

TOWN OF ELIZABETHTOWN

Scheduled Meeting

June 3, 2013

The Elizabethtown Town Council met for their scheduled meeting on June 3, 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, Ray Allen, 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: Deputy Clerk Sarah Baysden

Mayor Campbell called the meeting to order and Mayor Pro Tem Rufus Lloyd was called upon to lead the invocation for the evening meeting.

Mayor Campbell presented the June 3, 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 April 8, 2013 Closed Session, May 6, 2013 Noon Work Session, May 6, 2013 Regular Meeting and May 6, 2013 Closed Session minutes. A motion was made by Council Member Dicky Glenn and seconded by Mayor Pro Tem Rufus Lloyd to approve the minutes as presented plus the minute corrections that were noted in the supplemental (Unanimous).

Item #2: Public Hearing: FY 2013-2014 Proposed Budget

Mayor Campbell opened the public hearing and recognized Town Manager Eddie Madden to present the proposed budget. Mr. Madden stated that this was a required step in the process of adopting the annual budget. Mr. Madden stated that in the May meeting the manager's proposed budget was presented in great detail about each of the departmental request and particularly areas of concern in which changes continue to take place in the State which has a profound impact on the Town's budget. Mr. Madden requested Council's attention to the Budget Ordinance which depicts all revenues and expenditures for the proposed budget: General fund in the amount of \$4,049,013.00, the

Utility Fund in the amount of \$1,387,933.00 for a total budget of \$5,436,946. Mr. Madden advised that the budget would not contain any increases for property taxes or personal property taxes; however, increases of 4% in utilities, water, sewer and garbage collection rates. The Town relies heavily on sales tax, Powell Bill funding, gross receipts and tax receipts.

In addition to considering the proposed annual budget, Council will also consider Health, Dental and Vision Insurance proposal. Mr. Madden stated that a 10% budget increase for health insurance was proposed in the budget. Through the bidding process of health insurance, Council will recognize that bids were received under the expected cost; therefore, potential savings to the budget are favorable. Mr. Madden conveyed to Council that a Cost of Living (COLA) was not presented for employees in this budget; however, with the cost savings of the insurance, Council may consider to reinstate. Mr. Madden conveyed to Council that great efforts have been made to increase the Fund Balance. Mr. Madden thanked the Mayor and Council Members for their interest and efforts in the budget process. Mr. Madden asked for questions and/or comments, but none were noted.

Mayor Campbell recognized Rhea Hebert, Director for the Bladen County Library, as she had signed up to speak for this public hearing.

Ms. Hebert thanked Council for allowing her to speak on behalf of the Bladen County Library. Ms. Hebert stated that the Bladen County Library submitted a grant last year, in which it was approved and at that time the Town of Elizabethtown gave matching funds. Ms. Hebert stated that this summer the Bladen County Library faces another challenge in which last year's summer reading program doubled, which involved extra books and extra activities. This year the library will work with the Bladen County School System, and lunches will be provided along with story time through the month of July. Ms. Hebert encouraged Council to consider supporting these efforts as well as consider a \$2,500 donation toward children books.

Mayor Campbell thanked Ms. Hebert for her presentation. There were no others to sign up for this public hearing; therefore, the public hearing was closed.

Item #3: Public Hearing-Quasi-Judicial: Special Use Permit Application for Accessory Building-Randy, English 78 Westwood Circle Case #SU-051613-8972

Mayor Campbell stated this public hearing would be Quasi Judicial as it references a special use permit regarding an accessory building for Mr. Randy English. Mayor Campbell stated that the Planning Board considered this special use in their evening meeting at which time it was unanimously approved.

Mayor Sylvia Campbell-Do you solemnly swear that the testimony you are about to give, is the truth, the whole truth and nothing but the truth so help you God.

Joey Taylor-I do.

Zoning/Code Enforcement Officer Bryan Martin-I do.

Bryan Martin-Good afternoon, before you is a Special Use Request SU #051613-8972. This is a special use request by Mr. Randy English to construct a 1225 sq. ft. accessory use building under agenda item #3-A. The property is owned by Mr. English and a color copy of the site plan has been distributed. The adjacent property owners within 100 ft. of Mr. English have been notified in writing. There have been no objections from the surrounding property owners; however, one property owner had a question about the nature of the accessory use building and they were satisfied with the answer. The accessory building will be brick and the property has been posted with signage. The one thing I want to remind you of in approving a 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.

As a point of emphasis, the use meets all the technical requirements and specifications of the zoning ordinance.

Mayor Campbell-Any questions for Bryan or Mr. Joey Taylor? No questions? Okay...we'll be voting on this in a few minutes then. Thank you so much and at this time I will close this public hearing.

Item #4: FY 2013-14 Proposed Budget

Mayor Campbell stated that the Town Manager had previously given a general overview of the annual budget. Mayor Campbell stated that a special called meeting has been scheduled for Monday, June 10th; therefore, if Council wishes to delay approving the proposed budget, this will enlighten Council on additional issues that remain. A motion was made by Mayor Pro Tem Rufus Lloyd and seconded by Council Member Ray Allen to table until Monday, June 10th (Unanimous).

Item #5: Declare Surplus Property and Authorize Sale to Private Party-Scrap Metal Meters from meter Replacement Project

Mayor Campbell stated that the Town's old water meters would be replaced and Public Services Director Pat DeVane wishes to declare old meters as surplus with the possibility of negotiating with interested parties the highest price available and to sell them through the private party method. Mayor Campbell recognized Mr. DeVane to present this matter further. Mr. DeVane stated that a new meter reading system would be installed in the Town of Elizabethtown; therefore, the old meters would no longer be used and it is hoped that Council will consider declaring surplus property by private sale on the old meters.

A motion was made by Council Member Ray Allen, and seconded by Council Member Herman Lewis to approve the request declaring surplus property by private sale (Unanimous). Copy of Resolution #R-13-10 attached and incorporated herein by reference.

Item #6: Special Use Permit Approval for Case #SU051613-8972

Mayor Campbell presented the request for approval on the special use permit as it pertains to SU #051613-8972 accessory building for Mr. Randy English. Mayor Campbell requested that Council consider specified actions regarding the presented special use permit application.

A motion was made by Council Member Paula Greene, and seconded by Mayor Pro Tem Rufus Lloyd to approve the special use permit as presented (Unanimous).

Item #7: Resolution (#R-13-11) Recognizing Kathy Page and (#R-13-12) recognizing Dorothy Peterson for their service to the Elizabethtown Planning Board

Mayor Campbell recognized and presented a framed resolution to retiring Planning Board Members Kathy Page and Dorothy Peterson. Mayor Campbell and Council Members conveyed their appreciation for the many years of service they gave to the Board.

The Resolutions were previously approved at the noon work session. Copy of the signed Resolutions are attached hereto and incorporated herein by reference.

Item #8: Citizen Request: Mr. Robert Edwards-to lower the Speed Limit on East Swanzy Street

Mayor Campbell stated that Mr. Robert Edwards submitted to staff, a citizen request in which a concern grows regarding the speed limit on East Swanzy Street in front of the New Jerusalem Holy Bible Church of God. Mayor Campbell recognized Mr. Edwards to speak regarding this matter.

Mr. Edwards conveyed to Council that vehicles speed up and down East Swanzy; however, the speed limit sign reflects a 35 mph speed zone when most streets in and around Elizabethtown that size

reflects a 20 mph speed limit sign. Mr. Edwards stated that a 35 mph speed limit sign is posted in front of the church but it was requested that this sign be moved 30 yards West.

Mayor Campbell thanked Mr. Edwards for his presentation and stated that this matter was discussed earlier at the noon work session in which Council agreed this matter needed some attention.

A motion was made by Council Member Ricky Leinwand, and seconded by Mayor Pro Tem Rufus Lloyd to change the speed limit to 25 mph and move the existing speed limit sign (Unanimous).

Item #9: Bid Award for Health, Dental and Vision Insurance for FY 2013-14

Mayor Campbell recognized Town Manager Eddie Madden to present the bids for Health Insurance. Mr. Madden stated that staff was instructed by Council to put the Health, Dental & Vision Insurance out for bid this year; therefore, Request for Proposals (RFP's) were sent out. The following RFP's were sent to:

- 1) CLC Financial
- 2) Lacy West-Thomas Insurance Agency
- 3) NC League of Municipalities

After viewing the bids as received from CLC Financial and Lacy West-Thomas, Council Member Dicky Glenn, and seconded by Council Member Ray Allen requested that all bids be rejected as they did not adhere to the RFP's specifications; therefore, a second RFP was requested with a bid opening date of Friday, June 7th (Unanimous).

Item #10: Update on Asset Management Plan by Mr. Jim Perry

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item. Mr. Madden stated that Mr. Jim Perry of the Lumber River Council of Government spoke at the noon work session and stated that in early March an Asset Management Planning Grant was submitted on behalf of the Town. Mr. Perry stated that the NC Rural Center pulled the application due to questions. Mr. Perry revised the application and provided paperwork for Council's approval. Council approved this agenda item in the noon meeting.

Item #11: Appointment to Town Advisory Boards/Commissions

Mayor Campbell stated that Council is requested to fill positions to boards as follows:

ABC Board-Reappoint Mr. Wayne Edge

A motion was made by Council Member Ricky Leinwand, and seconded by Mayor Pro Tem Rufus Lloyd to reappoint Mr. Wayne Edge to the ABC Board (Unanimous).

Airport Economic Development Commission-Reappoint Mr. Frederick Tate, Rich Glenn, Hayes Petteway and Mac Campbell

A motion was made by Council Member Ricky Leinwand, and seconded Mayor Pro Tem Rufus Lloyd to reappoint Mr. Tate, Mr. Glenn, Mr. Petteway and Mr. Campbell to the Airport Economic Development Commission (Unanimous).

Housing Authority-New Appointment- Mr. Luis Ayala-Leon (Fernando)

A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to appoint Mr. Luis Ayala-Leon to the Housing Authority Board (Unanimous).

Planning Board-New Appointment Ms. Patricia Jessup

A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to appoint Ms. Patricia Jessup to the Planning Board (Unanimous).

Mayor Campbell stated that another vacant seat exist on the Planning Board. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ray Allen to table appointment for second vacancy (Unanimous).

Item #12: Policy Update for the Bloodborne Pathogen Plan

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the Bloodborne Pathogen Plan. Mr. Madden stated that the Bloodborne Pathogen Plan is required by the NC Department of Labor (DOL) and the Town was asked to update the plan as part of the safety program.

A motion was made by Council Member Paula Greene, and seconded by Council Member Dicky Glenn to approve the Bloodborne Pathogen Plan as presented (Unanimous). Copy of Plan attached and incorporated herein by reference.

Item #13: Martha Midyette Sewer Matter

Mayor Campbell stated that Ms. Martha Midyette appeared before Council at the May meeting to convey her concerns for the septic tank that is located on her property. Mayor Campbell advised that Ms. Midyette has had concerns about her septic tank for several years and by her hooking onto the Town's sewage system it would be very costly but alleviate persistent problems. Public Services Director Pat DeVane has obtained an estimate in the amount of \$5,700 to connect Ms. Midyette to the Town's sewer system.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ray Allen to proceed with the connection (Unanimous).

Item #14: Two Hour Parking Update

Mayor Campbell recognized Mr. Eckie Lancaster, owner of the Corner Cafe' to approach Council and convey his concerns for the two hour parking matter.

Mr. Lancaster stated that in the summer time there are numerous folks that come to Elizabethtown and they cannot find a parking place and one of the problems pertains to the employees of various stores, restaurants etc occupying the spaces. Mr. Lancaster also mentioned that the courthouse employees will occupy parking spaces during the weekday which hampers parking for patrons visiting restaurants, stores, etc.

Mr. Lancaster stated that the summer months would soon be gone and he would like the situation fixed as soon as possible.

Mayor Campbell directed this matter to Town Attorney Goldston Womble.

Attorney Womble stated that Police Chief Bobby Kinlaw talked with Judge Jolly (District Court Judge) regarding this matter and he stated the two hour parking limit was not enforceable.

Council Member Ricky Leinwand stated that most of the problem with parking spaces is from the Hwy 701 or Poplar Street area. Councilman Leinwand stated that along Broad Street many of the store workers park behind the buildings and summer season does bring numerous people and vehicles into Elizabethtown. Councilman Leinwand requested that this information be relayed through the Chamber of Commerce, fellow merchants, County and the courthouse people to stop parking in the downtown area parking spaces.

Mayor and Council Members thanked Mr. Lancaster for speaking at the meeting and conveyed to him that Council would continue to work on this problem.

There was a consensus to take no action.

Item #15: Approve Purchase of and Donation by Mr. Richard Allen for property located on Swanzy Street

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item. Mr. Madden stated that the Town was given the opportunity to obtain property owned by Mr. Richard Allen of Fayetteville. The area in question is better known as the old concrete plant on Swanzy Street. In meeting with Mr. Allen the Town has reached an agreement to purchase the property; this property consists of two tracts; one the Town will purchase and the other Mr. Allen will donate to the Town. Mr. Allen did grant the Town permission to clean the property before closing, as he has been very cooperative and helpful.

As a part of it's inspection, the Town performed a Phase II environmental audit and installed test wells on the property. The environmental report came back clear.

A request to Council is to authorize purchase and donation of property owned by Mr. Allen on Swanzy Street.

Town Attorney requested that Council consider that one piece of property is a donation and the other is through purchasing in the amount of \$50,000. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to purchase property at 600 Swanzy Street for \$50,000 and the additional piece of property (900 Block) will be donated to the Town and the appraised price of \$88,000 (Unanimous).

Item #16: Downtown WWTP Collection System Rehabilitation and Replacement Project

Mayor Campbell stated that the Town's infrastructure is in need of rehabilitation and replacing, namely the sewer system. Mayor Campbell stated that grant money would cover half and the remainder would be paid with 0% interest.

Council Member Paula Greene requested that she be recused from this agenda item as there was a conflict of interest on her part.

Town Attorney Goldston Womble requested that the Town entertain a motion to allow Ms. Greene to be recused from this agenda item.

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis to recuse Ms. Greene from this agenda item (Unanimous).

A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Ray Allen to approve the Collection System Project and the W.K. Dickson Professional Services Agreement as

presented (Unanimous). Copy of the Professional Services Agreement is attached and incorporated herein by reference.

Item #17: Budget Amendments 2013-09

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding the Budget Amendment for June. The attached Budget Amendment #2013-09 was presented. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the Budget Amendment #2013-09 as presented (Unanimous). Copy of the Budget Amendment #2013-09 is attached hereto and incorporated herein by reference.

Item #18: Tax Releases

Mayor Campbell stated that Tax Collector Beverly Robinson submits the following tax release:

2012 Carter Contracting Inc.	0528821
Reason	Not in City Limits
Released Value	\$500,000.00
Personal Property	
Tax Released	\$3,075.00
Late List	307.50

Helicopter in Stanley County

Grand Total Releases	\$3,382.50
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A motion was made by Council Member Herman Lewis, and seconded by Mayor Pro Tem Rufus Lloyd to approve the tax releases as presented (Unanimous).

Item #19: Monthly Financial Report

Mayor Campbell recognized Finance Director Jan Lennon to answer any questions that Council may have, but none were noted. Copy of the monthly financial report is attached and incorporated herein by reference.

SUPPLEMENTAL

Item 19-A: Change Order #1-Fire Station Renovation Project

Mayor Campbell stated this agenda item is a supplemental regarding a change order for the Fire Department and Architect Terry Cox was recognized to present this matter concerning the change order. Mr. Cox stated that additional items needed to be added to the construction of the fire department in the amount of \$3,412.34 and this increases the contract amount to \$388,912.34.

A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Herman Lewis to approve the Change Order as presented (Unanimous). Copy of Change Order #1 is attached and incorporated herein by reference.

Item #20: "Briefly"

Mayor Campbell recognized Town Manager Eddie Madden to give a brief overview of upcoming events, they are as follows:

-Mr. Madden stated that the monthly performance status report from The Adams Company is attached for Council's review.

-NC Small Town Main Street meetings will resume in September for their monthly meetings.

-Chamber Banquet will take place on Tuesday, June 18th.

-Mr. Madden enlightened Council to the Town Employee's Wellness project in which the grand finale took place including 33 of our 45 employees. The "Biggest Loser" was Lt. Dwayne Cheshire in which he lost 26 lbs over the last year, plus several other employees lost weight, managed their blood pressure and met their BMI. Mr. Madden thanked the committee for a job well done and found that it was a very successful year for everyone involved.

-Mr. Madden advised that the Town closed on the Gore Property which is located on E. Swanzy Street.

-An update was given on the "old" sewing plant located on Cypress Street in which there has been one final approval for an environmental review. It is hoped in the upcoming weeks and months that activity will be taking place.

Item #21: Open Forum

Mayor Campbell opened the meeting up for anyone wishing to approach Council about questions or concerns.

Ms. Minnie Price announced that the first Military Charter School in North Carolina would open in August in the Town of Elizabethtown. Ms. Price stated that there are other Military Charter Schools in North Carolina but tuition is required if you attend.

Mayor Campbell asked how old you have to be to attend. Ms. Price stated that it starts at the 6th grade level and goes to 10th grade (this year) and then they will add the 11th grade the next year and 12th grade the year after.

Mayor Campbell asked for additional business, but none was noted; A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to adjourn (Unanimous).

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk