Minutes
Town of Chadbourn, North Carolina
Chadbourn Council Regular Meeting

February 5, 2013

The regularly scheduled meeting of the Chadbourn Town Council was held Tuesday, February 5, 2013 at 7:00 p.m., in the Council Meeting Room.

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

Members Absent: None

Others Present: Stevie Cox, Town Manager; Patricia Garrell, Town Clerk; Bob Mumblow, Captain of the Police Department; Michael Foss, Public Works Director; Harold Pope, Town Attorney

CALL TO ORDER AND ROLL CALL

Mayor Rector called the meeting to order at 7:00 p.m. Patricia Garrell, Town Clerk, took roll call.

INVOCATION

Councilmember Honeycutt led the assembly in prayer.

PLEDGE OF ALLEGIANCE

Mayor Rector led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDA

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

Approval of Minutes of Town Council Meeting

1. Regular Meeting Minutes – January 8, 2013
2. Privilege License Work Session – January 28, 2013

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

ANNOUNCEMENTS

ANNOUNCEMENT FROM THE MAYOR

Mayor Rector stated that the Mayor's column went out today and he has requested that the citizens of Chadbourn send suggestions for improvements for the Town. He stated that all requests must be signed. If it is not signed, it will be thrown away.

Mayor Rector stated that the new water bills were mailed this month and as of today, there have not been any complaints.

PUBLIC COMMENTS AND CITIZEN REQUEST

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 Rector opened the floor for Public Comments from the comment cards he received.

Hattie Kelly, Chadbourn, NC

- Stated that she was concerned with all the burglaries on the West side of Chadbourn, and are the Police taking fingerprints when the burglary occurs. Ms. Kelly stated that today suspicious individuals came down her street, and she has concerns.

Russell Gause, Chadbourn, NC

- Commenting further on the break-ins in the neighborhoods, stated there was one break-in across the street from his residence.

- Mr. Gause further stated that he is requesting that changes be made to enforce citizens of Chadbourn to "curb" their dogs. He stated he is tired of dog feces all over his yard and the Town of Chadbourn should update the dog Ordinance. He, also, stated that there is another dog that runs loose after midnight and he is asking for help to contain this animal.

Mayor Rector closed the Public Comments session.

PUBLIC HEARINGS

Mayor Rector opened the Public Hearings at 7:14 p.m.

1. **Case No.: TO-01-13 – Proposed Ordinance for the Display of Road and Street Address Numbers**

Hattie Kelly, Chadbourn, N.C.

- Stated that she thought that an Ordinance had been in place years ago.

Mayor Rector closed the Public Hearing at 7:16 p.m., for the Proposed Ordinance for the Display of Road and Street Address Numbers.

2. **Case No.: TO-02-13 – Proposed Ordinance for Solar Farms**

Russell Gause, Chadbourn, NC

- Asked is this a windmill type of Solar Farm.

- Carl West with HelioSage, presented slides of what type of Solar Farm that the Ordinance is referring to which is solar panels designed to sell power to Progress Energy. Mr. West stated they would do no harm to the environment or create any health hazard.

Mayor Rector closed the Public Hearing at 7:29 p.m. for the Proposed Ordinance for Solar Farms.

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. **Approval of Budget Amendment for the Waste Water Treatment Plant – BA-12/13-15**

Chlorine/Sulfur/Lime:	30-8220-3400 increase by $9,000
Fund Balance Appropriations:	30-3990-0000 increase by $9,000

2. **Approval of the Fiscal Year 2013 – 2014 Budget Preparation Schedule**

Fiscal Year 2013 – 2014 Budget Preparation Schedule

Dates	Activities
February 5, 2013	Town Council Meeting Announcement of the Budget Preparation Schedule for FY – 2013-2014
February 6, 2013	Management Team Meeting
February 14, 2013	1st Submission of Budget by the Management Team
February 18, 2013	Review of 1st Draft of the Budget with the Mayor and Mayor Pro Tem.
March 5, 2013	1st Round of Budget Meeting with Staff
March 26, 2013	Submission of the 1st Draft of the Budget to Town Council
April 2, 2013	Town Council Meeting and Budget Workshop
April 22, 2013	2nd Budget Workshop with Town Council
May 7, 2013	Town Council Meeting
June 4, 2013	Town Council Meeting and Public Hearing on the Proposed Budget
June 18, 2013	Town Council Meeting and Budget Adoption

Councilmember Edwards made a motion to vote Consent Agenda items 1 and 2 listed above as one. Councilmember Bass seconded the motion to vote Consent Agenda items 1 and 2 listed above a one. The motion carried with a unanimous vote of 5 – 0.

ACTION AGENDA

1. **Presentation of the Town Audit for Fiscal Year 2011 - 2012**
Presented by: Wade Green with Preston Douglas and Associates

Wade Green presented the Fiscal Year 2011 – 2012 Audit to Council.

No action was taken by Council.

2. **Case No.: ANNEX-01-11 – Victory in Jesus Ministries Annexation**
Presented by: Stevie Cox, Town Manager

Mr. Troy stated that the property is 39.6 acres, which will consist of housing, gym, shopping strip mall, and a job training center. This program is to be able to help citizens to re-start their lives.

Mayor Rector instructed Patricia Garrell to start research on the Victory in Jesus Ministries Annexation.

No action was taken by Council.

3. **Case No.: TO-01-13 – Proposed Ordinance for the Display of Road and Street Address Numbers**
Presented by: Stevie Cox, Town Manager

Stevie Cox stated that he recommended that Town Council approve the Ordinance for House, Building, and Mobile Home Numbers.

AN ORDINANCE FOR THE TOWN OF CHADBOURN WITH RESPECT TO HOUSE, BUILDING, AND MOBILE HOME NUMBERS
Number: 02/12-13

BE IT ORDAINED BY THE TOWN OF CHADBOURN COUNCIL MEMBERS:

SECTION 1. Assigned house number to be posted; Standard.

Within 90 days after written notice by the Board of Commissioners, its agent or authorized contractor, of the assignment of or change of a number for any house, building, mobile home park, or condominium complex, the owner or occupant of such property shall be required to post the number (including and letters) so assigned in approved area on such property in accordance with the requirements of subsections (a), (b), (c), (d) and (e) below. In addition, any owner or occupant of any house, building or unit who has been previously assigned a number shall comply with subsections (a), (b), (c), (d) and (e) no later than 90 days after adoption.

(a) The minimum height of the number(s) placed on a house, building, mobile home lot/site, or unit shall not be less than three (3) inches; however, the building number on an apartment townhouse, or condominium complex shall be not less than six (6) inches high and shall be placed either in the approximate center of the building or on the street end of the building so that it is clearly visible from either the public or private street by which it is accessed.

(b) Numbers shall be displayed in numbers format, not in script.

(c) The house or building numbers, except in case of Mobile Home [park lot/sites, shall be maintained at or near the structure's entrance so as to be visible and readable from the street or road on which it fronts. However, in the event a building is not visible for 100 feet from the public street or road on which is fronts or the lot on which the building is located is landscaped in such a manner that said numbers cannot be seen from the public street or road, the assigned building number shall also be posted on the property at or near the property line at the driveway entrance or access to said structure.

(d) A sign displaying the property number or street address of a Mobile Home park shall be erected and displayed at the driveway entrance of the Mobil Home Park. Lots or sites within the Mobile Home Park Shall be marked in a uniform manner within the park by placement at the or near the individual mobile home a pedestal or post no less than 3 feet nor higher than 5 feet above ground level, containing the assigned number of the individual mobile home. If an individual mailbox is placed at the mobile home lot/site, the number shall be displayed thereon. If a central cluster postal box site is provided, the assigned lot/site number also shall be displayed on the individual boxes of the cluster. In the event the mobile home rest on a permanent foundation, the structure may be marked in accordance with paragraph (c) above.

(e) The color of the number(s) placed on a structure or pedestal shall be in contrast to the color scheme of the house, building, and mobile home or pedestal so that the number is clearly visible and shall be maintained in a clearly visible manner. The building inspector shall not issue certificate of occupancy or a certificate of compliance until the assigned number is posted in accordance with this section.

(f) Following the posting of the assigned number as required, the owner or occupant shall maintain such house or building number at all times in compliance with the above standards. Building numbers shall not be obstructed from view by shrubs or vegetation as viewed from the public road.

(g) Violation of the ordinance is a (civil penalty) (misdemeanor as provided by N.C. General Statute 14-4) and may be punished a provided therein. Each day the violation continues after the offending owners or occupant has been notified of the violation shall constitute a separate violation of this ordinance.

(h) Notice of violation of this Ordinance sufficient to allow daily penalties of subsection (g) to be invoked may be given by the Town of Chadbourn Inspections Division, the Town of Chadbourn Police Department or the Town of Chadbourn manager's Office. Such notice must be in writing to the owner or occupant of the dwelling or building and set froth what action is necessary in order for the offender to be in compliance.

After much discussion by Council, a motion was made by Councilmember Honeycutt to approve the **ORDINANCE FOR THE TOWN OF CHADBOURN WITH RESPECT TO HOUSE, BUILDING, and MOBILE HOME NUMBERS.** The motion was seconded by Councilmember Edwards. The motion carried with a unanimous vote of 5 – 0.

5. **Case No: TO-02-13 – Proposed Ordinance for Solar Farms**
Presented by: Stevie Cox, Town Manager

Stevie Cox stated that he recommended that Town Council approve the Ordinance for the Solar Farms

Article XV. Proposed Solar Farm Ordinance

Sec. 86.____. Definition and Zoning District Designation

I. **Definitions:**

A. ***Solar Farm***: An area of land designated for the purpose of producing photovoltaic electricity.

B. ***RA-20 - Residential/Agricultural (20,000 square feet minimum) District.*** It is the purpose of the RA-20 residential/agricultural district to preserve the rural and agricultural character of land removed from readily available urban services.

Sec. 86.____. Allowable Zoning Districts and Design Standards for Solar Farms

II. **Allowable Zoning Districts and Design Standards for Solar Farms**

A. Solar Farms shall be a Permitted Use in RA-20 zoning areas, and will follow the following requirements:

1. **Solar Farm Development and Design Standards.** Solar energy systems, solar farm development standards shall be:

a) ***Height.*** Systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.

b) ***Setbacks.*** Active solar system structures must meet the following setbacks:

1. Ground-mounted. Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located.

c) ***Distribution lines.*** To the extent practical, all new distribution lines to any building, structure or utility connection may be located above ground.

d) ***Approved solar components.*** Electric solar system components must have a UL listing or equivalent.

e) ***Compliance with building code.*** All active solar systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a town/county building inspector.

f) *Compliance with National Electric Code.* All photovoltaic systems shall comply with the National Electrical Code, current edition.

g) *Utility notification.* No grid tied photovoltaic system shall be installed until evidence has been given to the planning and development department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.

h) *Abandonment.* It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever feasible.

i) A security fence will surround the perimeter of the solar farm.

j) Reasonable accessibility for emergency services vehicles shall be required.

k) No signage is allowed on the solar farm fencing except for a sign not to exceed 32 square feet displaying the facility name, address and emergency contact information.

After much discussion by Council, a motion was made by Councilmember Rashad Roberts to approve the **ORDINANCE FOR THE TOWN OF CHADBOURN WITH RESPECT TO SOLAR FARMS.** The motion was seconded by Councilmember Honeycutt. The motion carried with a unanimous vote of 5 – 0.

6. **Update on Infrastructure Projects**
Presented by: Stevie Cox, Town Manager

Mr. Cox gave an update on the Thompson and Clark Streets paving and drainage project.

Mr. Foss stated that a change order in the amount of $20,424 needs to be approved to use additional Powell Bill funds because of a sewer issue on the drainage project. The total amount that would be used out of the Powell Bill would be $165,541, as of today.

After much discussion by Council, a motion was made by Councilmember Edwards to approve the additional money in the amount of $20,424 to be used out of the Powell Bill funds. The motion was seconded by Councilmember Honeycutt. The motion carried with a unanimous vote of 5 – 0.

7. **Animal Control Ordinance**
Presented by: Councilmember Edwin Roberts

Councilmember Roberts stated that the Town still has an issue with animal control. He is recommending purchasing another new dog trap and have the Police Department to enforce animal control.

Mayor Rector instructed Stevie Cox, Town Manager, to look into updating the Animal Control Ordinance to "curb" dogs and dangerous dogs.

After much discussion by Council, a motion was made by Councilmember Bass to purchase another dog trap. The motion was seconded by Councilmember Edwards. The motion carried with a unanimous vote of 5 – 0.

8. **Lighting at the J. Homer Thomas Fields**
Presented by: Councilmember Bass

Councilmember Bass stated that the Travel Ball Teams are using an excess amount of lights at night, and only paying $15 per month. He would like for the teams to pay for all the cost on the ball fields when they are used.

After much discussion by Council, it was suggested that a lock be put on the lights and whoever pays gets a key to the lights.

9. **Privilege License Tax Workshop Update**
Presented by: Mayor Fax Rector

Mayor Rector stated that he would set a date for a workshop for Gross Receipts for Privilege Licenses. The date he recommended is Monday, February 25th at 6 p.m. Council agreed to Monday, February 25th at 6 p.m., for the workshop. Mayor Rector instructed Town Staff to send a letter to the Privilege License Businesses to inform them of the meeting.

10. **Approval of Water Taps for Oak Street and Elm Street Residents**
Presented by: Stevie Cox, Town Manager

Mr. Cox stated that he is asking approval to use the Water Reserve Funds to connect the residents on Oak and Elm Street to the sixteen (6) inch water line that runs down Oak Street. The project will include twenty-six (26) water services for taps and labor. The project estimated cost will be $16,750; the estimate/quote, number 2026, is from T & H Construction of NC, Inc.

After much discussion by Council, a motion was made by Councilmember Edwards to approve the Water Taps for Oak Street and Elm Street Residents in the amount up to $16,750 and the funds used would be from the Water Reserve account. The motion was seconded by Councilmember Edwin Roberts. The motion carried with a unanimous vote of 5 - 0.

11. **Acceptance of a Donated Street Light**
Presented by: Councilmember Edwards

Councilmember Edwards stated that a street light had been donated from the Chadbourn Garden Club for Our Park, providing the Town of Chadbourn would have it installed and pay the monthly utility charge.

After much discussion by Council, a motion was made by Councilmember Edwards to approve the acceptance of a donated street light from the Chadbourn Garden Club and the Town of Chadbourn would bear the expense of installing the light and the monthly fee. The motion was seconded by Councilmember Rashad Roberts. The motion carried with a unanimous vote of 5 - 0.

12. **Approval of ordering "Strawberry" decals and replacing missing signs (Added by Mayor Rector with approval of Council)**
Presented by: Mayor Rector

After much discussion by Council, a motion was made by Councilmember Edwards to approve to order "Strawberry" decals and replace all missing signs. The motion was seconded by Councilmember Bass. The motion carried with a unanimous vote of 5 - 0.

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

ADJOURNMENT

With no further business, Mayor Rector adjourned the meeting at 8:48 p.m.

Fax Rector

Fax Rector, Mayor

Attest:

Patricia Garrell

Patricia Garrell, Town Clerk