

**CHADBOURN TOWN COUNCIL
TOWN OF CHADBOURN
REGULAR MEETING
April 5, 2011**

Mayor Kenneth Waddell called the meeting to order at 7:00 p.m. Council Members present were: Fax Rector, Rashad Roberts, Brian Edwards, Donald Ray Bass, and Phillip Honeycutt. Others present were: Town Manager Stevie Cox, Town Attorney Harold Pope, Town Clerk/Finance Officer Patricia Garrell, Police Chief Steven Shaw and Public Works Director Michael Foss. Councilman Roberts gave the invocation and Mayor Waddell led the Pledge of Allegiance.

Mayor Waddell stated that he wanted to welcome everyone to the April Council Meeting.

1. **Approval of Agenda.** Staff requested item six (6) under Consent Agenda Items to be removed from the Agenda. A motion was made by Councilman Rector to approve the agenda with the removal of item six (6) under Consent Agenda Items. Councilman Bass seconded the motion. The motion passed by a unanimous vote of 5-0.

2. **Approval of Minutes of the Regular and Closed Meeting on March 1, 2011.** A motion was made by Councilman Edwards to approve the minutes both regular and closed session minutes as written. Councilman Rector seconded the motion. The motion passed by a unanimous vote of 5-0.

3. **Consent Agenda Items.** A motion was made by Councilman Rector to approve all three (3) consent agenda items listed below. Councilman Bass seconded the motion. The motion passed by a unanimous vote of 5-0.
 - 1) **Tax Release.** Staff has requested that Town Council approve the release of 2010 taxes for Vanderbilt Mortgage.

 - 2) **Tax Release.** Staff has requested that Town Council approve the release of 2010 taxes for Jiles Edwards.

 - 3) **Chadbourn Parks and Recreation Advisory Board Appointment.** The Chadbourn Parks and Recreation Advisory Board is requesting that the Town Council approved Chris Rector to the Advisory Board.

4. **Public Hearing Case No.: TO-01-10 - Proposed Chadbourn Utility Ordinance.** The Chadbourn Planning Board has requested that Town Council HOLD a Public Hearing on the proposed Utility Ordinance for vacant properties within the Town of Chadbourn. (See Chapter 78 – Utilities.)

Town Manager Cox stated that the Utility Ordinance would be for developed properties with structures left unattended and not for vacant lots. If lots have a water meter, they would be checked for use of any water.

Mayor Waddell opened the floor to public comments concerning the Proposed Chadbourn Utility Ordinance.

- Mr. Harold Fipps stated that the property owners are being punished with additional fees with this Utility Ordinance. He asked why his renters have to pay a twenty-five dollar (\$25) deposit to rent his house. He stated that times are hard for everyone. He stated that he has to pay fifty dollars (\$50) for rental inspections every time that he rents his rental property and he does not think it is fair to himself and his renters for additional fees. He stated that by moving out of Chadbourn, he saved \$420 this month on utilities.
- Jimmie Sue Ward questioned that the Public Notice in the paper stated it was for vacant properties. Mayor Waddell stated that vacant lots were not to be subjected to the ordinance as stated earlier. Ms. Ward asked how was the public to know that the notice was not specifically to discuss vacant lots. Mayor Waddell stated that was a good point, and he did not have an answer for her. Ms. Ward asked when it was voted on, was it going to include vacant properties. Mayor Waddell stated that he would mediate whatever Council wanted to do. Councilman Edwards stated that the Ordinance specifies vacant developed properties.
- Mayor Waddell stated that the Utility Ordinance needs to go back to the Planning Board before voting on the Ordinance.
- Sarah Davis asked if storage buildings would be included in the Utility Ordinance. Councilman Edwards stated that the Ordinance would exclude storage buildings. Councilman Edwards stated that it was mainly for unoccupied buildings. Councilman Edwards stated that the Ordinance would help beautify the Town.
- Edwin Roberts asked are these people with the unoccupied properties paying any fees. Mayor Waddell stated that he hoped they were paying taxes. Mr. Roberts asked if they were paying any water and sewer fees. Councilman Edwards stated that they have not paid any fees, but he thought that the properties that have been abandoned should require the owners to pay fees. Mr. Roberts asked if this Ordinance was about the unoccupied properties.
- Russell Gause asked if those property owners were paying town taxes as well as county taxes and would now also be paying water taxes. Mayor Waddell stated that this was not a water tax. Councilman Edwards stated that they did not know at this point what the Council was going to do, but said we need to address the issue of buildings that have been habitually abandoned more aggressively.

Mayor Waddell asked if there were any other comments and then closed the public hearing on the Chadbourn Utility Ordinance.

5. **Public Hearing Case No.: TO-01-11 – Amending the Animal Ordinance.** The Chadbourn Planning Board has requested that Town Council HOLD a Public Hearing on amending Chapter 10 – X (Animals) – Section 10-17: Dangerous or Potentially Dangerous Dog Ordinance.

Mayor Waddell asked Town Manager Stevie Cox if he had any comments concerning the Animal Ordinance.

Town Manager Stevie Cox stated that at the March 2011 Town Council Meeting, the public was concerned about dangerous dogs. The Planning Board met and proposed an amendment to the Animal Ordinance.

Mayor Waddell opened the floor to public comments on Case No: TO-01-11-Amendment to the Animal Ordinance.

- Dwight Cance stated that his neighbor has an aggressive Pit Bull approximately three feet from the property line. Mr. Cance further stated that he is concerned about the barking and aggressive nature of the dog when his children are in the yard.

With no other comments, Mayor Waddell closed the public hearing on Amending the Animal Ordinance.

6. Action Agenda Items.

(1) **Case No.: TO-01-10 - Proposed Chadbourn Utility Ordinance.** Staff is requesting that the Town Council approve the proposed Utility Ordinance for vacant properties within the Town of Chadbourn. (See Chapter 78 – Utilities.)

- Mayor Waddell stated that we have heard comments from the public concerning the proposed Chadbourn Utility Ordinance. He asked Town Manager Cox for any additional clarification on what was included in the definition of vacant properties, i.e. vacant structures, burn outs that have been cleared, storage buildings, etc. Councilman Edwards asked if buildings owned by nonprofit agencies should be excluded. Councilman Bass said that the language of the ordinance needed to be cleared up. The ordinance should also include vacated rental properties and what specific dollar amounts should be charged as well as time frame involved. Town Manager Cox stated that a minimum water bill would be charged excluding sewer and garbage charges. Councilman Edwards stated that he felt 90 days would be sufficient time for landlords to renovate or rent the vacant property. After much discussion, Mayor Waddell recommended that the Ordinance go back to the Planning Board for rewrites and clarification. Councilman Rector made a motion that the Utility Ordinance be sent back to the Planning Board for clarification. Councilman Bass seconded the motion. The motion passed with a unanimous vote of 5-0.

(2) **Case No.: TO-01-11 – Amending the Animal Ordinance.** The Chadbourn Planning Board is requesting that the Town Council approve amending Chapter 10 – X (Animals) – Section 10-17: Dangerous or Potentially Dangerous Dog Ordinance.

- Councilman Roberts mentioned that certain dogs may not be considered vicious or dangerous. For an example, would a barking dog be considered dangerous? Chief of Police Shaw was concerned with a section of the Ordinance that evidence had to be reported to the Town Clerk and pictures of the animal had to be produced to the Police Department. His recommendation was in section 2-F, to strike Town Clerk and put Police Department. After much discussion, Councilman Rector made a motion to approve the Amendment to the Animal Ordinance as written without any

changes. Councilman Roberts seconded the motion. The motion passed with a unanimous vote of 5-0.

(3) **Ordinance for Condemnation.** Staff is requesting that the Town Council approve the Ordinance for Condemnation and Town Staff who may have the authority to condemn structures.

- Town Manager Cox stated that the Condemnation process would establish the steps needed to condemn a property and identify those individuals who would have the authority to condemn those structures. After much discussion, a motion was made by Councilman Honeycutt to approve the Ordinance for Condemnation based on the North Carolina General Assembly Statutes 153A-366 – 153A-371. Councilman Edwards seconded the motion. The motion passed with a unanimous vote of 5-0.

(4) **Approval of Structures for Condemnation.** Staff is requesting that the Town Council approve the list of structures to be condemned. Captain Robert Mumblow will be available to discuss the structures for condemnation.

- Town Manager Cox stated that the Proposed Condemnation Process would establish the steps to condemn a property and identify those individuals that would have the authority to condemn those structures.
- Councilman Honeycutt made a motion to approve the Ordinance for the Process for Condemnation of uninhabitable structures based on North Carolina General Statutes 153A-366 – 153A-371. Councilman Edwards seconded the motion. The motion passed with a unanimous vote of 5-0.
- Captain Mumblow reported on the buildings where the condemnation process would begin.
- Mayor Waddell stated that he wanted to make sure that all fees involved with the process were absorbed by the property owners and not the Town of Chadbourn. No other action was needed.

(5) **Budget Amendment for Additional Lights for the J. Homer Thomas Ball Park.** Mayor Pro Tem Fax Rector and Councilman Donald Ray Bass are requesting that the Town Council approve a budget amendment for the installation of additional lights for the J. Homer Thomas Ball Park.

- Town Manager Cox stated that Parks Director Robert Arendse was present to answer questions pertaining to cost estimates for additional lighting for the J. Homer Thomas Ball Park.
- Parks Director Robert Arendse stated that the additional lighting was for the “B” field and that the current lighting was insufficient. Two estimates were provided to Council.
- Councilman Edwards questioned the estimates because of the difference in the costs due to the descriptions of work that would be done.
- After much discussion, Parks Director Robert Arendse was instructed to obtain more detailed written estimates from both electrical contractors.
- Councilman Rector made a motion to approve up to \$12,500.00 for additional lighting for the J. Homer Thomas Ball Park. The motion was seconded by Councilman Bass. The motion passed with a unanimous vote of 5-0.

Public 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.

- Citizen Bettye Wilson asked why there was not a list of specific needs and requirements listed on the bids for the additional lighting for the J. Homer Thomas Ball Park.
- Citizen Eric Powell stated that Public Works came out to check his water meter and apparently replaced it. When he came to the Town Hall to pay his water bill, he was told he owed \$223.00. He is requesting Council adjust his water bill. Mayor Waddell advised Mr. Powell to get with Town Manager Cox to address the issue of his water bill.
- Citizen Russell Gause stated that he did not agree with the definition of the Vicious Dog Ordinance. He stated that his concern refers to dogs that run loose and come on his property.
- Citizen Russell Gause stated that in reference to the Ordinance for Condemnation, there are individuals living on his street in houses without running water or sewer.
- Citizen Russell Gause asked if the Closed Session about the General Statutes was about local or state statutes. Mayor Waddell responded that the Closed Session was about state statutes.
- Citizen Edwin Roberts stated that the Town of Chadbourn Website is not being updated. He thought that the Town Agenda would be posted prior to the Council Meeting. Town Manager Cox responded that it was his responsibility to have had that completed and he apologized.
- Citizen Edwin Roberts commented that he thought the financial audit would have had more discussion at this meeting. Mayor Waddell stated that he apologized and did have that in his plan. He failed to bring the audit information with him, but stated he had some similar concerns and that it would be on the next Agenda.
- Councilman Edwards asked Mayor Waddell about the research and development pertaining to the establishment of a Veterans Memorial Committee. Mayor Waddell appointed a committee made up of Council Members Edwards, Rector, and Roberts.

Mayor Waddell closed the Public Comments session. He then asked Town Manager Cox if he had any other announcements.

- Town Manager Cox stated that on Monday, April 11th, Congressman Edolphus Towns (NY-D) - a native of Chadbourn, North Carolina will be at the Town Hall at 10:00 a.m. for a Town Hall meeting, and it will be open to the public.

A motion was made by Councilman Rector to go into Closed Session for Discussion of Possible Litigation – General Statutes 143-318-11(a)(3) and Discussion of Property Acquisition – General Statutes 143-318-11(a)(5). Councilman Bass seconded the motion and 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 8:45 p.m.

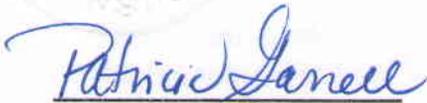
The closed session was approximately thirty-five (35) minutes.

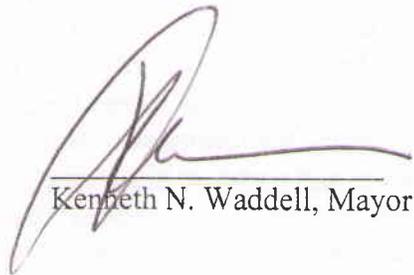
Adjournment:

With no further business, Mayor Waddell adjourned the meeting at 9:20 p.m.



Attest:


Patricia Garrell, Town Clerk


Kenneth N. Waddell, Mayor