# Minutes
## Town of Chadbourn, North Carolina
### Chadbourn Council Regular Meeting

**September 1, 2015**

The Regular Council Meeting of the Chadbourn Town Council was held Tuesday, September 1, 2015 at 7:00 p.m., in the Council Meeting Room.

**Members Present:** Mayor Donald Ray Bass; Councilmembers: Brian Edwards, Rashad Roberts, Edwin Roberts, David Worley and James Green.

**Members Absent:** None

**Others Present:** Robert Jones, Town Manager; Patricia Garrell, Town Clerk; Steven Price, Public Works Director; Darrell Trivette II, Chief of Police and Harold Pope, Town Attorney.

**CALL TO ORDER AND ROLL CALL**

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

**INVOCATION**

Councilmember Brian Edwards led the assembly in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Bass led the assembly in the Pledge of Allegiance.

## APPROVAL OF AGENDA

**Mayor Bass asked Council to make a motion to approve the agenda, with the Town Council Closed Meeting moved to the end of the Agenda.**

Motion by: E. Roberts
Motion Seconded by: Green
Votes: Ayes - 5
Nays – 0
Abstained - 0

***APPROVED***

## APPROVAL OF MINUTES OF TOWN COUNCIL MEETINGS

1. August 4, 2015 Regular Council Meeting

**Mayor Bass asked Council to make a motion to approve the minutes listed above.**

Motion by: R. Roberts
Motion Seconded by: E. Roberts
Votes: Ayes - 5
Nays – 0
Abstained – 0

***APPROVED***

## COMMENTS FROM THE MAYOR AND ANNOUNCEMENTS

Mayor Bass opened the floor to the Town Manager and Council for announcements.

Councilmember Green requested that a reception be held in honor of Robert Brown, the former Parks and Recreation Director at the next Council meeting in October.

## 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 Bass opened the floor for Public Comments from the comment cards he received.**

**Edwin Carter**

- Mr. Carter stated that he was unhappy with the yard debris pick-up and the ditch beside Colony Street.

**Ardra Stackhouse, Chadbourn, NC**

- Ms. Stackhouse is concerned about police not patrolling around her home.

**Anita L. Powell, Whiteville, NC**

- Ms. Powell stated that she did not understand why the water rates have increased.

**Wendy Thomas, Chadbourn Hwy., Chadbourn, NC**

- Ms. Thomas stated that she did not understand having a base rate and the rate doubled charges for water for residents out of city limits.

**Hazel Spivey, Chadbourn, NC**

- Ms. Spivey stated that her limbs were not picked up and also stated that she has never used over 2,000 gallons of water and asked why her bill is now showing that.

**Russell Gause, Chadbourn, NC**

- Mr. Gause stated that he is requesting that a street be named after Dr. King, and that the Brown Street needs to be repaved.

**Lillie Peppers, Chadbourn, NC**

- Ms. Peppers stated that she has a pot hole on her street that the Town needed to fix. Ms. Peppers shared how to fix a pot hole.

**Mayor Bass closed the Public Comments.**

## PUBLIC HEARING

**Town of Chadbourn Fire District Fire Prevention, Section 30-37.** Staff is requesting that the Town Council hold a Public Hearing to receive public comments on the Fire District Prevention Ordinance.

Mayor Bass opened the floor for Public Comments at 8:08 p.m.

No Public Comments.

**Mayor Bass closed the Public Comments at 8:09 p.m.**

## CONSENT AGENDA

1. **Approval of Budget Amendment 15/16-01 (below) for the Appraisal, Taxes Due to Columbus County and Deed Preparation Fees on the Donated Property in the amount of five thousand dollars ($5,000). The property is located at 424 N. Brown and 608 N. Brown.**

**General Fund Expense**
**BA-15/16-01**

| | |
|---|---|
| Professional Services | Acct # 10-4100-0400 increase by $ 2,800 |
| Dues and Subscriptions | Acct # 10-4100-5300 increase by $ 2,200 |
| Fund Balance | Acct # 10-3990-0000 increase by $ 5,000 |

*END OF BUDGET ADMENTMENT.*

2. **Approval of the Release of Chadbourn Taxes for Donated Property to the Town of Chadbourn, located at 424 N. Brown Street (property #24763 & 23810), 608 N. Brown (property # 23808), and E. Kirkland Street (property #23944), in the amount of one thousand, one hundred and twelve dollars and fifty-three cents ($1,112.53).**

3. **Approval to Add Additional Fees to the Town of Chadbourn Rates & Fee Schedule for Fiscal Year 2015-2016 (see below), that were missed when approved.**

| Equipment | 1st Hour | All After |
|---|---|---|
| Camera Truck | $250.00 | $250.00 |
| Lawn Mower | $100.00 | $50.00 |
| Street Sweeper | $200.00 | $200.00 |
| Sewer Smoker | $50.00 | $25.00 |

| Description | Fee |
|---|---|
| Dumpster/Roll-out Cart | Cost of 2 months of service |
| Water Usage Data Log | $25.00 |

4. **Approval to Release Taxes for Year 2015 that were billed in Error for Ethel Mae Walls. The property is owned by Shirley Williams.**

*A motion was made by Councilmember Edwards to take all the Consent Agenda items 1-4 (listed above) as one, Councilmember Worley seconded.*

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

## ACTION AGENDA

5. **Approval of Ordinance, Chapter 30, Article III Fire District Fire Prevention, Section 30 through 37 (attached).**

Presented by: Robert Jones, Town Manager

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

***APPROVED***

6. **Approval of an Ordinance to Repeal Privilege License Taxes (below) Section 18-2 through 18-131 that Governor Pat McCory signed HB 1050 into the law eliminating the Town's authority to levy privilege license taxes.**
Presented by: Robert Jones, Town Manager

**TOWN OF CHADBOURN, NORTH CAROLINA**
**AN ORDINANCE TO REPEAL**
**PRIVILEGE LICENSE TAXES SECTION §18.2 – §18.131 OF**
**CHAPTER 18: GENERAL OPERATING AND LICENSING PROCEDURES**
**OF THE TOWN OF CHADBOURN CODE OF ORDINANCES**

**ORDINANCE #2015-01**

**WHEREAS,** North Carolina General Statute §160-194 authorizes the governing body of any county or municipality by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience. In licensing trades, occupations, and professions, the city may, consistent with the general law of the State, require applicants for licenses to be examined and charge a reasonable fee therefor. Nothing in this section shall impair the city's power to levy privilege license taxes on occupations, businesses, trades, professions, and other activities pursuant to G.S. 160A-211; and

**WHEREAS,** North Carolina General Statute 160-211(a) Authority – Except as otherwise provided by law, a city shall have power to levy privilege license taxes on all trades, occupations, professions, businesses, and franchise carried on within the city. A city may levy privilege license taxes on the businesses that were formally taxed by the State under certain sections of Article 2 of Chapter 105 of the General Statutes only to the extent the sections authorized cities to tax the businesses before the sections were repealed; and

**WHEREAS,** Chapter 18: General Operating And Licensing Procedures, Section 18 Privilege License Taxes of the Town of Chadbourn Code of Ordinances – In addition to taxes on property as otherwise provided for, and under the power authority conferred in the laws of North Carolina to raise revenue for general municipal purposes, the license taxes specified in § 18.21 are hereby levied for the privilege of carrying on the businesses, trades, professions, callings, or occupations, or doing the act named, within the corporate limits of the Town from July 1 to June 30, unless for some other time or period specified in §§ 18.50 et seq.; and

**WHEREAS,** On May 28, 2014 Governor Pat McCrory signed HB 1050 into law eliminating the Town's authority to levy privilege license taxes effective July 01, 2015; and

**WHEREAS,** in an effort to comply with HB 1050, the Town of Chadbourn desires to repeal Privilege License Taxes Section §18.2 – §18.131 of Chapter 18: General Operating and Licensing Procedures of the Town of Chadbourn Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHADBOURN, NORTH CAROLINA THAT:**

**SECTION I. EFFECTIVE DATE:** Effective July 01, 2015, Privilege License Taxes Section §18.2 – §18.131 of Chapter 18: General Operating and Licensing Procedures of the Town of Chadbourn Code of Ordinances are repealed in its entirety.

**SECTION II. CODIFICATION.** The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Chadbourn Code of Ordinances as soon as practicable.

**SECTION III. SEVERABILITY CLAUSE.** If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is

**TOWN OF CHADBOURN, NORTH CAROLINA**
**AN ORDINANCE TO REPEAL**
**PRIVILEGE LICENSE TAXES SECTION §18.2 – §18.131 OF**
**CHAPTER 18: GENERAL OPERATING AND LICENSING PROCEDURES**
**OF THE TOWN OF CHADBOURN CODE OF ORDINANCES**

**ORDINANCE #2015-01**

**WHEREAS,** North Carolina General Statute §160-194 authorizes the governing body of any county or municipality by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience. In licensing trades, occupations, and professions, the city may, consistent with the general law of the State, require applicants for licenses to be examined and charge a reasonable fee therefor. Nothing in this section shall impair the city's power to levy privilege license taxes on occupations, businesses, trades, professions, and other activities pursuant to G.S. 160A-211; and

**WHEREAS,** North Carolina General Statute 160-211(a) Authority – Except as otherwise provided by law, a city shall have power to levy privilege license taxes on all trades, occupations, professions, businesses, and franchise carried on within the city. A city may levy privilege license taxes on the businesses that were formally taxed by the State under certain sections of Article 2 of Chapter 105 of the General Statutes only to the extent the sections authorized cities to tax the businesses before the sections were repealed; and

**WHEREAS,** Chapter 18: General Operating And Licensing Procedures, Section 18 Privilege License Taxes of the Town of Chadbourn Code of Ordinances – In addition to taxes on property as otherwise provided for, and under the power authority conferred in the laws of North Carolina to raise revenue for general municipal purposes, the license taxes specified in § 18.21 are hereby levied for the privilege of carrying on the businesses, trades, professions, callings, or occupations, or doing the act named, within the corporate limits of the Town from July 1 to June 30, unless for some other time or period specified in §§ 18.50 et seq.; and

**WHEREAS,** On May 28, 2014 Governor Pat McCrory signed HB 1050 into law eliminating the Town's authority to levy privilege license taxes effective July 01, 2015; and

**WHEREAS,** in an effort to comply with HB 1050, the Town of Chadbourn desires to repeal Privilege License Taxes Section §18.2 – §18.131 of Chapter 18: General Operating and Licensing Procedures of the Town of Chadbourn Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHADBOURN, NORTH CAROLINA THAT:**

**SECTION I. EFFECTIVE DATE:** Effective July 01, 2015, Privilege License Taxes Section §18.2 – §18.131 of Chapter 18: General Operating and Licensing Procedures of the Town of Chadbourn Code of Ordinances are repealed in its entirety.

**SECTION II. CODIFICATION.** The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Chadbourn Code of Ordinances as soon as practicable.

**SECTION III. SEVERABILITY CLAUSE.** If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Chadbourn Town Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION IV. PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall take effect July 01, 2015 according to law and for subsequent years unless rescinded or modified in accordance with law.

**READ, CONSIDERED, PASSED AND APPROVED** at a regular meeting of the Town Council of the Town of Chadbourn, North Carolina, at which a quorum was present held on the 1st day of Sept., 2015.

Donald Ray Bass
Donald Ray Bass, Mayor

ATTEST: Patricia Garrell
Patricia Garrell
Town Clerk

APPROVED AS TO FORM:
Harold Pope, Town Attorney

the intention of the Chadbourn Town Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION IV. PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall take effect July 01, 2015 according to law and for subsequent years unless rescinded or modified in accordance with law.

**READ, CONSIDERED, PASSED AND APPROVED** at a regular meeting of the Town Council of the Town of Chadbourn, North Carolina, at which a quorum was present, held on the _____ day of _____, 2015.

***END OF ORDINANCE***

Motion by: E. Roberts
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

***APPROVED***

7. **Approval of Duke Energy Progress, Inc. to perform an Engineering Study to Relocate Power Lines on N. Brown St. from 1st Avenue to 3rd Avenue, BA-15/16-02 (listed below).**
Presented by: Robert Jones, Town Manager

**General Fund Expense**
**BA-15/16-02**

| | |
|---|---|
| Professional Services | Acct # 10-4100-0400 increase by $ 5,000 |
| Fund Balance | Acct # 10-3990-0000 increase by $ 5,000 |

***END OF BUDGET ADMENTMENT.***

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

***APPROVED***

8. **Approval of the Registration of Peddlers (Sec. 18-162-163), Solicitors Fees and the Application for goods sold in the Town of Chadbourn.**
Presented by: Robert Jones, Town Manager

| Length of Time | Fee's Inside Residents | Fee's Outside Residents |
|---|---|---|
| 1 day | $5.00 | $5.00 |
| 3-months' time frame | $25.00 | $25.00 |
| 6-months' time frame | $50.00 | $50.00 |
| 9-months' time frame | $75.00 | $75.00 |
| 12-months' time frame | $100.00 | $100.00 |

*****Residents yard sales on their property do not have a fee***

Motion by: R. Roberts
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

***APPROVED***

9. **Approval of Sign for "Our Park" to post "No Trespassing, No Loitering, These Grounds Are Closed After Dark".** Staff is requesting Council to approve signs to be placed at "Our Park".
Presented by: Darrell Trivette II, Chief of Police

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

10. **Approval of a Public Hearing for October 6, 2015 for the Conditional Use Permit to Operate an Auto Repair Shop at 702-B North Brown Street.**
Presented by: Robert Jones, Town Manager

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

11. **Approval of a Public Hearing for October 6, 2015 for the Updated Water Ordinance for the Town of Chadbourn.**
Presented by: Robert Jones, Town Manager

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

12. **Council to Discuss Changes to Parks and Recreation Budget for 2015/2016.**
Presented by: Councilmember James Green

Councilmember Green requested approval from Council to rework the 2015/2015 Budget for the Parks and Recreation Budget to offer additional sports. Councilmember Green stated that his suggestions would have no Budget Amendments to the budget.

After much discussion by Council, a motion was made to allow Councilmember Green to work with the Town Manager and the Parks and Recreation Advisory Board. After the details have been worked out with the Town Manager and the Parks and Recreation Advisory Board, Council will revisit the changes suggested.

Motion by: R. Roberts
Motion Seconded by: Green
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

13. **Council to Discuss Board of Adjustment, as Recommended by the Planning Board.** Staff is requesting Council to discuss who should act as the Board of Adjustment.
Presented by: Robert Jones, Town Manager

Motion by: Edwards
Motion Seconded by: Worley

Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

14. **Approve the Removal of a Burnt Structure Located at 404 West Smith Street.**
Presented by: Robert Jones, Town Manager

Mr. Jones stated that all the proper paperwork had been completed with Attorney Pope's approval to remove the burnt structure located at 404 West Smith Street.
Mr. Pope stated that a notice needed to be posted in the News Reporter so that any persons that had an interest in the property that may have not been contacted would be able to voice their disapproval.

Motion by: R. Roberts
Motion Seconded by: B. Edwards
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

## CLOSED MEETING

15. **Closed session to establish or instruct the Staff or Agent concerning the negotiation of the price and term of a contract concerning of real property located at 424 North Brown Street, North Carolina General Statues 143-318.11(a)(5).**

**Mayor Bass requested Council to make a motion to go into Closed Session.**

Motion by: Edwards
Motion Seconded by: Green
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

**Closed Session started at 9:24 p.m. and ended at 10:04 p.m.**

**A motion was made to return to Open Council Meeting.**

Motion by: E. Roberts
Motion Seconded by: Green
Votes: Ayes – 5
Nays – 0
Abstained – 0

*APPROVED*

16. **Discussion and Approval of Price and Term of a Contract for property located at 424 North Brown Street.**
Presented by: Robert Jones, Town Manager

Councilmember Worley requested to be abstained from voting on the approval of Price and Term of a Contract for property located at 424 North Brown Street.

***The Town Manager recapped the contract for 424 North Brown Street:***

- West Columbus ABC Store would lease the property for $24,000 per year

- West Columbus ABC Store would enter into a contract with the Town to provide law enforcement as required by Statute and Council in the amount of $10,000 for Fiscal Year 2015-2016
- West Columbus ABC Store has been released to make any disbursement for Fiscal Year 2014-2015 to the Town of Chadbourn

Motion by: R. Roberts
Motion Seconded by: Green
Votes: Ayes – 4
Nays – 0
Abstained – 1

***APPROVED***

## ADJOURNMENT

With no further business, Mayor Bass adjourned the meeting at 10:14 p.m.

Donald Ray Bass

Donald Ray Bass, Mayor

Attest:

Patricia Garrell

Patricia Garrell, Town Clerk

# Minutes
## Town of Chadbourn, North Carolina
### Chadbourn Council Regular Meeting

**October 6, 2015**

The Regular Council Meeting of the Chadbourn Town Council was held Tuesday, October 6, 2015 at 7:00 p.m., in the Council Meeting Room.

**Members Present:** Mayor Donald Ray Bass; Councilmembers: Brian Edwards, Rashad Roberts, Edwin Roberts, David Worley and James Green.

**Members Absent:** None

**Others Present:** Robert Jones, Town Manager; Patricia Garrell, Town Clerk; Steven Price, Public Works Director; Darrell Trivette II, Chief of Police and Harold Pope, Town Attorney.

**CALL TO ORDER AND ROLL CALL**

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

**INVOCATION**

Councilmember Rashad Roberts led the assembly in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Bass led the assembly in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Mayor Bass asked Council to make a motion to approve the agenda.**

*A motion was made by Councilmember Green to move items around on the agenda (listed below), and approve the agenda.*

- *Move item 8 – Discussion and Approval on the conditional Use Permit to Operate an Auto Repair Shop at 702-B North Brown Street to item 12.*
- *Move item 9 – Discussion of the Parks and Recreation Board Meeting held on September 21, 2015 to item 13.*
- *Move item 13 – Discussion of the ABC Store lease with the ABC Board to item 9.*
- *Move item 11 - Approval to Change the Date of the November 3, 2015 Council meeting to November 10, 2015 to the consent agenda, item 2.*

Motion by: Green
Motion Seconded by: R. Roberts
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

## APPROVAL OF MINUTES OF TOWN COUNCIL MEETINGS

1. September 1, 2015, Regular Council Meeting

**Mayor Bass asked Council to make a motion to approve the minutes listed above.**

***A motion was made to approve the minutes.***

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 5
Nays – 0
Abstained – 0

*APPROVED*

## PRESENTATION TO ROBERT BROWN'S FAMILY

Mayor Bass stated that he would like to recognize the Brown family for Robert Brown's dedication to the Parks and Recreation Department. He stated that Robert Brown loved the Town and children of the Town. He, also, stated that Robert was a blessing to this Town.

Each Councilmember voiced their appreciation of Robert Brown to his family.

Councilmember Green, who recommended the reception for Robert Brown, presented a plaque to Aleese Brown, the mother of Robert Brown. Councilmember Green read a dedication letter to the Brown family and said he appreciated not only what Robert did for the children at the Parks and Recreation Department, but for the community as well.

## 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 Bass opened the floor for Public Comments from the comment cards he received.**

**Hazel Spivey, Chadbourn, NC**

- Ms. Spivey stated that her water bill keeps going up and that it was not right. She, also, stated that her bills have been increasing over the past four months.

**David Trogdon, Chadbourn, NC**

- Mr. Trogdon stated that when the Town put the sewer line down Georgia Pacific Road that they installed a manhole in the middle of his driveway and he is requesting it to be moved.

**Doug Bellamy, Chadbourn, NC**

- Mr. Bellamy stated that he did not understand why the water rates have increased. Mr. Bellamy stated that he did not want to hear that water meters do not lie. Rather, he wanted to hear Staff should say, "We will see what we can do for you."
- Mr. Bellamy said he wanted to thank Councilmember Green for all his work on Robert Brown's reception.

**Russell Gause, Chadbourn, NC**

- Mr. Gause stated that he is requesting Council to hold a Public Hearing for a street to be named after Dr. King.
- Mr. Gause stated that the Town needed to hire an Engineer to study a way to remove water from Brown Street.

**John Osbourne, Chadbourn, NC**

- Mr. Osbourne stated that he is requesting Town Council to cut his Town Taxes in half.

*Mayor Bass closed the Public Comments at 7:37 p.m.*

## PUBLIC HEARING

2. **Conditional Use Permit to Operate an Auto Repair Shop at 702-B North Brown Street.** Staff is requesting comments from the Public on a Conditional Use Permit at 702-B North Brown Street.

*Mayor Bass opened the floor for Public Comments at 7:37 p.m.*

**Russell Gause, Chadbourn, NC**

- Mr.Gause asked the location of the business.

*Mayor Bass closed the floor for Public Comments at 7:39 p.m.*

3. **Public Hearing on the Updated Water Ordinance for the Town of Chadbourn.** Staff is requesting comments from the public on the updated Water Ordinance.

*Mayor Bass opened the floor for Public Comments at 7:39 p.m.*

**Betty Wilson, Chadbourn, NC**

- Ms. Wilson asked for a recap of the Water Ordinance.

Mr. Jones gave a recap of the Water Ordinance presented to Council.

*Mayor Bass closed the floor for Public Comments at 7:42 p.m.*

4. **Public Hearing on the Board of Adjustment, as Recommended by the Planning Board.** Staff is requesting comments from the Public on who should act as the Board of Adjustment.

*Mayor Bass opened the floor for Public Comments at 7:42 p.m.*

Mr. Jones explained the Board of Adjustment and the recommendation from the Planning Board.

**No Public Comments.**

*Mayor Bass closed the floor for Public Comments at 7:44 p.m.*

## CONSENT AGENDA

5. **Approval of the Release of Chadbourn Taxes for Janinto Garnica in the amount of $161.51.** Staff is requesting Council to approve the release of Taxes owed to the Town of Chadbourn, which were billed to the wrong city.

6. **Approval to Change the Date of November 3, 2015 Council Meeting.**
Staff is requesting Council to approve the date change of November's Council meeting.

*A motion was made to change the date of the November 3, 2015 Council meeting to November 10, 2015 and approve the Consent Agenda items listed above.*

Motion by: Edwards
Motion Seconded by: R. Roberts
Votes: Ayes - 5
Nays -- 0
Abstained - 0
*APPROVED*

## ACTION AGENDA

7. **Discussion of the Parks and Recreation Board Meeting held on September 21, 2015.**
Councilmember Green will update Council on the outcome of the Parks and Recreation Board Meeting.
Presented by: Councilmember Green

*Councilmember Green made a motion to approve what was discussed at the Parks and Recreation Board Meeting held on September 21, 2015. Below is the changes requested:*

- *Move funds on the current Recreation Budget to include:*

  1. *Baseball $5,000*
  2. *Basketball $5,000*
  3. *Soccer $5,000*
  4. *Flag Football $5,000*
  5. *Kickball/Track $2,500*

**BUDGET AMENDMENT 15/16-3**
2015-2016 Annual Budget
Parks & Recreation Department 10-6200-

| | NUMBER | Budget 2015-2016 | Budget Changes 10-6-15 by Mr. Jones |
|---|---|---|---|
| Salaries-Director | 0200 | $ - | $ 9,000.00 |
| Contract Service | 0400 | $ 11,000.00 | |
| Umpires | 0401 | $ 3,000.00 | |
| Telephone/Cell Phone | 1101 | $ 360.00 | $ 69.78 |
| Utility - Power/Lights | 1300 | $ 4,200.00 | $ 1,095.00 |
| Maint. & Repairs - Facilities | 1500 | $ 6,000.00 | $ 1,900.00 |
| Maint. & Repairs - Equipment | 1600 | $ 100.00 | $ 1,000.00 |
| Advertising | 2600 | $ 200.00 | $ 250.00 |
| Gas | 3100 | $ 750.00 | $ 26.27 |
| Office Supplies | 3200 | $ 150.00 | $ - |
| Dept. Supplies/Materials/Janitorial | 3300 | $ 150.00 | $ 150.00 |
| Welcome Signs/Misc. Project/Park | 3301 | $ 2,500.00 | $ 1,903.95 |
| Fund Raiser FUNDS FROM PRIOR YEAR | 3500 | $ 3,810.00 | |
| Uniforms - Sports | 3600 | $ 2,500.00 | |
| Dues & Subscriptions | 5300 | $ 75.00 | |
| Insurance & Bonds (WC & BALL) | 5400 | $ 1,000.00 | $ 2,000.00 |
| Miscellaneous Expense | 5700 | $ 100.00 | |
| Sports Equipment | 5701 | $ 4,000.00 | |

| | | | |
|---|---|---|---|
| Baseball | 5702 | | $ 5,000.00 |
| Basketball | 5703 | | $ 5,000.00 |
| Soccer | 5704 | | $ 5,000.00 |
| Flag Football | 5705 | | $ 5,000.00 |
| Kickball/Track | 5706 | | $ 2,500.00 |
| TOTALS | | $ 39,895.00 | $ 39,895.00 |

- *Add the following to the Parks and Recreation Advisory Board, with the approved background check:*

  1. *Delmar Tyrone Faulk*
  2. *Dwayne Lee Bryant*
  3. *Samuel Carnell Frink*
  4. *Timothy Charles Williams*
  5. *Derrick LaMonta Williamson*
  6. *Sharonda Ford*

*The above motion was made to accept the budget changes and to add new members to the Parks and Recreational Advisory Board.*

Motion by: Green
Motion Seconded by: Edwards
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

8. **Discussion of the ABC Store lease with the ABC Board.** Staff is requesting Council to discuss the lease contract with the ABC Board.
Presented by: Robert Jones, Town Manager

Councilmember Worley requested to be abstained from voting on the ABC Store price and term of a contract for the property located at 424 North Brown Street.

*A motion was made to accept Councilmember Worley's request.*

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 4
Nays – 0
Abstained – 1 (Worley)

*APPROVED*

Mr. Jones stated that he received a letter from the ABC Store Board that stated that they were not going to accept the terms from the Town of Chadbourn on the lease for 424 North Brown Street and they were going to stay at their current location.

After much discussion by Council, the decision was made to try to get other Towns involved in getting the distribution of funds changed on how much the County receives.

*A motion was made to table any decisions until Council and Management meets with Columbus County about the possible distribution of the funds.*

Motion by: Edwards
Motion Seconded by: R. Roberts
Votes: Ayes - 4
Nays – 0
Abstained – 1 (Worley)

*APPROVED*

10. **Discussion and Approval on the Conditional Use Permit to Operate an Auto Repair Shop at 702-B North Brown Street.** Staff is requesting Council to discuss the Conditional Use Permit.
Presented by: Robert Jones, Town Manager

*A motion was made to approve Case No.: CUP-01-1, Permit to Operate an Auto Repair Shop at 702-B North Brown Street, after the conditions are met with the Fire Marshall and Planning Board.*

Motion by: R. Roberts
Motion Seconded by: Green
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

11. **Discussion and Approval on the Updated Water Ordinance for the Town of Chadbourn.** Staff is requesting Council to discuss and approve the updated Water Ordinance.
Presented by: Robert Jones, Town Manager

*A motion was made to approve the Updated Water Ordinance.*

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

12. **Discussion and Approval on the Board of Adjustment, as Recommended by the Planning Board.** Staff is requesting Council to discuss and approve who should act as the Board of Adjustment. Presented by: Robert Jones, Town Manager

*A motion was made for the Board of Adjustment to be the Town of Chadbourn Council.*

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

## ADJOURNMENT

With no further business, Mayor Bass adjourned the meeting at 8:58 p.m.

Donald Ray Bass
Donald Ray Bass, Mayor

Attest:
Patricia Garrell
Patricia Garrell, Town Clerk

# Minutes
## Town of Chadbourn, North Carolina
### Chadbourn Council Special Called Meeting

**October 20, 2015**

The Special Called Meeting of the Chadbourn Town Council was held Tuesday, October 20, 2015 at 11:30 a.m., in the Council Meeting Room.

**Members Present:** Mayor Donald Ray Bass; Councilmembers: Brian Edwards, Rashad Roberts, Edwin Roberts, and James Green.

**Members Absent:** David Worley

**Others Present:** Robert Jones, Town Manager; Patricia Garrell, Town Clerk

**CALL TO ORDER AND ROLL CALL**

Mayor Bass called the meeting to order at 11:40 p.m. Patricia Garrell Town Clerk took roll call.

**INVOCATION**

Councilmember Rashad Roberts led the assembly in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Bass led the assembly in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Mayor Bass asked Council to make a motion to approve the agenda.**

*A motion was made by Councilmember R. Roberts to approve the agenda.*

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 4
Nays – 0
Abstained – 0

***APPROVED***

**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.*

*None*

## ACTION AGENDA

1. ***The Chadbourn Town Council will hold a Special Called Meeting on Tuesday, October 20, 2015 at 11:30 a.m. with a potential business client.***

   Mr. Bob Skelton, and Dianne Chapman, his associate, stated that they had a potential business they would like to introduce to Town Council. Mr. Skelton and Ms. Chapman did a presentation for Council and stated that it was a pre-packaged health foods company and that this is where the future of food sales were going. They stated that mail-order service for natural-healthy foods has a big potential and in their opinion, Chadbourn could be part of the business. The name of the company is Yevo International and has only been in business since April 2015.

   ***No decision was made by Council.***

## ADJOURNMENT

With no further business, Mayor Bass adjourned the meeting at 1:40 p.m.

Donald Ray Bass

Donald Ray Bass, Mayor

Attest:

Patricia Garrell

Patricia Garrell, Town Clerk

# Minutes
## Town of Chadbourn, North Carolina
### Chadbourn Council Special Called Meeting

**October 27, 2015**

The Special Called Meeting of the Chadbourn Town Council was held Tuesday, October 27, 2015 at 7:00 p.m., in the Council Meeting Room.

| | |
|---|---|
| **Members Present:** | Mayor Donald Ray Bass; Councilmembers: Brian Edwards, Rashad Roberts, Edwin Roberts, David Worley and James Green. |
| **Members Absent:** | None |
| **Others Present:** | Robert Jones, Town Manager; Patricia Garrell, Town Clerk; Harold Pope, Town Attorney. |

**CALL TO ORDER AND ROLL CALL**

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

**INVOCATION**

Councilmember Brian Edwards led the assembly in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Bass led the assembly in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Mayor Bass asked Council to make a motion to approve the agenda.**

*A motion was made by Councilmember Edwards to approve the agenda.*

| | |
|---|---|
| Motion by: | Edwards |
| Motion Seconded by: | Worley |
| Votes: | Ayes - 5 |
| | Nays – 0 |
| | Abstained – 0 |

***APPROVED***

**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.*

*None*

## ACTION AGENDA

1. **Discussion Concerning the ABC Board.**

Councilmember Worley requested to accuse himself from the discussion of the ABC Board. A second motion and vote was not taken.

Councilmember R. Roberts asked Mr. Pope what options the Town has regarding the letter, which was sent to the ABC Board to disburse the funds that were withheld over the past several years.

Mr. Pope stated that if the Town has requested the funds and the ABC Board had not complied, then the Town could take legal action against the ABC Board. The ABC Board operates as a separate corporation, but he recommends that should be the last option.

Councilmember Green requested that Mr. Jones go over the dates of the request to the ABC Board.

Mr. Jones stated that he conducted a straw poll of the board members and that a majority of the board instructed him to send a letter to the ABC Board to disburse the funds. The signed letter was dated October 9, 2015, but not mailed until October 15, 2015

After much discussion by Council and questions to Harold Pope, Town Attorney, about options on how to block a purchase of a building, removing Board Members and dispersing of the funds, which is required by law, the following motions were made:

*Councilmember E. Roberts made a motion to demand funds, held for distribution by the ABC Board, to be distributed to the Town, County, Fire Department and Police Department immediately.*

Councilmember Green seconded the motion.

*Councilmember Worley requested to recuse himself from the vote. The request was discussed by Council and Councilmember Worley withdrew his request.*

With the motion on the table from Councilmember E. Roberts, a vote was taken by raising hands.

Motion by: E. Roberts
Motion Seconded by: Green
Votes: Ayes - 2
Nays – 3 (R. Robert, Worley, Edwards)
Abstained – 0

***DISAPPROVED***

*Councilmember R. Roberts made a motion that the ABC Store begin distribution each quarter starting on July 1, 2015, by the General Statue 18B-805 (c) (2) (3), which states: "The local board shall spend for law enforcement an amount set by the board which shall be at least five percent (5%) of the gross receipts remaining after the distribution required by subdivision (1)". And General Statue 18-B-805(d) in the agreement dated and signed May 8, 2002 which states in item 12, page 5, "All net income, after distributions required by state and federal law and an amount to be determined by the Consolidated ABC Board to be set aside as working capital pursuant to GS 18B-805(d) and the Commission rules, shall be on a quarterly basis pursuant to the previous local agreements of the towns. All profit distributions will be distributed to the following entities based on the percentage of Gross Sales (Cash Register Receipts) of the stores in each town (below).*

*<u>Chadbourn Profit Distribution</u>*

- *50% Town of Chadbourn*
- *45% Columbus County*
- *05% Chadbourn Fire Department*

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 5
Nays – 0
Abstained – 0

*APPROVED*

*Councilmember R. Roberts made a motion to request the Town Manager to coordinate with all the towns, which are in the Columbus County district that have an ABC Store, to make a request to Columbus County to reconsider the distribution percentage of 45% to a lower percent.*

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 5
Nays – 0
Abstained – 0

*APPROVED*

*Councilmember R. Roberts made a motion to allow the ABC Board to purchase the building, which the ABC Store is currently located, from David Worley, as a property owner, and allow the ABC Board to use funds which the Town allow the ABC Board to establish a building fund from the start date of Fiscal Year 2009 through Fiscal Year 2013, per Chadbourn Town Council Regular Meeting Minutes Dated, February 2, 2009, but starting with Fiscal Year 2014 through current the disbursement shall be made to entities based on the percentage of Gross Sales. Also, this vote will supersede the vote made on September 1, 2015 minutes, item number 16, Discussion and Approval of Price and Term of a Contract for property located at 424 North Brown Street, which was as follow:*

- *West Columbus ABC Store would lease the property for $24,000 per year*
- *West Columbus ABC Store would enter into a contract with the Town to provide law enforcement as required by Statute and Council in the amount of $10,000 for Fiscal Year 2015-2016*
- *West Columbus ABC Store has been released to make any disbursement for Fiscal Year 2014-2015 to the Town of Chadbourn*

***Councilmember Worley requested to be abstained from voting on the approval to allow the ABC Board to purchase the building, which the ABC Store is currently located. Approved.***

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 3
Nays – 1 (Green)
Abstained – 1 (Worley)

*APPROVED*

*Councilmember E. Roberts made a motion to dissolve the entire ABC Board.*

*Motion died due to lack of a seconded.*

*Councilmember R. Roberts made a motion to send a letter requesting the ABC Board to deed the land as follows, Property ID 90236, County Number 13-01510, Book 1002, Page 691, located on Joe Brown Hwy., deeded to West Columbus Alcohol Beverage Control, which was purchased to build a new ABC Store to the Town of Chadbourn.*

***Councilmember Worley requested to be abstained from voting on the approval to allow the ABC Board to purchase the building, which the ABC Store is currently located. Approved.***

Motion by: R. Roberts
Motion Seconded by: Green
Votes: Ayes - 4
Nays – 0
Abstained – 1

*APPROVED*

2. **Discussion Concerning the Veterans Day Program.**
**Presented by: Councilmember Brian Edwards**

*Councilmember Edwards stated he is requesting that a Veterans Day Program continue as it has in the past. He also stated that the Town had a great turn-out the past two years. He has requested also, that the program would start at 9:30 a.m. on the Veterans Day, which is November 11th.*

*Councilmember Worley also stated that he would like the Town to restore the machine guns that are rusting which are in the old jail.*

Motion by: R. Roberts
Motion Seconded by: Edwards
Votes: Ayes - 5
Nays – 0
Abstained – 0

*APPROVED*

## ADJOURNMENT

With no further business, Mayor Bass adjourned the meeting at 9:43 p.m.

Donald Ray Bass, Mayor

Attest:

Patricia Garrell, Town Clerk

# Minutes
## Town of Chadbourn, North Carolina
### Chadbourn Council Regular Meeting

November 10, 2015

The Regular Council Meeting of the Chadbourn Town Council was held Tuesday, November 10, 2015 at 7:00 p.m., in the Council Meeting Room.

**Members Present:** Mayor Donald Ray Bass; Councilmembers: Brian Edwards, Rashad Roberts, Edwin Roberts, David Worley and James Green.

**Members Absent:** None

**Others Present:** Robert Jones, Town Manager; Patricia Garrell, Town Clerk; Steven Price, Public Works Director; Darrell Trivette II, Chief of Police and Harold Pope, Town Attorney.

**CALL TO ORDER AND ROLL CALL**

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

**INVOCATION**

Councilmember David Worley led the assembly in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Bass led the assembly in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Mayor Bass asked Council to make a motion to approve the agenda.**

*A motion was made by Councilmember Edwards to approve the agenda..*

Motion by: Edwards
Motion Seconded by: D. Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0
***APPROVED***

**APPROVAL OF MINUTES OF TOWN COUNCIL MEETINGS**

1. Regular Meeting Minutes – October 6, 2015

2. Special Called Meeting Minutes – October 20, 2015
3. Special Called Meeting Minutes – October 27, 2015
4. Closed Meeting Minutes (Attorney Pope) – September 1, 2015

**Mayor Bass asked Council to make a motion to approve the minutes listed above.**

***A motion was made by Edwards to approve the minutes.***

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained – 0

*APPROVED*

## ANNOUNCEMENT

Mayor Bass read the announcements.

- Town of Chadbourn will hold a Veterans Day Program on ***Wednesday, November 11th, at 9:30 a.m.*** at 208 East 1st Avenue, near Our Park, the Public is invited.
- Town Hall will be closed for Veterans Day on ***Wednesday, November 11th.***
- Town Hall will be closed for Thanksgiving on ***Thursday and Friday, November 26th and 27th.***

Mayor Bass asked if Staff has any announcements.

Chief Trivette read a letter from a person who was in need of assistance while they were driving through Chadbourn. The letter stated that two officers, Ricky Soles and Arron Wilson, were helpful in helping them find gas when all the stations were closed.

Chief Trivette stated the Community Watch went well on November 9, 2015 and the next meeting is December 7, 2015 at 6 p.m. at Chadbourn Middle School.

Mayor Bass closed the Announcements.

## 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 Bass opened the floor for Public Comments from the comment cards he received.**

**Russell Gause, Chadbourn, NC**

- Mr. Gause stated that the Town Manager said that the street name change to Dr. King would need to go to Council first. Mr. Gause stated that his group requested Wilkes Street, which is a state road, be changed instead of Smith Street. Council stated he would need to go to DOT about the request.

**Allan High, Attorney at Law, for Patrick Reaves, Chadbourn, NC**

- Mr. High stated that he was representing Patrick Reaves for his high usage of 9,300 gallons of water and he was requesting an adjustment due to brown water, per the Town's water ordinance.

***Mayor Bass closed the Public Comments.***

## CONSENT AGENDA

5. **Approval of the Change/Correction of the Minutes from April 7, 2015, that were approved May 5, 2015.** Staff is requesting Council to discuss and approve the updated Minutes.

*Consent agenda died from lack of a motion.*

## ACTION AGENDA

6. **Discussion and Approval to Re-appoint Brenda Tedder to the Parks and Recreation Advisory Board.** Staff is requesting to discuss a re-appointment for the Parks and Recreation Advisory Board.
Presented by: Robert Jones, Town Manager

*A motion was made by Councilmember Green to re-appoint Brenda Tedder to the Parks and Recreation Advisory Board for a three (3) year term ending November 2018.*

Motion by: Green
Motion Seconded by: R. Roberts
Votes: Ayes - 5
Nays – 0
Abstained - 0

***APPROVED***

7. **Discussion and Approval of a Resolution for a Tax Discount for the Town of Chadbourn.** Staff is requesting Council to discuss a discount for Taxes.
Presented by: Robert Jones, Town Manager

*A motion was made by Councilmember E. Roberts to approve a two-percent (2%) tax discount for the Town of Chadbourn and to end on August 31st of each year.*

Motion by: E. Roberts
Motion Seconded by: Green
Votes: Ayes - 5
Nays – 0
Abstained – 0

***APPROVED***

8. **Discussion of the Surplus of Two Properties.** Staff is requesting Council to discuss the sale of two properties located at 424 and 608 North Brown Street.
Presented by: Robert Jones, Town Manager

*A motion was made by Councilmember Edwards to have Mr. Pope to draw up a Resolution to surplus **424 North Brown Street** and have a closed bid to sell with a start bid of seventy-five thousand ($75,000), with an upset bid of ten (10) percent and at this time the Town is not to surplus 424 North Brown Street.*

Motion by: Edwards
Motion Seconded by: Green
Votes: Ayes - 5

Nays – 0
Abstained - 0

*APPROVED*

9. **Discussion and Approval to Hold a Public Hearing for Case No.: CUP-02-15, to Operate an Auto Repair Shop at 120 North Wilson Street.** Staff is requesting Council to set a Public Hearing date.
Presented by: Robert Jones, Town Manager

*A motion was made by Edwards to hold a Public Hearing for Case No.: CUP-02-15, Permit to Operate an Auto Repair Shop at 120 North Wilson Street, on December 1, 2015*

Motion by: Edwards
Motion Seconded by: Worley
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

10. **Discussion and Approval for Fees for Code Enforcement Violations.** Staff is requesting Council to approve fees for Code Enforcement.
Presented by: Robert Jones, Town Manager

*A motion was made by Councilmember Edwards to approve the Fees for Code Enforcement Violations as followed:*

**First Notice:** 15 days to appeal and/or resolve the violation. If not, a Notice of Violation for $50.00 is issued and 10 days to resolve.

**Second Notice:** $50.00 Penalty, with 10 days to resolve.

**Third Notice:** $100.00 Penalty and $50.00 per violation, each day that it goes unresolved for 30 days.

**Final Notice:** After the Final Notice, all papers will be sent to the Town Attorney, who will pursue further legal action.

Motion by: Edwards
Motion Seconded by: R. Roberts
Votes: Ayes - 5
Nays – 0
Abstained - 0

*APPROVED*

## ADJOURNMENT

With no further business, Mayor Bass adjourned the meeting at 8:25 p.m.

Donald Ray Bass

Donald Ray Bass, Mayor

Attest:

Patricia Garrell

Patricia Garrell, Town Clerk