



Minutes
Town of Chadbourn, North Carolina
Chadbourn Council Regular Meeting

November 1, 2011

The regular scheduled meeting of the Chadbourn Town Council was held Tuesday, November 1, 2011, at 7:00 p.m., in the Council Meeting Room.

Members Present: Mayor, Kenneth Waddell; Mayor Pro Tem, Fax Rector; Councilmembers: Rashad Roberts, Brian Edwards, Donald Ray Bass and Phillip Honeycutt

Members Absent: None

Others Present: Stevie Cox, Town Manager; Patricia Garrell, Town Clerk; Steven Shaw, Police Chief; Michael Foss, Public Works Director; Harold Pope, Town Attorney arrived at 8:18 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Waddell called the meeting to order at 7:02 p.m. Patricia Garrell, Town Clerk took roll call.

INVOCATION

Don Eggert led the assembly in prayer.

PLEDGE OF ALLEGIANCE

Mayor Waddell led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilmember Rector made a motion to approve the Agenda. The motion was seconded by Councilmember Roberts to approve the Agenda. The motion carried with a unanimous vote of 5 - 0.

Approval of Minutes of Town Council Meetings

1. Regular Meeting Minutes – October 4, 2011
2. Closed Session Minutes – October 4, 2011

Councilmember Roberts made a motion to approve the minutes listed above. The motion was seconded by Councilmember Bass. The motion carried with a unanimous vote of 5 - 0.

Consent Agenda

All items listed below are considered to be routine and will be enacted by one introduction/motion/second/roll call vote. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. **Veterans' Day Proclamation.**
2. **Budget Amendment BA-11/12-06 for the Water Department to receive grant funds from the North Carolina Rural Center for the Water Mapping Study Grant and pay outstanding invoices.**
3. **Budget Amendment BA-11/12-08 for the Police Department to receive a refund to the Miscellaneous Revenue and add back to the Police Department Expenditures.**
4. **Budget Amendment BA-11/12-09 for the Police Department for the purchase of Dog Traps for the Police Department in the amount of \$1,200.**
5. **Budget Amendment BA-11/12-07 for the Sewer Department for a debt service that was missed on the Budget for 2011/2012.**
6. **Tax Collections Update Report.**

Councilmember Roberts made a motion to approve all the Consent Agenda items listed above. The motion was seconded by Councilmember Rector. The motion carried with a unanimous vote of 5 - 0.

(Clerk's Note: A copy of the Consent Agenda items are hereby attached and therefore made a part of these minutes)

PUBLIC HEARING

1. Case No.: TO-01-10 – Proposed Utility Availability Ordinance.

Mayor Waddell opened the floor for the Proposed Utility Availability Ordinance for public comments.

- Ava Ward asked what is the definition that was changed on the Ordinance.
- Jimmy Sue Ward stated the N.C. General Statutes recognizes an availability fee, but this is a request that the Town Council should not approve.
- Ava Ward asked when the fees were going to be set. She thought it would have already been set before the Public Hearing. Ms. Ward also stated it was unfair to apply this rule from the N.C. General Statutes just to receive fees.
- Harold Walker asked if vacant lots were exempt. Mr. Walker also asked about rental property without tenants. Mr. Walker stated that the Town Council should not approve an impact fee to the Town's residents. Mr. Walker stated that he is opposed to this ordinance.
- Eugene George is in opposition to this ordinance. Mr. George stated that Town Council should rollback fees and make cuts to the administration.
- Bettye Wilson has concerns with the time limit in reference to the advertisement and Town Council meeting. She also has expressed concern with the fee not being recommended by the Planning Board before the Public Hearing. Ms. Wilson stated that the proposed ordinance should be dismissed. Ms. Wilson stated that she would like to see a study of the fee structure from other municipalities of similar size to Chadbourne. Ms. Wilson stated that the ordinance is confusing in its present form. Ms. Wilson stated that she is concerned that there is no hardship exemption also, for residents who are 65 and older. She stated that she would like to see documentation on how the revenue would be used. Ms. Wilson also asked if a residential structure used for storage would be exempt.
- Russell Gause asked if residents could make changes to the ordinance and suggest comments. He stated that he was not allowed to make comments at the Planning Board meeting.
- Harold Fipps asked how many rental structures are in the Town of Chadbourne. Mr. Fipps also stated that times are difficult and this ordinance would be a hardship.
- Edwin Roberts stated that there should not be a fee until someone occupies a structure.

Mayor Waddell closed the TO-01-10 – Proposed Utility Availability Ordinance at 7:42 p.m.

2. Case No.: TO-07-11 – Proposed Peddlers, Itinerant Merchants, Yard Sales and Solicitors Ordinance.

Mayor Waddell opened the floor for the Proposed Peddlers, Itinerant Merchants, Yard Sales and Solicitors Ordinance for public comments.

- Russell Gause stated that no fee should be charged for yard sales.
- David Worley stated that the person who grows their own produce should be exempt; but, for products being purchased to resell, those individuals should be required to pay a fee.
- Morris Young stated that he has been raising and selling produce for 20 years. He asked what would happen to those farmers that depend on this income.
- Glenn Caviness stated he sells some fresh vegetables he raises himself and charges a third of what it costs from local stores.
- George Majors stated that there is a General Statute that allows a person who grows their own crops to be allowed to sell their products on the side of state roads. Mr. Majors also asked if nonprofit organizations are exempt from the ordinance. He also stated that competition is good for the Town.
- David Worley stated that some of these fees are needed; but, we need to look out of the farmers.
- Debbie Worley stated that she has a shelter that she allows others to use to sell products free of charge, even though she sells the same type of product in her convenience store. Ms. Worley stated that the Town should not charge a fee for yard sales and produce sales of local farmers. Ms. Worley stated that the Town should use a little more common sense on this ordinance.
- Russell Gause stated that he would like to know the origin of this ordinance and asked if children are exempt, such as Girl Scouts selling cookies.
- Ava Ward asked who are the Planning Board members and were they present. She stated that the Planning Board members should be present to hear the public comments and clarify the ordinance. Ms. Ward requested the ordinance and the fees set be clarified prior to the approval of Council.
- Bettye Wilson stated that the Planning Board did not allow public comments at the meeting.
- Russell Gause stated that in his opinion, there was a conflict of interest with certain Town Council members and the Planning Board.
- Edwin Roberts stated that citizens should be able to speak at the Planning Board meetings.

Mayor Waddell closed the TO-07-11 – Proposed Peddlers, Itinerant Merchants, Yard Sales and Solicitors Ordinance at 8:05 p.m.

ACTION AGENDA

1. Case No.: TO-08-10 – Chadbourn Safe Routes to School Action Plan.

Presented by: Don Eggert, with Cape Fear Council of Governments and Judi Wallace with Wallace Consulting

Mr. Don Eggert and Judi Wallace presented the Final Safe Routes to School Action Plan for Chadbourn, N.C. The vision statement is: To create a safe and healthy, well connected environment that will enable and encourage students to walk or bicycle to school on a regular basis as a means to keep them healthy and improve the overall quality of the Chadbourn community. This plan is at no cost to the Town of Chadbourn and is funded 100% by The North Carolina Department of Transportation and the Federal Highway Administration.

After discussion by Council, a motion was made by Councilmember Rector to approve the Final Safe Routes to School Action Plan. Councilmember Honeycutt seconded the motion. The motion passed with a unanimous vote of 5-0.

2. Posting and Enforcement of a Required Parental Supervision Policy at Our Park.

Presented by: Police Chief Steven Shaw

Police Chief Steven Shaw stated that Our Park rules signage needs to be updated to include parental supervision and an age requirement. He also stated that the park was in need of some maintenance work where children have pushed out pickets from the fence.

After discussion by Council, a motion was made by Councilmember Edwards to approve the Posting and Enforcement of the Required Parental Supervision Policy at Our Park. Councilmember Roberts seconded the motion. The motion passed with a unanimous vote of 5-0.

3. **Case No.: TO-01-10 – The Proposed Utility Availability Ordinance**
Presented by: Town Manager Stevie Cox

After discussion by Council, a motion was made by Councilmember Edwards to table the Proposed Utility Availability Ordinance. Councilmember Bass seconded the motion. The motion failed with a vote of 2-3. Councilmember Honeycutt, Councilmember Rector and Councilmember Roberts opposed. A motion was made by Councilmember Roberts to eliminate the proposed Utility Availability Ordinance. Councilmember Rector seconded the motion. The motion passed by a 3-2 vote. Councilmember Honeycutt and Councilmember Edwards opposed.

4. **Case No.: TO-07-11 – Proposed Peddlers, Itinerant Merchants, Yard Sales and Solicitors Ordinance.**
Presented by: Town Manager Stevie Cox

After discussion by Council, a motion was made by Councilmember Roberts to eliminate the Proposed Peddler, Itinerant Merchants, Yard Sales and Solicitors Ordinance. Councilmember Rector seconded the motion. The motion failed by a 3-2 vote. Councilmember Honeycutt, Councilmember Bass and Councilmember Edwards opposed. A motion was made by Councilmember Edwards to table the Proposed Peddler, Itinerant Merchants, Yard Sales and Solicitors Ordinance. The motion passed with a 3-2 vote. Councilmember Honeycutt and Councilmember Roberts opposed.

5. **Approval of Service Agreement with AAA Portable Toilets**
Presented by: Finance Officer Patricia Garrell

After discussion by Council, a motion was made by Councilmember Rector to approve the Service Agreement with AAA Portable Toilets with the addition to document the gallons dumped and the Town employee's name and signature that was present at the time of disposal. Councilmember Bass seconded the motion. The motion passed with a unanimous vote of 5-0.

6. **Budget Amendment for the Water Department**
Presented by: Public Works Director Michael Foss

Public Works Director Michael Foss stated that it was a misunderstanding on the wording of the Agenda Item. Mr. Foss stated there was enough money in the budget. Mr. Foss stated that it was such a large amount of money he was informing Council of the purchase of \$3,500 transfer switch for the well on North Wilkes Street.

No action was taken.

7. **Water, Sewer and Storm-Water Reserve Funds.**
Presented by: Councilmember Donald Ray Bass

Councilmember Bass requested Council to change the policy of fees for different size water meters. Councilmember Bass stated that he was unaware that the fees were more than \$2 for water meters over three quarter inches in size, (3/4").

After discussion by Council, a motion was made by Councilmember Bass to set Water – Sewer and Storm-Water fees to two (\$2) dollars, regardless of the size of the meter, starting with the next billing. Councilmember Roberts seconded the motion. The motion passed with a vote of 4-0.

Councilmember Honeycutt had temporarily stepped out of the Council meeting when the vote was taken.

8. **Approval for Expenditure for the Storm-Water.**

Presented by: Stevie Cox, Town Manager and Public Works Director, Michael Foss

The Town Manager requested that funds be used from the Storm-Water Reserve Fund to clean out the ditches at the Pinecrest Subdivision, and the ditches behind BB&T Bank and Wellonton Apartments. Mr. Cox stated that there was approximately \$3,226 as of September 30, 2011 in the Storm-Water Reserve Fund. The estimated cost for both projects is \$3,500.

Council directed Manager Stevie Cox and Public Works Director, Mike Foss to make a list of priorities of projects that the Town needs to accomplish.

After much discussion by Council, a motion was made by Councilmember Bass to table the expenditure for the Storm-Water Reserve. The motion failed for lack of a seconded. A motion was made by Councilmember Roberts to approve the expenditure for the Storm-Water reserve. Councilmember Rector seconded the motion. The motion passed with a 4-1 vote. Councilmember Bass opposed the motion.

(Clerk's Note: Copies of the Action Agenda items are hereby attached and therefore made a part of these minutes)

CITIZEN REQUEST/COMMENTS

Anyone seeking to speak under Public Comments must complete a comment card and submit it to the Town Clerk prior to the start of the Town Council Meeting. When you come up to speak, you will need to state your name, address, what organization that you represent and your topic of concern.

Mayor Waddell opened the floor to public comments and asked to limit the time to three minutes per person.

- Mary Flowers asked why her problems with the flooding in her yard have not been addressed. Ms. Flower stated that she has been requesting assistance with the problem for years.
- Edwin Roberts stated that he has concerns with the drainage at North Wilkes and Chappin Streets. Mr. Roberts also asked if the Town found funds to cover the cost for the removal of the trees that were taken down.
- Town Manager Cox stated that the tree removal money was coming from FEMA.
- Edwin Roberts asked why this has become a FEMA issue. Mr. Roberts stated that the Town should not be using FEMA for this.
- Edwin Roberts stated that the Planning Board must allow Public Comments at their meetings.
- Sarah Davis asked if the Town should use the FEMA funds to address the problems with drainage at Mary Flowers' property.
- Eugene George asked for an update on the Dogwood and Joyner Street projects.

Mayor Waddell closed the Public Comments session.

Mayor Waddell asked Town Manager Stevie Cox if he had any announcements.

With no other business, Mayor Waddell asked Council to make a motion to go into Closed Session. A motion was made by Councilmember Bass to go into Closed Session for Discussion of Possible Litigation – General Statutes 143-318-11(a)(3) and Discussion of Personnel Issues - General Statutes 143-318.11(a)(6). Councilmember Rector seconded the motion. The motion passed by a unanimous vote of 5-0.

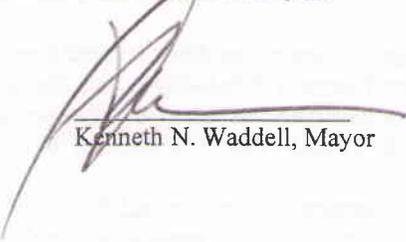
Mayor Waddell closed the Town Council Meeting to the public to go into Closed Session at 9:13 p.m.

The Closed Session was approximately forty-seven (47) minutes.

No action was taken.

Adjournment

With no further business, Mayor Waddell adjourned the meeting at 10:10 p.m.


Kenneth N. Waddell, Mayor

Attest:


Patricia Garrell, Town Clerk

