

TOWN OF ELIZABETHTOWN

Regular Meeting

June 6, 2011

The Elizabethtown Town Council met for their regular scheduled meeting on Monday, June 6, 2011 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, Ray Allen and Town Attorney Goldston Womble. Department Heads present included Public Services Director Pat DeVane, Police Chief Bobby Kinlaw, Finance Officer 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 to give the invocation.

Mayor Campbell presented the June 6, 2011 agenda for approval. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Charles DeVane, to include supplemental and approve the agenda as presented (Unanimous).

Item #1: Approval of Previous Minutes

Mayor Campbell presented to Council, the minutes of May 2, 2011 Work Session, May 2, 2011 Regular Session, and May 3, 2011 Public Informational Meeting (Proposed Annexation); May 9, 2011 Special Called Meeting, May 9, 2011 Closed Session and May 23, 2011 Special Called Meeting (Public Hearing - Proposed Annexation). 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: Ordinances for Annexation

Mayor Campbell recognized Town Manager Eddie Madden to present the Ordinances for Annexation on proposed properties in Elizabethtown. Mr. Madden stated that eight (8) of the proposed annexation areas are noted below:

Council Member Charles DeVane asked to recuse himself on Agenda Item #2-G (Area N) due to a conflict of interest. A motion was made by Council Member Herman Lewis, and seconded by Council Member Dicky Glenn to recuse Council Member DeVane from this agenda item concerning Area N (Unanimous).

Area A: Aviation Parkway (Industrial Park)

- Area B: Aviation Parkway (Industrial Park)
- Area C: Veterans Circle (Industrial Park)
- Area D: Ben Greene Industrial Park Road / Executive Drive
(Industrial Drive)
- Area F: Hwy 87 and Gibson Dairy Road
- Area J: Cromartie Road
- Area N:
- Area Q: Peanut Road

Mayor Campbell presented each proposed area separately for a motion.

Area A: Aviation Parkway-Motion to approve, Council Member Dicky Glenn and Council Member Herman Lewis (Unanimous)

Area B: Aviation Parkway-Motion to approve, Council Member Ricky Leinwand and Council Member Charles DeVane (Unanimous)

Area C: Veterans Circle-Motion to approve, Council Member Dicky Glenn and Mayor Pro Tem Rufus Lloyd (Unanimous)

Area D: Ben Greene Industrial Park-Motion to approve, Council Member Dicky Glenn and Council Member Charles DeVane (Unanimous)

Area F: Hwy 87 and Gibson Dairy Road-Motion not to approve Council Member Charles DeVane, and Council Member Ricky Leinwand (Unanimous)

Area J: Cromartie Road-Motion to approve Council Member Dicky Glenn and Council Member Herman Lewis;

Approve

Lewis

Lloyd

Leinwand

Glenn

Disapprove

Allen

DeVane

Council Member Charles DeVane asked to be recused from this agenda item concerning the proposed annexation of Area N. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to recuse Council Member DeVane from the portion of the agenda (Unanimous).

Area N: Motion to approve, Council Member Dicky Glenn, and Council Member Herman Lewis.

Approve	Disapprove
Lewis	Allen
Lloyd	Leinwand
Glenn	

Mayor Sylvia Campbell asked to be recused from this agenda item concerning the proposed annexation of Area Q. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to recuse Mayor Campbell from Area Q-Peanut Road.

Area Q: Peanut Road-Motion to approve, Council Member Dicky Glenn and Council Member Herman Lewis (Unanimous).

Attorney Womble advised the Council that the vote of approval for the annexation requires a 2/3 vote in the first reading. If less than 2/3 vote, then it requires a second reading which must take place at a separate meeting and can be approved by a simple majority at a subsequent meeting. Therefore, Area J was approved by a 2/3 vote, Area N did not receive the 2/3 vote that was required; a second reading will take place in a subsequent meeting.

Item #3: Public Hearing-FY 2011-2012 Proposed Budget

Mayor Campbell opened the public hearing for FY 2011-2012 Proposed Budget, Council was asked if there were any questions to present. Town Manager Eddie Madden stated that NC General Statute requires that a proposed budget and budget message be submitted to the governing body by

June 1st of each year. Mr. Madden reminded Council that proposed FY 2011-2012 budget was presented on May 9, 2011.

Mayor Campbell stated that no one had signed up to speak; therefore, the public hearing was closed.

Item #4: Public Hearing-Quasi Judicial Procedure-Special Use Permit Request by O'Reilly Auto Parts, Case #SU-0512111997, New Commercial Construction

Mayor Campbell opened the public hearing requesting that Deputy Clerk Sarah Baysden step forward to give the oath for those wishing to speak at the evening Quasi Judicial Procedure for a Special Use Permit requested by petitioner Charlie Hilton.

Deputy Clerk Baysden administered the oath for those signed in to speak on behalf of the special use request. Those sworn in included Mr. Joey Taylor, Mr. Charlie Hilton, Mr. Mike Jones and Bryan Martin (Zoning/Code Enforcement Officer). Do you solemnly swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth so help you God.

Mr. Charlie Hilton made a rebuttal.

Due to mechanical failure in the recording system, the Deputy Clerk was unable to transcribe verbatim.

Item #5: Public Hearing-Amendment to Code of Ordinances-Chapter 110: Privilege License Tax to include Gross Receipts

Mayor Campbell opened the public hearing for public comment for those signed in to speak on behalf of the privilege license tax to include gross receipts. Mayor Campbell stated that no one had signed in to speak; however, Town Manager Eddie Madden was asked to present this agenda item. Mr. Madden stated that privilege license fees are charges to businesses for the privilege of conducting business within the Town. In a previous Council meeting, Council discussed the possibility of changing the Code of Ordinances to allow the collection of certain privilege licenses by the "Gross Receipts" method. Mr. Madden advised that gross receipts under \$2,000,000 would pay the flat rate fee of \$25.00; however, if the gross receipts were over \$2,000,000 then the business would be charged based on their gross receipts. Mr. Madden reported that this Code of Ordinance amendment would establish the gross receipts method of privilege license fee computation for some miscellaneous businesses.

Mayor Campbell stated that no one had signed in to speak; therefore, the public hearing was closed.

Item #6: Public Hearing-Amendment to Code of Ordinances-Chapter 71. Stopping, Standing and Parking, Section 71.38 Parking in Cape Fear Farmer's Market Parking Lot

Mayor Campbell opened the public hearing for public comment for those signed in to speak on behalf of the amendment to code of ordinances-Chapter 71. No one had signed in to speak. Town Manager Eddie Madden stated that in the May Town Council meeting, Council gave approval to move forward with getting a Code of Ordinance amendment in place to regulate the parking at the Cape Fear Farmer's Market. It appeared that local businesses were allowing their employees to park at the farmer's market, which was presenting a problem. To avoid additional complications with this matter, a recommendation was made to place a time limit on parking. Mr. Madden advised that the amendment to the Code of Ordinances would state that " All vehicles using said parking spaces, except those used by vendors or employees of the market, will be limited to two consecutive hour's parking in a single space on any one occasion".

Mayor Campbell asked if there were further comments or questions from Council, but none were noted and no one had signed in to speak. The public hearing was closed.

Item #7: Ordinance to Adopt FY 2011-2012 Budget

Mayor Campbell stated that the Ordinance to Adopt FY 2011-2012 Budget was presented for Council's consideration. The following amounts are appropriated for the operation of the Town government and its activities for the new fiscal year.

General Fund Amount	\$4,018,245
Utility Fund Amount	\$2,186,167
Total Budget	\$6,204,412

A motion was made by Council Member Herman Lewis, and seconded by Mayor Pro Tem Rufus Lloyd to adopt the FY 2011-2012 Budget Ordinance as presented (Unanimous).

Item #8: Special Use Permit Request by Mr. Charlie Hilton, Case #SU0512111997, New Commercial Construction

Mayor Campbell recognized Planning/Code Enforcement Officer Bryan Martin to present the special use request.

Mr. Martin stated that a special use request was submitted by petitioner Charlie Hilton in which a auto parts center is wishing to locate at 1003 W. Broad Street. Mr. Martin stated that a unanimous approval vote was submitted by the Planning Committee to Council for their consideration. Mr. Martin requested that Council consider the following as with every special use request, whether this use as proposed will meet the criteria listed below:

that the use meets all required conditions and specifications;

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

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 requested that Council consider one of the following actions regarding the presented special use permit application:

1. Making a Motion to Approve as presented; or
2. Making a Motion to impose additional conditions as part of the permit approval process; or
3. Making a Motion to deny the permit and state the reasons for denial.

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Herman Lewis to approve the Special Use Request and impose additional conditions as part of the permit approval process (Unanimous).

Item #9: Code of Ordinance Amendment: Chapter 110: Privilege License Tax to include Gross Receipts

Mayor Campbell presented the Code of Ordinance Amendment for Councils consideration. A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Charles DeVane to approve the Code of Ordinance amendment for Privilege License Tax to include Gross Receipts as presented (Unanimous).

Item #10: Code of Ordinance Amendment: Chapter 71, Stopping, Standing and Parking, Section 71.38 - Parking in Cape Fear Farmer's Market Parking Lot

Mayor Campbell presented the Code of Ordinance Amendment for Council's consideration. A motion was made by Council Member Ray Allen, and seconded by Mayor Pro Tem Rufus Lloyd to approve the Code of Ordinance amendment for Chapter 71, Section 71.38 as presented (Unanimous).

Item #11: Presentation: Mr. Michael Ramey, Business Services Coordinator for Lumber River Work force

This item of business was rescheduled to the July meeting.

Item #12: Presentation: Mr. Lewis Smith - Request to Relocate the Battle of Elizabethtown Monument

Mayor Campbell recognized Mr. Lewis Smith, in which he requested to appear before Council regarding the Battle of Elizabethtown monument which will need a new location due to the downtown renovation project.

Mr. Smith stated that he would like to designate a new location for the Battle of Elizabethtown monument. Mr. Smith gave each Council Member a copy of the Elizabethtown Bicentennial book and copies of a newspaper article from several years ago recognizing the monument. Mr. Smith also made a request that a color guard be present on August 21st for a wreath-laying at the monument.

Mayor Campbell thanked Mr. Lewis for his presentation and his interest in the placement of the monument as well as the history of Elizabethtown.

Item #13: Presentation: Ms. Eileen Walsh, Division of Services for the Blind-Request to inform Council of her Idea of Ridesharing

This item of business was rescheduled to the July meeting.

Item #14: Tax Release

Mayor Campbell presented the tax release which was submitted by Tax Collector Beverly Robinson.

Reason Elderly Exemption

Value \$260.00

Real Property

Tax Released \$1.60

Grand Total Tax Released \$1.60

A motion was made by Council Member Dicky Glenn and seconded by Council Member Herman Lewis to approve the Tax Releases as presented in the amount of \$1.60 (Unanimous).

Item #15: Bid Award for Health Insurance Coverage

Mayor Campbell recognized Town Manager Eddie Madden to present the Bid Award for employe Health insurance coverage. Mr. Madden stated that in a previous Council meeting, direction was received to solicit bis for the Town's health insurance coverage. Currently, the health insurance coverage is with United Healthcare through Lacy-West Thomas Insurance Agency of Elizabethtown. Mr. Madden reported that RFP's were submitted to the Bladen Journal for advertisement and bids were received on May 24th. Mr. Madden advised that Lacy-West Insurance Agency submitted the lowest bid based on the RFP through United Healthcare; therefore, Council is requested to consider United Healthcare for Town employees health insurance.

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Charles DeVane to award bid to United Healthcare. Mayor asked for a show of hands in favor of awarding the health insurance coverage to United Healthcare, five (5) were in favor, one against. Motion carried to award employee insurance to United Healthcare.

Item #16: Professional Services Contracts-W.K. Dickson

Mayor Campbell recognized Town Manager Eddie Madden to present contracts from W.K. Dickson. Mr. Madden stated that two contracts for professional services were submitted by W.K. Dickson. The first contract is for an "On-Call" or Task Order Basis, second contract is "Task Order No. 1" for the water/Sewer Concept Plan provided for the Annexation process. Compensation for the work is in the amount of \$2,745.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ray Allen to approve WK Dickson contracts (Unanimous).

Item #17: Contracted Work for Downtown Project by CenturyLink

Mayor Campbell recognized Public Services Director Pat DeVane to present this agenda item regarding contract work for downtown project by CenturyLink. Mr. Madden stated that a change took place with the project coordinator for the Downtown project during the planning stage, such created an oversight of the additional work phase from Court Street to Cypress. The work included relocating existing aerial cables and converting the services to underground for a cost of \$18,252.44.

A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve the additional work (Unanimous).

Item #18: Outdoor "Movie Night" - On Grounds Behind Municipal Building

Mayor Campbell recognized Town Manager Eddie Madden to present "Movie Night" behind the Municipal Building. Mr. Madden stated that staff has requested the support and help of the City of Lumberton in which a movie outdoor's would be shown behind the Elizabethtown Municipal Building. The City of Lumberton is willing to bring their equipment to give a general idea of what is involved as well as expenses. It is hopeful that the movies will be shown in the fall of the year when the time changes. Mr. Madden stated that additional information would be forthcoming as a date was set.

Item #19: Request from First Bank-Remove Dogwood Tree in Town's right-of-Way

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding Dogwood Tree removal. Mr. Madden stated that the Manager of First Bank of Elizabethtown is concerned with the amount of Dogwood Trees that are placed in the right-of-way. Mr. Davis stated that the trees are blocking the digital clock on their freestanding sign which is situated in front of the bank. Mr. Davis submitted a letter to the Town stating that the dogwood trees reduce the visibility of the bank and seem to be a hindrance certain times of the year. Mr. Davis requested that the Town remove the Dogwood Trees and replace with two smaller type trees that have recently been planted downtown.

Council asked the Manager to work with First Bank on the matter but discouraged the removal of the trees.

Item #20: Appointments: ABC Board and Elizabethtown Housing Authority

Mayor Campbell stated that the following terms were expiring and are being presented in the evening meeting for consideration.

ABC Board - Mr. Glendell Robinson

Elizabethtown Housing Authority - Ms. Virgie McKiver

Mayor Campbell stated that she spoke with Mr. Robinson and Ms. McKiver regarding their expiring terms and they have agreed to serve an additional term.

A motion was made by Mayor Pro Tem Rufus Lloyd, and seconded by Council Member Dicky Glenn to reappoint Mr. Robinson and Ms. McKiver (Unanimous).

Item #21: "Briefiv"

Mayor Campbell recognized Town Manager Eddie Madden to give an update on upcoming events.

- Mr. Madden reminded Council that the Annual Chamber of Commerce Banquet is scheduled for Tuesday, June 21, 2011 at Lu Mil Vineyards with the program starting at 7pm.
- Mr. Madden reported that the Town is the recipient of a \$20,000 Bicycle and Pedestrian Planning Grant with a matching grant of \$5,000.
- A summer concert will take place behind the Elizabethtown Municipal Building on Thursday, June 23rd, this is being hosted by the Elizabethtown-White Lake Chamber of Commerce.
- A Special Called Meeting is scheduled for Monday, June 20th to consider final budget amendment for FY 2010-2011.
- First Due Firefighter Camp will take place from June 20th thru July 1st at the Fire Department.
- Mr. Madden reported that July 4th falls on Town Council's Regular Meeting; therefore, it has been moved to Monday, July 11th.

Item #22: Open Forum

Mayor Campbell stated that at this point of the meeting open forum is presented for anyone with comments, questions or concerns, but none were noted.

Item #23: Closed Session

Mayor Campbell requested that Council 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 in accordance to NCGS 143-3168.11(a)(3) Attorney-Client Privilege (Unanimous).

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

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk