

## TOWN OF ELIZABETHTOWN

### Scheduled Meeting

October 3, 2011

The Elizabethtown Town Council met for their re-scheduled meeting on Monday, September 12, 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, Herman Lewis, Dicky Glenn, Ricky Leinwand, Charles DeVane, Ray Allen and Town Attorney Goldston Womble. Department Heads present included Public Services Director Pat DeVane, Police Chief Bobby Kinlaw, Finance Director 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 recognized Ms. Gigi Mitchell who is the Community Outreach Coordinator for Congressman Mike McIntyre's office, in which she attended the Council meeting to meet Council Members and introduce herself. Mayor Campbell thanked Ms. Mitchell for attending the meeting and invited her back for future meetings.

Mayor Campbell presented the October 3, 2011 agenda for approval. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand to approve the agenda as presented.

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

Mayor Campbell presented to Council, the minutes of September 12, 2011 Regular Work Session, September 12, 2011 Regular Meeting, September 12, 2011 Closed Session. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Ricky Leinwand, to approve the minutes as presented (Unanimous).

#### Item #2: Resolution #R-11-15- Halloween

Mayor Campbell presented Resolution #R-11-15 to regulate Halloween hours for trick-or-treating which will begin on October 31st from 5pm to 9pm. A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Charles DeVane to approve the attached Resolution as presented (Unanimous).

Item #3: Resolution #R-11-16- Authorization for W.K. Dickson to Submit Planning Grant Application for Well System Evaluation and Preliminary Engineering Report

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item concerning an application that will be submitted for a Well System Evaluation and Preliminary Engineering Report.

Mr. Madden stated that a report was received from Charles R. Underwood, Inc. regarding a summary of the condition of each of the Town's 5 wells that provides water to the citizens of Elizabethtown. In looking ahead for the future, it appears that Elizabethtown will need to site 1 to 2 additional wells, this matter was discussed in the March retreat and it was agreed to set funds aside to help secure future property for this purpose. It is requested by staff and by the engineering firm, W.K. Dickson, to use those funds to secure a planning grant through NC Department of Environmental Natural Resources (NC DENR) to assist the Town in locating sites and drill to determine the actual capacity of the availability of water. Mr. Madden stated this would be the first step in the process of securing the grant, to locate and fund, a future well site that would be used for many years to come. The grant consist of \$40,000 with a local match of \$40,000 for a total of \$80,000.

Mayor Campbell agreed that plans needed to be in place now to be prepared for the future of Elizabethtown and the drinking water for citizens. Mayor Campbell asked for questions or comments, but none were noted.

A motion was made by Council Member Ricky Leinwand, and seconded by Council Member Herman Lewis to approve the attached Resolution (Unanimous).

Item #4: FY 2011-2012 - Budget Amendment - #2012-03

Mayor Campbell recognized Town Manager Eddie Madden to report on this agenda item regarding a budget amendment.

Mr. Madden stated that three items on the budget amendment would need to be considered for approval, it includes the following:

Expenditures

-Banners, Snowflake Decoration	\$20,577.77
-Police Dept. Grant	\$13,050.00
-Fire Dept. Renovation Project	\$16,577.84
Total	\$50,205.61

Revenues

General Fund Balance	\$40,418.11
Police Dept. Grant	\$ 9,787.50
Total	\$50,205.61

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 #5: Change Orders #6, #7 and #8 for Farmer's Market Project

Mayor Campbell recognized Town Manager Eddie Madden to expound on the change orders that were previously submitted in the September meeting for the farmer's market..

Mr. Madden stated that this agenda item was previously discussed in September due to Council's concerns on the contract period and allowances for each of the change orders. The following change orders were submitted;

-Change Order #6 in the amount of \$2,465 - Install Fiber Optic Cable from Broad St. & MLK St. This change order adds 4 days to the contract period.

-Change Order #7 in the amount of \$11,505 - Install sinks for Tenant "A" and Tenant "B" and add water line for drink machine. This change order adds 9 days to the contract period.

-Change Order #8 in the amount of \$4,430 -Sitework Changes-added Conduit for Cable & Telephone, added 1" water line and abandoned line and additional patching required for electrical. This change order adds 6 days to the contract period.

Mayor Campbell asked for questions and/or comments, but none were noted. A motion was made by Council Member Dicky Glenn, and seconded by Council Member Herman Lewis to approve Change Order #7 and #8, do not approve Change Order #6, also change the number of days from 19 to 9 contract periods (Unanimous).

Item #6: Additional Fee for Architectural & Engineering Professional Services - Cape Fear Farmer's Market Project

Mayor Campbell recognized Town Manager Eddie Madden to report on this agenda item regarding additional fee's for architectural & engineering services for the Cape Fear Farmer's Market.

Mr. Madden stated that these request were submitted by architect Terry Cox and David Hollis of W.K. Dickson Engineering Company in which fees were established for construction; additionally, these were through the expected completion date. Mr. Madden reported that this project has exceeded the completion date by 90 days; therefore, the architect and engineer have requested that their fee's be increased to a combined total of \$9,368.50. Mr. Madden advised that both the architect and engineer have helped the Town through the process of the construction, meeting with the contractor, tenants, County Building Inspections and Health Department to see this project to the very end, but it has caused additional cost.

Council Member Ricky Leinwand asked where the money would come from to pay the architect and engineer. Mr. Madden stated that money would come from USDA funds (project that was established).

Mayor Campbell asked where the Town stood as far as expense at this point. Mr. Madden stated that the Town is under budgeted at this time. Mr. Madden pointed out that the project ordinance that was established, in order to maximize the amount of available grant funds to USDA, project ordinance was \$1.7 million.

A motion was made by Council Member Dicky Glenn, and seconded by Charles DeVane to approve the payment but recover our damages in the amount of \$9,368 from the contractor because we would not have to be paying this amount if the contractor had finished appropriately (Unanimous).

Mr. Madden reiterated that the project is 90 days past the initial completion date; however, through the change orders #1 - #8 the contractor is being given credit for 28 days for additional work that was leaving 60 days to assessed to the contractor.. The liquidated damages accumulate to about \$6,100.

Item #7: Change Order No. 9 and Certificate of Substantial Completion - Downtown Project

Mayor Campbell recognized Town Manager Eddie Madden to report on the Downtown Project Change Order No. 9.

Mr. Madden stated that Mr. Tom Goodwin of Hobbs & Upchurch was asked to appear before Council this evening to explain this particular and critical part of the project, Mr. Goodwin was unable to

appear in the evening meeting; therefore, Mr. Madden requested that Council hear from Mr. Goodwin at another meeting time.

A motion was made by Council Member Charles DeVane, and seconded by Council Member Herman Lewis to table this agenda item until Mr. Goodwin is available to attend a future Council meeting (Unanimous).

Item #8: Acceptance of Proposals for the CDBG Grant for Administrative Services and Engineering/Inspection Services - Tall Oaks Independent Living for Seniors

Mayor Campbell recognized Town Manager Eddie Madden to present this agenda item regarding acceptance proposals for the CDBG grant. Mr. Madden stated that the Town sent out RFQ's for Administrative and Engineering Services for the Tall Oaks Project CDBG program; three (3) RFQ's were received. They are as follows:

Administrative Services	Engineering/Inspections Services
-The Adams Company	The Adams Company
-Koonce, Noble Associates	Koonce, Noble Associates
-RSM Harris	McDavid & Associates

Mr. Madden stated that The Adams Company scored the most potential points for each of the two programs; therefore, it is staffs recommendation to approve The Adams Company for both Administrative and Engineering/Inspections Services.

A motion was made by Council Member Ricky Leinwand, and seconded by Mayor Pro Tem Rufus Lloyd to approve The Adams Company for the specific services mentioned (Unanimous).

Item #9: Resolutions/Ordinances/Agreements for CDBG Project for Tall Oaks Independent Living for Seniors

Mayor Campbell stated that documents would be submitted for authorization to the Town of Elizabethtown by The Adams Company for the Tall Oaks Independent Living for Seniors CDBG grant.

A motion was made by Council Member Dicky Glenn, and seconded by Herman Lewis to approve the authorizing of signing the Resolutions/Ordinances/Agreements for the CDBG Project (Unanimous).

Item #10: Lifting Water Shortage and Conservation Ordinance - Phase I

Mayor Campbell stated that previously the Council Members approved the implementation of Phase I of the water shortage and conservation ordinance; however, rainfall has been plentiful in the past couple of months and Phase I of the water shortage could be lifted. Mayor Campbell stated that it was requested by Public Services Director Pat DeVane to leave Phase I intact for another month due to the county being in a moderate drought status and to wait 30 additional days.

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

Item #11: "Briefly"

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

-Mr. Madden stated that a new employee was recently hired to work at the Town's Waste Water Treatment Plant, Mr. Terry Wayne Smith.

-Luncheon for Chamber of Commerce, Tuesday, October 11th at 12:00.

-Attached are the Fire Department's Report of Calls

-October 20th , Lumber River Council of Government Annual Dinner in Pembroke, NC

-October 11th Employee Town Meeting from 9:30 to 11:00, 401 K Representative Clay Thompson will update employees on their 401k plan as well as answer any questions. United Healthcare representatives would be attending to update employees on their insurance as well as answer questions, a wellness program would be introduced for the employees to hopefully take part in.

-Nov 8th Arbitration with ECON will take place in Raleigh.

-Nov 14th Annexation Lawsuit matter will take place in the Bladen County Superior Court.

Item #12: Open Forum

Mayor Campbell opened this portion of the meeting for anyone wishing to address Council on concerns or issues regarding the Town of Elizabethtown. There was no response from anyone attending; therefore, open forum was closed.

Item #13: Closed Session

Mayor Campbell requested that Council 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 and NCGS 143-318.11(a)(5) Real Estate (King Street) and (Neal Property) (Unanimous).

No action was taken in closed session; therefore, Mayor Campbell adjourned with a motion made by Council Member Dicky Glenn, and seconded by Mayor Pro Tem Rufus Lloyd (Unanimous)

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Sylvia Campbell, Mayor

ATTEST:

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Sarah L. Baysden, Deputy Town Clerk