

**CHADBOURN TOWN COUNCIL
TOWN OF CHADBOURN
REGULAR MEETING
TUESDAY, NOVEMBER 9, 2010**

Mayor Kenneth Waddell called the meeting to order at 7:02 p.m. Council members present were; Fax Rector, Rashad Roberts, Brian Edwards, and Donald Ray Bass. Others present were; Town Manager Stevie Cox; Town Attorney Harold Pope; Acting Town Clerk Linda Gaddy; Captain Robert Mumblow; and Public Works Director Michael Foss. Councilman Phillip Honeycutt arrived at the meeting at 7:05 p.m. Councilman Roberts gave the invocation and Mayor Waddell led the Pledge of Allegiance.

Mayor Waddell asked that everyone remember the Fowler family and thanked the Police and everyone involved in helping to solve the homicide of Mrs. Bonnie Fowler.

1. Approval of the Agenda. A motion was made by Councilman Edwards to approve the agenda. Councilman Rector seconded the motion. The motion passed by a vote of 4-0.
2. Approval of Minutes of the Regular Meeting of October 5, 2010. A motion was made by Councilman Rector to approve the minutes as written. Councilman Roberts seconded the motion and the motion passed by unanimous vote.
3. Consent Agenda. A motion was made by Councilman Roberts to approve the consent agenda items as a whole. Councilman Edwards seconded the motion and the motion passed by unanimous vote. A list of the consent agenda items follows:
 - 1) **Release of 2010 Taxes for Charles D. and Pauline Joyner.** Staff is requesting that the Town Council approve the release of 2010 taxes for Charles D. and Pauline Joyner.
 - 2) **Release of 2009 and 2010 Taxes for AgTec Services.** Staff is requesting that the Town Council approve the release of 2009 and 2010 taxes for AgTec Services that closed in July 2008.
 - 3) **Release of 2010 Taxes for Riders Restaurant.** Staff is requesting that the Town Council approve the release of 2010 taxes for Riders Restaurant that closed in December 2009.
 - 4) **Approval of the Language Access Plan – Case No.: TO-10-10.** Staff is requesting that the Town Council approve the Language Access Plan (LAP). The Language Access Plan is a requirement to receive state and federal grant funds.
 - 5) **Approval of the Water Shortage Response Plan and Resolution – Case No.: TO-11-10.** Staff is requesting that the Town Council approve the Water Shortage Response Plan (WSRP) and Resolution. The North Carolina Department of Environment and Natural Resources – Division of Water Resources requires that all municipalities adopt a plan to address future water shortage problems.
 - 6) **Appointment of the Columbus County Athletic Board.** Staff is requesting that the Town Council reappoint Mayor Pro Tem Fax Rector to the Columbus County Athletic Board for another term.

At this point in the meeting, Chief Shaw entered and updated Council on the tragic homicide of Bonnie Fowler that had taken place in Berry Court. Chief Shaw stated that the suspects in this case had been arrested in Baltimore, Maryland.

4. **Public Hearing: Case No.: RZ-05-10 – Rezoning of 322 South Brown Street from R-7 – Residential 7 (7,000 Square Feet) District to B-2 – Business 2 (Highway Service Business) District.** Mayor Waddell opened the public hearing at 7:10 p.m. Mr. Richard Wright, Attorney for Mr. Kalee Masaid, stated that he was in favor of the rezoning request. Russell Gause asked if this was going to be a liquor store. After a brief discussion, and no further comments from the public, Mayor Waddell closed the public hearing at 7:12 p.m.
5. **Case No.: RZ-05-10 – Rezoning of 322 South Brown Street from R-7 – Residential 7 (7,000 Square Feet) District to B-2 – Business 2 (Highway Service Business) District.** Councilman Edwards asked to be excused from the vote because he and Mr. Masaid had an ongoing business relationship. Mayor Waddell excused Councilman Edwards from the vote. Councilman Roberts made a motion to approve the rezoning request. Councilman Honeycutt seconded the motion. Councilman Rector requested that Staff pursue updating the zoning maps for this area so that it would be zoned correctly. Staff stated that this would have to come before the Planning Board, all of the property owners would need to be notified, and a public hearing held before this could be achieved. Mayor Waddell requested that Staff provide a map of all the properties that would need to be rezoned. With no further discussion, the motion passed by a vote of 4-0 with Councilman Edwards being excused from the vote.
6. **An Update on the CDBG Concentrated Needs Grant Project.** Mrs. Tammy Jones with the Adams Company gave an update on the project. Mrs. Jones stated that one replacement house had already been completed; a second replacement house was under construction; and a third house was presently being rehabilitated. Mrs. Jones stated that all of the housing activities going on right now should be completed by early spring. Mrs. Jones stated that the infrastructure portion had been bid out and awarded to T & H Construction. This portion of the project will commence by January 2011.
7. **Underground Utilities and Street Lamps for 1st Avenue.** Mr. Steve Herring with Progress Energy stated that at the April 2010 Town Council meeting, the Board approved the deposit cost which was \$1,800. Mr. Herring stated that as of date, the project was on hold, because the deposit had not been received. Mr. Herring stated that the \$1,800 would cover the engineering design of the property. Mr. Herring stated that if the project proceeds, the \$1,800 would be refunded or go towards the total cost of the project; but, if the project does not go forward, the \$1,800 would be unrefundable. Mayor Waddell instructed Town Manager Cox to have a check written, so the project could move forward.
8. **Update on Public Works Project.** Mike Foss gave Council an update on the catch basins and what has been done to help keep them cleaned out. Mayor Waddell suggested

that Mr. Foss take pictures of the catch basins and number the pictures as the basins are cleaned, just in case anyone should ever have a question as to when they were cleaned. Mr. Foss explained that the smoke tests were performed by the engineers to see if the new sewer lines were installed correctly and the man holes were sealed. Mayor Waddell asked about the progress being made behind BB&T Bank. Mr. Foss stated that Clint Ward had just finished cutting the ditch bank today, and they would be moving forward with more work on Wednesday or Thursday. Council discussed the cost of buying a new excavator as opposed to constantly renting one at a cost of \$2,500 a month. Mr. Foss updated Council on the Engineering proposal on Grist Road to remedy the very low water pressure in the area which supplied water to three businesses. Mr. Foss stated that the cost would be from \$90,000 to \$100,000. After a lengthy discussion, Council requested that Mr. Foss explore the option offered by Councilman Edwards to install a bladder tent to address this problem.

9. **United Health Care Agency.** Yvette Huins is requesting that the Town Council revoke Jackie and David Whitehead's business license to operate United Home Care Agency. This item was tabled at the October 2010 Town Council meeting. Town Attorney Butch Pope stated that it did not sound like Ms. Huins had a valid reason to have the Town revoke this business license. Mr. Pope stated that according to the Town's Business Regulations, the only two reasons that a Tax Collector can refuse to grant a business license or to revoke a license are: The business misrepresents a fact relevant to the amount of taxes due or its qualifications for a license; or the applicant refuses to provide information necessary to compute the amount of taxes due. Mayor Waddell instructed Town Attorney Pope to send a letter to United Health Care letting the business know that there were complaints being filed against the business and about law enforcement having to be called to the business so often.

10. **Public Comments:**

Mrs. Mary Flowers referred to Item #12. Mrs. Flowers asked did the cleaning of ditches and catch basins include Chappin Street. Councilman Roberts said yes.

Edwin Roberts asked if the law is called to a business three times in a month, could something be put in the Ordinance to address this. Councilman Edwards advised that businesses pay taxes for police protection and service. Councilman Edwards stated that some Towns have a false alarm system. After so many calls, the business is charged a service charge. Mayor Waddell said that might be something that the Town could look into. With no further comments, Mayor Waddell closed the public comments.

Other Items:

Junk Cars – Councilman Honeycutt asked Code Enforcement Officer Mumbrow a question pertaining to what is considered a junk car. After a lengthy discussion, Chief Shaw stated that he would scan a copy of the Code Ordinance pertaining to junk cars and email it to Mr. Cox so he could forward the regulations governing junk cars to Council.

Carolina Auto on East Strawberry Blvd was brought up with reference to junk vehicles being left on the lot. They had received three letters prior to this Council meeting. The Town's Code Enforcement Officer is handling the Ordinance violation at this time.

Announcements:

Mr. Cox stated that Town Hall would be closed on November 11, 2010 for Veterans Day, and December 4, 2010 would be the day of the Christmas Parade. Mr. Cox further stated that on the day of the parade, the Community Development Corporation would have a chicken bog to help raise money for "Our Park". Councilman Edwards stated that he had tickets for the chicken bog for anyone who wanted a ticket or wanted to help sell tickets.

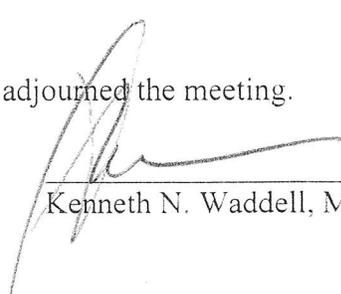
Mayor Waddell stated that there was about \$20,000 still owing on "Our Park". Mayor Waddell stated that we did get some help and donations to do the pavilion, and the nice red roof on the pavilion was compliments of Spivey Roofing. Mayor Waddell stated that they did some work on the Senior Center and had received a nice thank you note about taking the fireplace down. Mayor Waddell stated that he had received a notice from DOT where we were trying to get a sign put on the highway to recognize the fact that we have the Depot. Mayor Waddell stated that the Intergovernmental Council Meeting will be on November 22, at 7:00 p.m.

Finally, Mayor Waddell encouraged everyone to keep the murder victim, Mrs. Bonnie Fowler and her family in their prayers and that we as a community should try to stick together and try to lift them up.

Mayor Waddell stated that he had presented a proclamation on behalf of the Town at First Missionary Church in honor of Veterans Day and the Veterans on November 7, 2010.

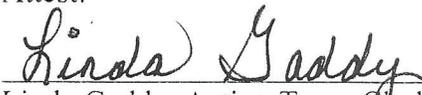
Mike Foss stated that he had been contacted by several sprinkler companies to make sure they could use Town water at the old Watec building. Mr. Foss also stated that hopefully a new business would be coming to Town utilizing the old Watec building located on Joe Brown Highway, South

With no further business, Mayor Waddell adjourned the meeting.



Kenneth N. Waddell, Mayor

Attest:



Linda Gaddy, Acting Town Clerk