



Minutes
Town of Chadbourn, North Carolina
Chadbourn Council Regular Meeting

April 5, 2016

The Regular Council Meeting of the Chadbourn Town Council was held Tuesday, April 5, 2016 at 7:00 p.m., in the Council Meeting Room.

Members Present: Mayor Phillip Britt; Councilmembers: Rashad Roberts, David Worley, Donald Ray Bass, James Green and Colene Kelly.

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

INVOCATION

Councilmember James Green led the assembly in prayer.

PLEDGE OF ALLEGIANCE

Mayor Britt led the assembly in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Britt asked Council to make a motion to approve the agenda.

A motion was made by Councilmember Bass to approve the agenda as written.

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

APPROVED

APPROVAL OF MINUTES OF TOWN COUNCIL MEETINGS

1. Regular Meeting Minutes – March 1, 2016
2. Closed Session Meeting Minutes – March 1, 2016

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

A motion was made by Councilmember Roberts to approve the minutes.

Motion by: Roberts
Motion Seconded by: Bass
Votes: Ayes - 5
Nays - 0
Abstained - 0

APPROVED

ANNOUNCEMENT

3. Mayor Britt read the announcements.

- Dumpster will be at 208 East 1st Avenue (old Town Hall) for clean-up week for the Citizens of Chadbourn.

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

Russell Gause, Chadbourn, NC

- Mr. Gause has concerns with the crumbling highway and the spraying of hot gravel over the surface.

Hattie Kelly and Deacons of Zion Wall Freewill Church, Chadbourn, NC

- Requested the ditch be cleaned and sprayed for mosquitos, because of standing water.

Dianthe Williamson for New Life Church, Chadbourn, NC

- Requested to use the property the Town owns during the Strawberry Festival. The location is at corner of N. Brown Street and 5th Avenue.

Brando Staples, Fayetteville, NC

- Complained about the Police Department having his car towed by a local company instead of having a truck come from Fayetteville, NC.
- Stated that he was unhappy with the way the officers treated him.

Mayor Britt closed the Public Comments.

PUBLIC HEARINGS

4. Public Hearing for RJ Corman Railroad, Case No.: RZ-01-16 for a Rezoning Request from B-1 (Central Business District) to I-2 (Heavy Industrial District). Staff requested comments from the Public on Case No.: RZ-01-16 for rezoning property owned by RJ Corman Railroad from B-1 to I-2.

Mayor Britt opened the floor for the Public Hearing on Case No.: RZ-01-16 at 7:39 p.m.

- No Comments

Mayor Britt closed the Public Comments at 7:40 p.m.

5. **Public Hearing for Ms. Megan Williamson on a Conditional Use Permit Application, Case No.: CUP-02-16 to Remove and Replace a Doublewide Mobile Home at the Same Location.** The mobile home is located at 1119 Old US Hwy., 74, and is within the Town's Extraterritorial Jurisdiction. Staff requested comments from the Public on Case No: CUP-02-16.

Mayor Britt opened the floor for the Public Hearing on Case No.: CUP-02-16 at 7:41 p.m.

- No Comments

Mayor Britt closed the Public Hearing Comments at 7:42 p.m.

CONSENT AGENDA

6. **Approval to Release Taxes in the amount of \$4,480.54 for Ted Parker Home Sales.** Staff requested that Town Council release taxes on the uncollectable amount for Ted Parker Home Sales and personal property for Mr. William and Constance Johnson.
7. **Approval of the Proclamation for the Town of Chadbourn Beautification and Clean-Up Week for the Week of April 16th thru April 23rd.** Staff requested that Town Council approve the Proclamation for Beautification and Clean-Up Week (below).

Proclamation
For
Town of Chadbourn Beautification and Clean-Up Week
April 16th – 23rd, 2016

WHEREAS, the Mayor and Town Council desire to place special emphasis on a clean and beautiful town; and

WHEREAS, Traditionally in May there is a period set aside to celebrate the Annual North Carolina Strawberry Festival – Chadbourn, North Carolina; and

WHEREAS, the 84th Annual North Carolina Strawberry Festival will be celebrated on May 7, 2016.

NOW, THEREFORE, Mayor and Town Council of Chadbourn hereby proclaim the week of April 16th – 23rd, 2016 Town Beautification and Spring Clean-Up Week in Chadbourn, North Carolina. All citizens are encouraged to clean-up and beautify their premises, homes and businesses and to place any trash and debris that they may have at the curb for pickup during said Clean-Up Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Chadbourn to be affixed, this the 5th day of April, in the year of our Lord 2016.

END OF PROCLAMATION

8. **Approval of Budget Amendment 15/16-09 to Move Funds within the Budget in order to pay off the Caterpillar in this current Budget Year.** Staff requested that Town Council approve Budget Amendment 15/16-09, to move unused expenditures to other line items to pay off a debt early in the total amount of \$19,248.00 (below).

Street Department

Tree Maintenance	10-5600-1502	Decrease (\$1,500.00)
Street Name Sign	10-5600-3301	Decrease (\$1,800.00)
Residential Trash	10-5600-4500	Decrease (\$ 512.00)
Insurance & Bonds	10-5600-5400	Decrease (\$1,000.00)
Lease Payment (CAT)	10-5600-8000	Increase \$4,812.00

Powell Bill Department

Equipment	11-5700-7410	Decrease (\$4,812.00)
Lease Payment (CAT)	11-5700-8000	Increase \$4,812.00

Water Department

Group Insurance Deductible	30-8100-0601	Decrease (\$ 400.00)
Unemployment Insurance	30-8100-0800	Decrease (\$ 500.00)
Telephone/Cell Phones	30-8100-1101	Decrease (\$ 800.00)
Maintenance and Repair Bldgs.	30-8100-1500	Decrease (\$1,000.00)
IT Repairs/Lease of Copier/Cable/McAfee	30-8100-1700	Decrease (\$ 500.00)
Insurance & Bonds	30-8100-5400	Decrease (\$1,612.00)
Lease Payment (CAT)	30-8100-8000	Increase \$ 4,812.00

Sewer Department

Unemployment Insurance	31-8290-0800	decrease (\$ 300.00)
School & Training	31-8290-1000	decrease (\$ 500.00)
Telephone/Cell Phones	31-8290-1101	decrease (\$ 250.00)
Maintenance and Repair Bldgs.	31-8290-1500	decrease (\$1,250.00)
Uniforms	31-8290-3600	decrease (\$ 200.00)
Insurance & Bonds	31-8290-5400	decrease (\$1,312.00)
Insurance Claims Deductible	31-8290-5500	decrease (\$1,000.00)
Lease Payment (CAT)	31-8290-8000	increase \$ 4,812.00

End of Budget Amendment 15/16-09

A motion was made by Councilmember Bass to approve the Consent Agenda items numbers 6, 7 and 8 listed above.

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

APPROVED

ACTION AGENDA

9. Discussion for the Approval or Disapproval of the RJ Corman Railroad Case No.: RZ-01-16 for the Rezoning Request from B-1 (Central Business District) to I-2 (Heavy Industrial District). Staff requested Council to approve or disapprove the rezoning of property for RJ Corman Railroad.
 Presented by: Robert Jones, Town Manager

A motion was made by Councilmember Roberts to approve Case No.: RZ-01-16.

Motion by: Roberts
 Motion Seconded by: Bass
 Votes: Ayes - 5
 Nays - 0
 Abstained - 0

APPROVED

10. Discussion for the Approval or Disapproval of the Conditional Use Permit Application, Case No.: CUP-02-16, for Ms. Megan Williamson to Remove and Replace a Doublewide Mobile Home at the Same Location at 1119 Old US Hwy., 74. Staff requested Council to approve or disapprove the Conditional Use Permit Application, Case No.: CUP-02-16 for Ms. Williamson.
 Presented by: Robert Jones, Town Manager

Councilmember Kelly made a motion to approve Case No.: RZ-02-16.

Motion by: Kelly
 Motion Seconded by: Bass
 Votes: Ayes - 5
 Nays - 0
 Abstained - 0

11. **Discussion of Chadbourn Community Development (CCDC) Email from Brian Edwards.** Staff requested Council to discuss the CCDC offer to donate property outside of the City Limits where the Welcome to Chadbourn signs are located, and donating the property at 115 N. Brown Street (see attached email).
Presented by: Robert Jones, Town Manager

Robert Jones stated that the Town could take care of the signs.

Councilmember Bass made a motion to accept the CCDC offer accepting the building, if approved by the CCDC, and mowing around the Town of Chadbourn signs on the North and South sides of Town.

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

12. **Discussion of the 424 North Brown Street Property.**
Staff requested Council to discuss the 424 North Brown Street property due to the offer of \$50,000 having been rescinded.
Presented by: Harold Pope, Town Attorney

Councilmember Worley made a motion to start the bidding process again as soon as possible and leave the bid open until June 30, 2016.

Motion by: Worley
Motion Seconded by: Bass
Votes: Ayes - 4
Nays - 1 (Green)
Abstained - 0

13. **Staff is requesting Council to Discuss a Fire Tax to Support the Klondyke-Chadbourn Volunteer Fire Department.**
Presented by: Robert Jones, Town Manager

Mr. Jones is requesting a 4% fire tax that would go directly to the Klondyke-Chadbourn Volunteer Fire Department, which would replace the funds the Town budgets for each year.

Councilmember Worley made a motion not to approve the fire tax for the Town of Chadbourn.

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

14. **Planning and Zoning Board is Requesting Council to Discuss a Traffic Flow Change on a portion of East 1st Avenue from a two-way street into a one-way, and Re-open West Railroad Avenue to Colony Street.**
Presented by: Robert Jones, Town Manager

Councilmember Worley made a motion to take the two items in Number 14 as two separate items. Below they will be listed as 14a and 14b.

Motion by: Worley
Motion Seconded by: Bass
Votes: Ayes - 5

Nays – 0
Abstained -- 0

- **14a. Planning and Zoning Board is Requesting Council to Discuss a Traffic Flow Change on a portion of East 1st Avenue from a two-way street into a one-way.**
Presented by: Robert Jones, Town Manager

Councilmember Worley made a motion to table 1st Avenue until the Town Manger talks to Drew Cox, with DOT, to see if there can be a sign put on Highway 410 at 1st Avenue going South for no "left turns" instead of making 1st Avenue a one way street.

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

- **14b. Planning and Zoning Board is Requesting Council to re-opening West Railroad Avenue to Colony Street.**
Presented by: Robert Jones, Town Manager

Mr. Jones stated that Staff is requesting the Town to remove the gate on West Railroad Avenue and pave the portion to connect West Railroad Avenue to Colony Street, to allow traffic greater ease to get through the area.

Councilmember Green made a motion to move forward to allow the Town Manger to get the information on cost and the details of who owns the property to re-connect West Railroad Avenue to Colony Street.

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

- 15. Planning and Zoning Board is Requesting to Re-adopting the Town's Old Zoning Ordinance.**
Staff is requesting a Public Hearing for re-adopting the old zoning ordinance.
Presented by: Robert Jones, Town Manager

Mr. Jones stated that the old Zoning Ordinance was better written for the Town of Chadbourn. It would be easier to work with businesses and citizens. He, also, stated that Staff had sent out the old Zoning Ordinance in an email to Council with all the changes Staff had requested. Mr. Jones requested a Public Hearing date of May 3, 2016.

A motion was made by Councilmember Roberts to approve the request of a Public Hearing on May 3, 2016 for Re-adopting the Town's Old Zoning Ordinance.

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

XI. Closed Meeting Agenda

- 16. Closed session to discuss individual employee under General Statute 143-318.11 (a) (6) and General Statute 143-318.11 (a) (3), to consult with an attorney in order to preserve the attorney-client privilege.**

Mr. Pope requested that the General Statute 143-318.11 (a) (6) be changed to General Statute 143-318.11 (a) (3), to consider and give instructions concerning a potential or actual claim, administrative procedure or judicial action.

Mayor Britt requested Council to make a motion to go into Closed Session at 7:45 p.m.

Councilmember Roberts made a motion to go into Closed Session for General Statutes 143-318.11(a) (3).

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

APPROVED

Council moved to Closed Session at 8:48 p.m.

Mayor Britt asked Council to make a motion to go back into Open Session at 9:04.

Councilmember Bass made a motion to go into open Session.

Motion by: Bass
Motion Seconded by: Kelly
Votes: Ayes - 5
Nays - 0
Abstained - 0

APPROVED

ADJOURNMENT

Mayor Britt stated that there was no action taken in Closed Session on the discussion on pending allegations.

Mayor Britt requested Council to make a motion to adjourn the meeting.

Councilmember Bass made the motion to adjourn.

Motion by: Bass
Motion Seconded by: Kelly
Votes: Ayes - 5
Nays - 0
Abstained - 0

APPROVED

With no further business, Mayor Britt adjourned the meeting at 9:06 p.m.


Phillip C. Britt, Mayor

Attest:


Patricia E. Garrell, Town Clerk

