

TOWN OF ELIZABETHTOWN

Scheduled Meeting

March 3, 2014

The Elizabethtown Town Council met for their regular meeting on March 3, 2014 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, Dr. Darrell Page and Town Attorney Goldston Womble. Department Heads present included Police Chief Bobby Kinlaw, Public Services Director Pat DeVane, Interim Finance Director Jay Leatherman, Fire Chief Byron Graham, Zoning/Code Enforcement Officer Bryan Martin and Town Manager Eddie Madden.

Item #1: Opening and Call to Order

Mayor Campbell stated that due to inclement weather, the Paul R. Brown Leadership Academy Color Guard, would not be presenting the Pledge of Allegiance. Also, during the noon meeting, the agenda was reduced as much as possible to prevent citizens and staff from being caught in the impending ice storm.

Mayor Campbell called upon Mayor Pro Tem Rufus Lloyd to give the invocation.

Item #2: Approval of Previous Minutes

Mayor Campbell reported that February 3, 2014 minutes were presented in the noon work session and unanimously approved.

Item #3: Public Hearing-Quasi-Judicial: Special Use Request by GHK Development for Construction of a New Commercial Building at 403 S. Poplar Street

Mayor Campbell recognized Zoning/Code Enforcement Officer Bryan Martin to present this Public Hearing which is considered Quasi-Judicial; therefore, anyone wishing to speak will be sworn in by Deputy Clerk Sarah Baysden. Mayor Campbell opened the public hearing on a special use request as submitted by GHK Development for construction of a new commercial building at 403 S. Poplar Street.

Deputy Clerk: Do you declare that the testimony that you are about to give is the truth the whole truth and nothing but the truth so help you God?

Bryan Martin: I do. Before you, you have a special use request SU011414-0217, this is for a new construction for Walgreens at 403 South Poplar Street. On February 3, 2014 the Elizabethtown Planning Board met on the special use request and they forwarded a favorable recommendation for approval. In your packet are several items which includes site plan, elevations, computer generated rendering of the building. The site plan does include landscaping, on the landscaping all specifications have been met; however, we have worked with the developer on the site plan, elevation is at the average high. The special use request has been advertised in the "Bladen Journal" for two consecutive weeks; property owners have received notification of the special use. Additionally, the property has been posted. Town Council is reminded that there are four issues that must be met, and those 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.

Are there any questions.

Mayor Campbell: If not, no one has signed up to speak on that, so I will close that public hearing.

Item #4: Public Hearing-Quasi-Judicial: Special Use Permit Request by Howard Odom for Construction of Accessory Use Building at 2505 Third Avenue

Mayor Campbell opened the public hearing and reminded Council that this agenda item is Quasi-Judicial; therefore, anyone that has signed up to speak will need to be sworn in. The first one to speak is citizen David Beyer.

Mr. David Beyer: I do not wish to speak.

Mayor Campbell: Okay.

Zoning/Code Enforcement Officer Bryan Martin: Before you is a special use application SU012714-8434 as submitted by Mr. Howard Odom to build a special use building at 2505 Third Avenue. The building is 925 sq. ft. anything 750 sq. ft. or less does not require a special use. The Planning Board met on February 3, 2014 to view the application on the special use and a favorable recommendation for approval was given. Under Item #4-B you will see a computer generated rendering of the proposed building. All specifications have been met as it pertains to set backs. Are there any questions or comments at this time.

Council Member Dicky Glenn: The Planning Board Committee approved it, were they given a better set of plans, more than just a drawing.

Bryan Martin: No sir, we were just given the rendering drawing which was turned in with their application and with a special use application, the actual design of what the exterior looks like has to go to what is being presented.

Councilman Glenn: It will be 925 sq. ft. including the porches?

Bryan Martin: Its just the enclosed areas.

Councilman Glenn: Enclosed areas only?

Bryan Martin: Yes.

Councilman Herman Lewis: And this building is being used as what now?

Bryan Martin: They asked for a pool house.

Councilman Ricky Leinwand: Bryan, it has to be used by that specific, it has to be used as a pool house.

Bryan Martin: Yes as per the application.

Councilman Leinwand: Can it ever be changed to something else?

Bryan Martin: It depends, storage; yes sir because storage is a general usage but certain items will have to come before the board for special use for actual use of the building.

Councilman Glenn: So you don't know if it has a kitchen or bedroom in it...bathroom?

Bryan Martin: No sir.

Councilman Glenn: When I think of a pool house, I think of a place to change clothes and a bathroom, it's a really nice pool house.

Bryan Martin: However, if the board needs to place additional conditions on a special use, they can.

Councilman Lewis: I think it would be nice if we had a general floor plan of what is going to be in it, you know...bathrooms whatever.

Mayor Pro Tem Rufus Lloyd: Well I would assume that it would have a bathroom in it.

Council Member Paula Greene: Is this two stories, because I am looking at the drawing and it looks like it has a second floor.

Bryan Martin: It is a false front.

Councilman Leinwand: Is Mr. Odom here?

Bryan Martin: No he isn't.

Mayor Campbell: We have 30 days, as I was told by our Manager, to act on this. It can be tabled when we come up for the vote. Mayor Campbell stated that no one else has signed up to speak so at this time, she closed the Public Hearing.

Item #5: Public Hearing; Zoning Map Amendment Request by St. James Fire Baptized Holiness Church to Rezone Parcel 1311.10.46.5029 from R12M Medium Density Residential and Manufactured Home Park to C1 General Commercial, Rezoning case number RZ012314-5029

Mayor Campbell opened the public hearing and recognized Zoning/Code Enforcement Officer Bryan Martin to present this agenda item regarding a zoning map amendment. Mr. Martin stated that the St. James Fire Baptized Holiness Church submitted a request to rezone parcel 1311.10.46.5029 located at Martin Luther King, Jr. Drive from R12M to C1. Mr. Martin stated that this request was presented to the Planning Board on February 3, 2014 in which they forwarded a favorable recommendation to rezone the property. This rezoning was duly advertised in the "Bladen Journal" and the adjacent property owners within 100 ft of the proposed rezoning were notified by letters. As a side note, pursuant to Elizabethtown Zoning Ordinance Article 12, Section 3.3(B) in deciding whether to adopt a proposed amendment, the central issue before the Board shall be whether or not the proposed changes advances the public health, safety or welfare.

Mr. Martin asked for questions or comments, but none were noted.

Mayor Campbell stated that Ms. Rita Thompson signed up to speak at the Public Hearing; however, she refrained from speaking.

Rev. Thompson stated that he lives at 503 Elizabethtown Road and he stated that he is the pastor of the St. James Fire Baptized Holiness Church and he advised that he wanted to renovate the building in question and operate it as a store.

Mayor Campbell asked for questions.

Council Member Herman Lewis asked if that was the sole and intended purpose, was to operate as a store. Rev. Thompson responded yes.

Mayor Campbell stated the next person that signed up was Mr. Charlie Cromartie. Mr. Cromartie refrained from speaking.

Mayor Campbell stated that Ms. Betty Tolliver signed up to speak; however, she refrained from speaking as well.

Item #6: 2nd Public Hearing: 2013 CDBG Infrastructure Grant-To Replace Water Supply Well on East Swanzy Street

Mayor Campbell opened the second public hearing and recognized Town Manager Eddie Madden to present the 2nd public hearing for the 2013 CDBG Infrastructure Grant.

Mr. Madden stated that the NC Dept of Commerce announced available funding for water infrastructure and sewer infrastructure and the Town is proposing to the Town Council that the application be considered for approval for the replacement of Well #1 on East Swanzy Street. The proposed location for a new well is on the Gore Property which is located on Rollins Street. Mr. Madden conveyed to Council that two wells in Elizabethtown are not working or operating on the minimal and by replacing Well #1, it will put the Town's water infrastructure system in the best condition and the best supply of water that has been available in 20 years. Mr. Madden reminded Council that this public hearing is required by the NC Dept. of Commerce, whereas the first Public Hearing was held in November and this second Public Hearing will be the second of two required public hearings for this grant application process. Mr. Madden requested that Council consider approving the resolution in authorizing the application, which will be considered under agenda item #15.

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

Item #7: Special Use Permit Request by GHK Developments, Inc. Special Use Permit SU011414-0217, New Construction-Pharmacy

Mayor Campbell presented the Special Use Permit request from GHK Developments, Inc. for approval. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Dicky Glenn to approve the Special Use Request; specifically noting the requirements in Article 5, Section 5.3.2.C which are listed as:

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;

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 plans 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.

The motion was made and carried a unanimous approval.

Item #8: Special Use Permit Request by Howard Franklin Odom., Special Use Permit SU012714-8434, Accessory Use Building

Mayor Campbell presented the Special Use Permit Request by Howard Franklin Odom and a motion was requested. A motion was made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd to table this agenda item (Unanimous).

Mr. Madden reminded Council that they have 30 days to act on this application and the next scheduled Town Council meeting is April 7th which is past 30 days. Mayor Campbell requested that this matter be presented at the Town's annual retreat which is scheduled for March 18th.

Item #9: Zoning Map Amendment Request by St. James Fire Baptized Holiness Church to rezone Parcel 1311.10.46.5029 from R12M to C1, RZ0123145029

Mayor Campbell presented this agenda item regarding a rezoning application by the St. James Fire Baptized Holiness Church. A motion was made by Council Member Ricky Leinwand to approve the rezoning request by the St. James Fire Baptized Holiness Church and that the following zoning map amendment is inconsistent with the objectives and policies in the adopted Land Use and Strategic Plans; however, the zoning map amendment is reasonable and in the public interest at this time, this was seconded by Council Member Herman Lewis (Unanimous).

Item #10: Proclamation-2014 Multiple Sclerosis Awareness Week-March 3-9, 2014

Mayor Campbell stated that this agenda item was approved in the noon work session.

Item #11: Citizen Request: Mrs. Marsha White-Sprinkler Account Dispute-Excessive Bill for Meter at 2181 Third Avenue

Mayor Campbell stated that Mrs. Marsha White withdrew her citizen request to appear before Town Council; therefore, she will not appear as originally requested.

Item #12: Bid Award for the Replacement of Well #3

Mayor Campbell stated that this agenda item was approved in the noon work session.

Item #13: Chestnut Lane Matter

This matter was discussed and direction provided in the noon work session.

Item #14: Gum Street Speed Bump Request

Mayor Campbell stated this agenda item was presented in the noon work session.

Item #15: 2013 CDBG Infrastructure Grant Approval

Mayor Campbell presented the 2013 CDBG Infrastructure Grant for approval. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Paula Greene to approve the submission of CDBG Infrastructure grant application and this will reference resolution #R-14-05 (Unanimous). Copy attached and incorporated herein by reference.

Item #16: Utility Account Releases

Mayor Campbell stated this agenda item was presented in the noon work session.

Item #17: Budget Amendment No. 2014-08

Mayor Campbell stated this agenda item was presented in the noon work session.

Item #18: Monthly Financial Report

Mayor Campbell stated this agenda item was presented in the noon work session.

Item #19: "Briefly"

Mayor Campbell recognized Town Manager Eddie Madden to present upcoming events. Mr. Madden stated that new employee, Interim Finance Director Jay Leatherman was introduced to Council during the noon work session. Mr. Madden and Town Council welcomed Mr. Leatherman again and thanked him for moving into this position so quickly. Mr. Madden presented the following upcoming events and attachments, they are as listed;

- Small Town Main Street Conference Monday, March 31st through Tuesday, April 1st.
- Council's Annual Retreat at White Lake Town Hall on Tuesday, March 18th.
- Monthly Performance Status Report as submitted by The Adams Company
- Letter from the Bladen County Association of Teacher Assistance
- Meeting minutes are attached from the January 14, 2014 Airport Commission's meeting.
- On March 28th a Gang Awareness meeting will take place at 7:30 am at the Powell Melvin Building

Item #20: Open Forum

Mayor Campbell opened the meeting to open forum for anyone wishing to speak, but no one responded.

Item #21: Closed Session

Council did not hold a Closed Session.

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

Sylvia Campbell, Mayor

ATTEST:

Sarah L. Baysden, Deputy Town Clerk