate Voting delegate(Unanimous).

#### Item #16: Budget Amendment No. 2014-01

Mayor Campbell recognized Town Manager Eddie Madden to present the following Budget Amendment.

Expenditures

P & L Renew Premium-Add'l	\$6,248.00
Sale of Scrap Metal	\$ 135.20
Fire Dept. Food & Provisions	\$ 100.00
Clean-up Rescue sq. Bldg.	\$2,406.00
Comprehensive Rec. Master Plan	\$11,902.00
Meter Install-Bapt. Church	\$ 2,011.21
WC Premium for Sewer Dept.	\$ 3,877.00
Total	\$26,679.41

Revenues

Fund Balance Approp.	\$12,531.00
Sale of Scrap metal	\$ 135.20
Misc. Donation	\$ 100.00
(In Memory of Ennis Graham)	
Recreation FB Approp	\$11,902.00
Meter Install.-Bapt Church	\$ 2,011.21
Total	\$26,679.41

Also included were the following Capital Project Ordinances:

Automatic Meter Reading Project-Amended \$795,070

Fire Station Renovation Project-Amended \$975,150

WWTP, aka Clean Water State Revolving Fund (CWSRF), Sewer Improvements Project - \$795,640

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve Budget Amendment No. 2014-01 as presented (Unanimous). Budget Amendment No 2014-01 is attached and incorporated herein by reference.

Item # 17: Unpaid Fiscal Years' Tax Report and Order for Tax Collection

Mayor Campbell stated that pursuant to NCGS 105-373, Tax Collector Beverly Robinson presents the following breakdown of the unpaid taxes for years 1999 through 2012. They are as follows:

1999	\$153.96
2000	\$1,513.24
2001	\$ 388.43
2002	\$1,265.48
2003	\$1,601.41
2004	\$6,171.71
2005	\$1,586.26
2006	\$3,129.50
2007	\$6,849.01
2008	\$10,746.50
2009	\$12,878.96
2010	\$22,730.23
2011	\$34,475.06
2012	\$59,158.06
Total	\$162,647.81

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis to adopt the presented order directing Tax Collector Beverly Robinson to collect the taxes as charged and accept the unpaid tax report as presented (Unanimous). Unpaid tax report and order attached and incorporated herein by reference.

Item #18: Tax Releases

Mayor Campbell presented tax releases as submitted by Tax Collector Beverly Robinson, they are as follows:

2012 Presto Clean Inc. 5002140

Reason Sold to #0535276

Released Value \$43,419.00

Personal Property

Tax Released

parcel # 2858530 \$267.03

Late List \$26.70

2012 Presto Clean Inc. 5002140

Reason Sold to #0535276

Released Value \$982.00

Personal Property

Tax Released

Parcel #2858530.01 \$6.04

Late List \$0.60

2012 Presto Clean Inc. 5002140

Reason Sold to #0535276

Released Value \$398.00

Personal Property

Tax Released

Parcel #2858530.02 \$2.45

Late List \$0.25



need to act quickly to submit an application with the hopes of this project being funded. Mr. Madden stated at that point Council could decide if the project is better suited for NCDENR or if there is a possibility that the CDBG program could fund. Mr. Madden reminded Council that CDBG is considered a 95% grant instead of a 50% grant; therefore, the Town would be pursuing both. Mr. Madden requested a recommendation by Council to consider adopting Resolution #R-13-16 authorizing the application to be submitted and then Council will evaluate, as to where to go at that point and the best course of action to take.

Ms. Mettlen stated that the Resolution is very critical and by October the Town will be notified if they are receiving funding or not. Ms. Mettlen advised Council that there is less money in the SRF program and particularly in the principal forgiveness.

A motion was made by Council Member Herman Lewis, and seconded by Council Member Dicky Glenn to adopt Resolution #R-13-16 (Unanimous). Coy of resolution attached and incorporated herein by reference.

#### Item #21: "Briefly"

Mayor Campbell recognized Town Manager Eddie Madden to present upcoming events.

- Mr. Madden encouraged everyone to attend the "Battle of Elizabethtown" Re-enactment which is scheduled to take place on August 16th, 17th & 18th.
- Town Offices will be closed Monday, September 2nd for Labor Day.
- The NCLM Annual Conference is scheduled for October 13th, 14th & 15th in Hickory, NC. Council Members Herman Lewis and Rufus Lloyd will be attending as voting delegates.
- The monthly performance status report is attached as it was submitted by The Adams Company.
- A Thank You note is attached in the Council agenda packets, in which Fire Chief Byron Graham thanked Council regarding funeral spray that was sent in memory of his father who passed recently.
- A Field Report No. 6 has been submitted by Architect Terry Cox on the renovations to the fire station.
- Mr. Madden stated that demolition is set for Monday, August 19th of the "old" sewing factory located on Cypress Street.

#### Item #22: Open Forum

Mayor Campbell opened the meeting to anyone wishing to speak during open forum, but none were noted.

Mayor Campbell requested a motion to adjourn. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to adjourn (Unanimous).

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Sylvia Campbell, Mayor

ATTEST:

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Sarah L. Baysden, Deputy Town Clerk