

## TOWN OF ELIZABETHTOWN

### Re-Scheduled Meeting

January 9, 2012

The Elizabethtown Town Council met for their scheduled meeting on Monday, January 9, 2012 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, Ray Allen, Charles DeVane, and Town Attorney Goldston Womble. Department Heads present included Public Services Director Pat DeVane, Police Chief Bobby Kinlaw, Finance Director Jan Lennon, Zoning/Code Enforcement Officer Bryan Martin, Fire Chief Byron Graham and Town Manager Eddie Madden. Absent: Council Member Ricky Leinwand

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

Mayor Campbell presented the January 9, 2012 agenda for approval. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve the agenda as presented (Unanimous).

#### Item #1: Oath of Office

Mayor Campbell recognized Council Member Ray Allen, in which he was re-elected to serve an additional 4-year term as an Elizabethtown Town Council Member. Deputy Clerk Sarah Baysden administered the Oath of Office.

#### Item #2: Approval of Previous Minutes

Mayor Campbell presented to Council, the minutes of December 5, 2011 Regular Work Session, December 5, 2011 Regular Meeting and December 5, 2011 Closed Session . A motion was made by Council Member Herman Lewis, and seconded by Council Member Dicky Glenn, to approve the minutes as presented (Unanimous).

Item #3: Public Hearing: Close out of 2009 Community Development Block Grant (CDBG) "Additional Funds" Project for Swanzy Ridge

Mayor Campbell opened the public hearing and recognized Mr. Floyd Adams of The Adams Company, who had signed in to speak on behalf of this agenda item. Mr. Adams stated that this public hearing should have been heard by Council at their December Council meeting; however, there was a problem with the advertisement not being placed in the paper by the "Bladen Journal". Therefore, this public hearing was being placed on the agenda for this evening. Mr. Adams stated that this request is basically a close out public hearing for additional funds that were used to pay for a generator for a lift-station on Lower Street. The project was closed in the amount of \$24,000. Mr. Adams asked for questions or comments.

Mayor Campbell stated that Mr. Adams was the only one who had signed-in therefore, the public hearing was closed.

Item #4: Public Hearing: Amending Zoning Text Amendment, Case #TA-1012108780 Stormwater Protection Ordinance

Mayor Campbell opened the public hearing and recognized Town Manager Eddie Madden to report on this agenda item. Mr. Madden stated that the Stormwater Protection Ordinance was initially adopted by Council in 2010; this would include 90% total suspended solid removal and an impact fee of \$500 plus \$0.25 per sq. foot of Impervious Surface. Mr. Madden reported that feedback has been received and in researching Town's comparable to Elizabethtown, this ordinance actually exceeds State requirements and fees are excessive. Mr. Madden's request to Council is to remove total suspended solid requirement and also the removal of the stormwater impact fee and replace with a flat fee scale of increasing amount by the acre not disturbed and the three categories are as follows:

\$1,000 for projects up to 3 acres

\$2,000 for project greater than 3 acres but not exceeding 5 acres

\$2,500 for projects greater than 5 acres

Mr. Madden was of the opinion that this change would be adequate and cover all cost involved as well as allowing the Town to manage stormwater.

Mayor Campbell recognized Mr. Joey Taylor of GS3 Surveyors, in which he signed in to speak.

Mr. Taylor stated that he signed in to speak in case there were any questions regarding this matter.

Mayor Campbell stated that Mr. Taylor was the only one who had signed in to speak; therefore the public hearing was closed.

Item #5: Amendment to the Stormwater Ordinance

Mayor Campbell requested that Council consider approving the Zoning Text Amendment for Stormwater Protection Ordinance Article 8, Section 8.4.1 in which a request was made to amend. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to approve the amendment to the Zoning Code regarding the Stormwater Protection Ordinance. Town Council has reviewed these documents and found that the following zoning text 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).

Item #6: Close-out of Additional Funds for 2009 CDBG-Swanzy Ridge

Mayor Campbell presented the close out of the 2009 CDBG Swanzy Ridge Additional Funds. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to approve the close out of additional funds (Unanimous).

Item #7: Budget Calendar

Mayor Campbell presented the proposed FY 2012-2013 Calendar of Budget Activities a in which the budget retreat will take place on Monday, February 27, 2012 at the Elizabethtown Airport. A motion was made by Council member Dicky Glenn, and seconded by Herman Lewis to approve the Budget Activity Calendar (Unanimous).

Item #8: Budget Amendments

Mayor Campbell recognized Town Manager Eddie Madden to present Budget Amendment #2012-04. Mr. Madden stated that the following Budget Amendments were presented to Council for their consideration:

Expenditures

Land Acquisition-Neil Property	\$3,803.97
Repairs - Vehicles	\$ 233.31

Employee Training-First Due Camp	\$1,130.00
Total	\$5,167.28

Revenues

Fund Balance Appropriated	\$3,803.97
Miscellaneous-Reimbursement	\$ 233.31
First due Camp Contributions	\$1,130.00
Insurance Reimbursement	\$1,561.86
Federal Drug Revenue	\$ 35.38
Contribution-Other	\$5,000.00
Sale of Fixed Assets	\$1,410.00
Fund Balance Appropriated	(8,007.32)
Total	\$5,167.29

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the attached Budget Amendment as presented (Unanimous).

Item #9: Zoning Ordinance Update

Mayor Campbell stated that the Elizabethtown Zoning Ordinance would be updated in the very near future and Ms. Shanelle Bullock of the NC Division of Commerce- Division of Community Assistance was assisting the Planning Board in doing so. However, four (4) Planning Board Members will be serving in this capacity, they are as follows:

Howell Clark

Charles Cain

Kathy Page

Rufus Lloyd

Mayor Campbell stated that Ms. Bullock requested that two Council Members consider serving on this committee with the Planning Board Members that were chosen. Council Members Ricky Leinwand and Dicky Glenn agreed to serve.

#### Item #10: Change Order No. 14 - Cape Fear Farmers Market

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding Change Order No. 14 for the Cape Fear Farmer's Market. Mr. Madden stated this change order is a credit towards the project in the amount of \$1,670.00 for a second coat of sealer that was omitted. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to approve attached Change Order No. 14 as presented (Unanimous).

#### Item #11: Flex-Net Meter Replacement Project

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding Flex-Net Meter Replacement Project. Mr. Madden stated that the Town made a request to the NC Department of Natural Resources (NC DENR) as well as the NC Rural Center concerning a project that the Town of Elizabethtown was interested in participating in. The project name is Flex-Net Meter Replacement which consists of a wireless meter reading project which allows the existing meter reading equipment to be replaced and can detect water leaks immediately and monitor water in a more efficient manner. Mr. Madden reported that \$500,000 was awarded to the Town by the NC Rural Center to fund this project as well as \$389,000 by the NC DENR. Mr. Madden advised that the NC DENR deemed this project as "Green Energy"; however, the funds were anticipated strictly as grant monies and now the money is considered 0% interest bearing loan project for 20 years. Mr. Madden's recommendation to Council is based on a \$389,514.54 loan amount; this will be off-set by Worker's Comp Claims and Equipment Usage.

Council Member Charles DeVane felt this project would eliminate Town citizens' high water bill complaints due to the accuracy of the wireless meter reading equipment.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve paying the loan each year at \$19,475.76 (Unanimous).

#### Item #12: Site Plan for Park area at Farmer' Market

Mayor Campbell stated that this agenda item regarding site plans for property located beside the Cape Fear Farmer's Market was presented in the noon work session in which WK Dickson Representative Angie Mettlen gave an overview of the project. Ms. Mettlen stated that a concept plan

was submitted to basically give an overview of the lot adjacent to the Cape Fear Farmer's Market. Ms. Mettlen stated that there were some funds left over from the construction of the farmer's market; therefore, these funds can be put to use for a potential park. Ms. Mettlen stated that additional parking, a meandering walking path, art vendors and food vendors could be placed sporadically in the area, playground equipment could be built by community labor or boy scouts could build as a project. Ms. Mettlen stated that she hoped that the Town would move forward into this project.

Mayor Campbell thanked Ms. Mettlen for presenting such plans to the Town of Elizabethtown and for the hard work put into her designs.

Item #13: Appointments: Zoning Board of Adjustments, Housing authority and Local Firemen's Relief Fund Trustees

Mayor Campbell stated that various appointments or reappointment were necessary due to expiring terms of the following:

Charlie Hilton	Zoning Board of Adjustments	3-year term
James F. McDowell	Zoning Board of Adjustments	3-year term
Judy Cain	Housing Authority Board	5-year term
Wayne Edge	Local Firemens Relief Fund	replace/reappoint each year
Jack Cross	Local Firemens Relief Fund	replace/reappoint every two years

Mayor Campbell spoke with each board member and they have all agreed to serve an additional term. A motion was made by Council Member Ray Allen, and seconded by Council Member Herman Lewis to approve the reappointments as presented (Unanimous).

Item #14: Glenwood Drive Matter

Mayor Campbell recognized Town Manager Eddie Madden to give an update on the matter concerning Glenwood Drive. Mr. Madden stated that Council was provided background information on the Glenwood Subdivision in which Mr. Cole Young submitted a petition signed by the Glenwood Drive residents in which waste management and Town trucks back into residential driveways to turn around. At the present time, there is no turn-around area for large trucks and since this is a very long road through this neighborhood, backing up is not an option. Mr. Madden stated that Council has the right under Section 100.19 Code of Ordinance for the Town of Elizabethtown, to construct the cul-de-sac that

the property owners request and then pass that cost on to them or the Town can be responsible and pay from fund balance. Mr. Madden stated that an alternative would be for Council not to do anything in this case.

Mayor Campbell requested that Public Services Director Pat DeVane look at an alternative solution for this situation surrounding Glenwood Avenue.

Mr. Madden requested that Council consider this matter very carefully due to the fact that Glenwood Drive is not the only neighborhood with a turnaround problem for trash trucks and large Town trucks. There are other neighborhoods in the Town with the same situation. Mr. Madden reported that another possible answer to this situation is to discontinue service on Glenwood Drive, which would keep large trucks from entering this neighborhood altogether.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to table this agenda item (Unanimous).

#### Item #15: "Briefly"

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

- Mr. Madden stated that on Wednesday, January 11, 2012, representatives from Prudential will be visiting Town employees to register those that would like to participate in the newly adopted 457 Deferred Compensation Plan.

- Town offices will be closed on Monday, January 16th to observance of Dr. Martin Luther King, Jr. Holiday. A parade is scheduled for 11am in downtown Elizabethtown and Council Members are invited to participate in the parade.

- Mr. Madden stated that the Annexation court date has been set for Tuesday, January 17th, a scheduled time was not given.

- The Elizabethtown Fire Department submitted their monthly report for Council's review.

- The Energy Efficient Grant has officially closed out; Public Services Director Pat DeVane submitted a detailed itemized list of how funds were expended.

- Mr. Madden reported that two parking spaces along MLK Drive at the Cape Fear Farmer's Market have been designated for bus parking.

- Mr. Madden advised that Progress Energy invoiced the Town for the conversion project and based on the estimate, compared to the actual bill from Progress Energy, it was under budgeted by \$100,000; also, additional DOT funding was received. Mr. Madden felt this would offset some of the change orders that were submitted.

Item #16: Open Forum

Mayor Campbell opened the meeting to anyone wishing to speak during open forum.

Mr. David Clark approached Town Council and thanked them for a job well done in the downtown revitalization project; however, Mr. Clark would like to see power lines on S. Poplar Street buried underground and additional revitalization work continue.

Mayor Campbell asked if there were additional comments or concerns, but none were noted.

Item #17: 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 Council Member Herman Lewis to enter into closed session in accordance to NCGS 143-318.11(a)(3) Attorney-Client Privilege, NCGS 143-318.11(a)(5) Real estate and NCGS 143-318.11(a)(6) Personnel (Unanimous).

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Sylvia Campbell, Mayor

ATTEST:

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Sarah L. Baysden, Deputy Town Clerk