
AGENDA
TOWN COUNCIL OF THE TOWN OF TARBORO, NC
REGULAR MEETING HELD AT 7:00 PM, MONDAY, APRIL 8, 2024
IN THE COUNCIL ROOM, TOWN HALL, TARBORO, NC

1. MEETING CALLED TO ORDER BY THE MAYOR

PLEASE TURN CELL PHONES OFF

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA BY COUNCIL

5. PRESENTATION BY COUNCIL

- (1) Autism Awareness Month Proclamation
- (2) Arbor Day Proclamation
- (3) National Day of Prayer Proclamation

6. REQUESTS AND PETITIONS OF CITIZENS

(Five minute time limit per person)

7. MATTERS SCHEDULED FOR PUBLIC HEARING

Non-Residential Maintenance Code - The purpose of this public hearing will be to make appropriate changes to clarify the ambiguous language and enhance enforceability of the Non-Residential Maintenance Code adopted by Council at the July 10, 2023 Town Council meeting to regulate building appearance in the Central Business District.

8. REPORTS OF BOARDS AND COMMISSIONS

- (1) The Planning Director will present the Planning Board Report.

9. TOWN MANAGERS RECOMMENDATIONS

Consent Items

- (1) Approve minutes of the March 11, 2024 regular meeting.
- (2) Council Retreat Minutes March 2 & 3, 2024
- (3) Budget Transfers
- (4) Tax Collector's Report
- (5) 2023 Tax Levy Adjustment

Action Items

- (6) Disposition of Town-owned Property - Tarboro Commerce Center
- (7) Budget Amendment - Cultural Arts Grant
- (8) Resolution of Support - N.C. Commerce Rural Downtown Economic Dev. Grant

10. OTHER REPORTS

- A. Town Manager
- B. Town Attorney
- C. Council Members

11. CLOSED SESSION

- (1) Closed Session as per NCGS § 143-318.11(a)(6) - Personnel

12. ADJOURNMENT



PROCLAMATION

Autism Awareness Month

WHEREAS, Autism Spectrum Disorder (ASD) is a neurological and developmental disorder that affects a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 36 children in the United States today; and

WHEREAS, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety, and to support families' resilience as they manage and care for those individuals diagnosed with Autism Spectrum Disorders; and

WHEREAS, while there is no cure for autism, early diagnosis and intervention tailored to individual needs can have lifelong benefits, easing the transition to adulthood; and

WHEREAS, Autism Awareness Month is an opportunity to recognize the contributions of individuals with Autism Spectrum Disorder and to dedicate this time to the cause of better understanding and raising awareness.

NOW, THEREFORE BE IT RESOLVED that I, Mayor, Tate Mayo, do hereby proclaim April 2024 as "**NATIONAL AUTISM AWARENESS MONTH**" in the Town of Tarboro, and encourage all residents to participate in its observance and become more aware of Autism Spectrum Disorders.

Witnessed this 8th day of April, 2024.




Tate Mayo, Mayor



PROCLAMATION

National Arbor Day

Whereas, on January 4, 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed on April 10, 1872 with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world; and

Whereas, trees can be a solution to combating climate change by reducing the erosion of our topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

Whereas, trees in our Town increase property values, enhance the economic vitality of the business area, and beautify our community; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal and are literally and figuratively in the heart of Tarboro.

Now, Therefore, I, Tate Mayo, Mayor of the Town of Tarboro join with the Town Council and community volunteers to hereby proclaim April 26, 2024 as “**NATIONAL ARBOR DAY**” in the Town of Tarboro. I urge all citizens to support efforts to protect our trees and woodlands and to plant trees to gladden the heart promoting the well-being of this and future generations.

Dated this 8th day of April, 2024.


Tate Mayo, Mayor





PROCLAMATION

National Day of Prayer

May 2, 2024

W HEREAS, The observance of the National Day of Prayer will be held on Thursday, May 2, 2024, with the theme of '**Lift Up The Word - Light Up The World**'; and

W HEREAS, A National Day of Prayer has been part of our country's heritage since it was declared by the First Continental Congress in 1775; and

W HEREAS, The United States Congress, by joint resolution approved on April 17, 1952, recognized the role of faith and prayer in the lives of the American people, and in 1988 designated the first Thursday in May of each year to be the day that is set aside to pray for our nation; and

W HEREAS, Leaders and citizens of our nation are afforded the privilege of prayer with the joy of seeking divine guidance, strength, protection, and comfort from Almighty God; and


W HEREAS, we ask the almighty to protect all those of our Armed Forces who fight for freedom throughout the world and our brave men and women in uniform who put themselves in harm's way every day to protect their fellow citizens, and to shield innocents from harm, as we exercise reliance on God's power in the face of present challenges and threats in our Nation; and

W HEREAS, in observance of the National Day of Prayer, we unite with fellow citizens, to ask God for His blessing upon our nation, government, local leaders, communities, neighborhoods, schools, and families.

N OW, THEREFORE, I, Tate Mayo, Mayor of the Town of Tarboro, do hereby proclaim May 2, 2024 as a "**Day of Prayer**" throughout the Town of Tarboro and I commend this observance to all of our citizens.

Witnessed this 8th day of April, 2024



 Mayor
Town of Tarboro, North Carolina

Town of Tarboro Code of Ordinances
Chapter 4, Article VIII – Nonresidential Maintenance Code

1. AUTHORITY

In order to protect the health, safety, and welfare of the town and its residents and citizens including but not limited to owners and occupants of nonresidential buildings or structures, it is the purpose of this division to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly as authorized under G.S. § 160A-174, and 160D-1129. This division provides for the repair, closing, or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety, and welfare.

2. SHORT TITLE

This ordinance shall be known as the Town of Tarboro “Nonresidential Maintenance Code” and may be cited as both the “nonresidential building code” or “the commercial maintenance code.”

3. JURISDICTION

A. The provisions of this code shall apply to all premises, structures, and buildings as defined by the Tarboro Zoning Ordinance located within the Central Business District. Residential structures shall fall under the enforcement of the minimum housing code for the Town of Tarboro; for combination structures, both codes would apply. This code establishes minimum standards for the initial and continued occupancy and/or use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building, equipment, or facilities contained therein.

B. The provisions of this code apply whether the structure or building is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by any party in interest to prevent the entry of unauthorized persons or the occurrences of conditions not permitted by law.

4. PURPOSE

It is the purpose of the provisions of this code to provide a just, equitable, and practical method, whereby all buildings, structures, and premises which from any cause, endanger the life, limb, health, property, safety, or welfare of the general public or their occupants, diminish property values or detract excessively from the appropriate appearance of the area, may be required to be repaired, acquired, or demolished. It is further the purpose of this code to preserve the character and integrity of the community specifically the unique cultural, historical, and architectural features of the Downtown Business District, and to promote the comfort, happiness, and safety of community residents and business owners. It is the further purpose of this code to minimize discordant, unsightly, and offensive surroundings, including blighted structures, and to prevent the appearance of vacancy or neglect of unoccupied properties which may lead to increased crime, reduced property values, increased risk of damage from fire, flooding or other hazards, and other detriments to the community, while promoting the comfort, happiness and emotional stability of area residents and preserving the beauty as well as the usefulness of the environment. The provisions of this code are cumulative with and in addition to any other remedy provided by law including the current editions of standard codes adopted by the Town of Tarboro.

5. MINIMUM STANDARDS FOR NONRESIDENTIAL BUILDINGS AND STRUCTURES

It shall be the responsibility of the owner of all buildings, structures, and/or premises in the Central Business District that they be maintained in compliance with all applicable provisions herein. The following violations shall be corrected subsequent to the notice of violations as enumerated herein:

(A) Minor Violations: The following minor violations shall be abated within ten (10) consecutive days of the Notice of Violation in accordance with remedies as outlined in Chapter 10 Nuisances of the Tarboro Code of Ordinances.

It shall be the responsibility of the owner of all buildings, structures, and/or premises in Central Business District, that they be maintained in compliance with

all applicable provisions herein. The following violations shall be corrected subsequent to the notice of violations as enumerated herein:

1. A structure, wall, or other affixed real property visible from a public right of way shall not have graffiti for a period of more than fifteen (15) consecutive days.
2. Advertising sign structures attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall be maintained in good repair and shall not cause a nuisance or safety hazard.
3. A structure shall not have weeds, trees, vines, or other uncultivated vegetation growing upon it greater than eight (8) inches in height in an untended manner.
4. Buildings and premises shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.

(B) Major Violations: The following major violations shall be abated within sixty (60) consecutive days of the Notice of Violation:

1. A structure shall not have exterior surfaces that do not form a weather-tight surface due to holes, excessive cracks, or decayed surfaces; for a period of more than sixty (60) consecutive days.
2. A structure shall not have a roof with leaks that endanger the integrity of the structure or the health, safety, or welfare of tenants or adjoining property owners for a period of more than sixty (60) consecutive days.
3. A structure shall not have windows with glass that is broken or missing and/or window frames with more than fifty (50) percent of the surface area covered with disfigured, cracked, or peeling surface materials for a period of more than sixty (60) consecutive days.

(C) Hazardous Conditions: Any combination of conditions which in the judgment of the authorized enforcement officer renders any building or structure dangerous or injurious to the health, safety, or general welfare of occupants or members of the general public. Hazardous conditions shall be immediately abated.

5.1. VACANT PROPERTY MAINTENANCE

(A) Intent and Scope. The Town finds that the presence of commercial buildings exhibiting evidence of vacancy poses special risks to the health, safety, and welfare of the community and therefore requires heightened regulatory attention. The provisions of this Section shall apply to all properties in the Central Business District of the Town of Tarboro.

(B) Definition. For purposes of this Section, the following definitions shall apply:

i. "Vacant" means unoccupied, not routinely characterized by the presence of human beings.

ii. "Evidence of Vacancy" means any aesthetic condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows, and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds, shutters, the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, passersby, delivery agents, governmental employees that the Property is vacant.

(C) Maintenance Requirements. Properties subject to this Section shall be kept in compliance with the following maintenance requirements:

(1) Evidence of Vacancy.

(a) The exteriors of the building(s)/structure(s) on the Property shall be painted and maintained in a way that does not exhibit any Evidence of Vacancy.

(b) The yard(s) of the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(c) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(d) The window(s) and door(s) of building(s)/structure(s) of the Property shall be intact and operable and shall be maintained in a way that does not provide Evidence of Vacancy.

(e) Instances of rotting of building(s)/structure(s) of the Property or portion thereof shall be corrected to eliminate visible rotting in a way that does not exhibit any Evidence of Vacancy.

(f) The storefront(s) and façade(s) of building(s) shall be maintained in a way that does not provide Evidence of Vacancy.

(g) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

(2) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Masonry shall be repointed, as necessary, to prevent bricks or members from falling or coming out. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering, cladding, or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. All siding and masonry joints, as well as those between the building or structure envelope, and the perimeter of windows, doors, and skylights, shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or

corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) Premises' Identification. All primary buildings shall have approved address numbers placed in a position, and of such size, to be plainly legible and visible from the street or road fronting the property. Address numbers shall be Arabic numbers. The numbers used shall be made of durable and visible material, which contrasts with the background material upon which it is placed.

(4) Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(5) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be in such condition as to prevent the entry of rodents and other pests.

(6) Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(7) Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof shall not contain more than (2) roof coverings. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions.

(8) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(9) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch, and balcony, including all appurtenances attached thereto, shall be

maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.

(10) Chimneys, flues, vents. There shall be no chimneys or parts thereof which are defective, deteriorated, or in danger of falling or in such condition or location as to constitute a fire hazard. All chimneys, flues, and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents, or other draft-producing equipment that are in use shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases.

(11) Handrails and guards. All exterior porches, landings, balconies, stairs fire escapes, and the like shall be provided with banisters, railings, or guards, which are properly designed, firmly fastened, capable of supporting normally imposed loads, and maintained in good condition to minimize the hazard of falling and the same shall be kept structurally sound, in good repair and free of defects.

(12) Window, skylight, and doors. Every window, skylight, door, and frame thereof, shall be in sound condition, in good repair, and weather-tight. There shall be no cracks, holes, or open spaces around windows and door frames. All glazing materials shall be maintained free from cracks and holes. Windows and doors shall be maintained free from broken or missing glass. Broken or missing glass may not be replaced with material other than glass. Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware. Voids within exterior walls that are created for, or once contained a window or door, shall not remain without a window or door. Exterior windows, exterior spaces missing or partially missing windows, exterior doors, and exterior spaces missing or partially missing doors in buildings, whether vacant or occupied, shall not be covered with masonry or other similar material and shall be filled with a window or door. Glazing shall not be painted in opaque paint except for signage meeting the requirements of the zoning ordinance. Windows within the same building shall match in terms of material and general design.

(13) Shutters. As an alternative to a glass window, can be allowed on the second floor of a two-story building/structure and the third floor of a three-story building/structure provided all the standards noted above in paragraph (12) for sound condition, good repair, and weather tightness adhere thereto. Additionally, the shutters shall be of a durable material and a style, material, and color to match the color, material, historical nature, and architectural style of the building/structure.

(14) Doors. All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units in a building/structure shall tightly secure the door.

(15) Basements. All crawlspace doors, basement doors, and hatchways shall be maintained to prevent the entrances to dwelling units shall tightly securing the door.

(16) Guards for basement windows. Every openable basement window shall be supplied with rodent shields, storm windows, or other approved protection against the entry of vermin.

(17) Egress. Every building shall be provided with adequate means of egress as required by the North Carolina State Building Code. Every dwelling unit shall be provided with adequate means of egress as required by the North Carolina State Residential Code.

(18) Building security. The property shall be maintained securely so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walkthrough, sliding, and garage), gates pet doors, and any other such opening of such size that it may allow a child to access the interior of the property or structure(s). Broken windows shall be replaced and/or re-glazed; windows shall not be boarded up. Doors, windows, or hatchways for buildings shall be provided with devices designed to provide security for the occupants and property within.

Basement hatchways that provide access to buildings shall be equipped with devices that secure the unit from unauthorized entry.

(19) Loose materials. The building and environment surfaces shall be kept clear of: cracked or broken glass; loose shingles; loose wood; crumbling stone or brick; loose, broken, tattered, or torn plastic; or other dangerous objects or similar hazardous conditions.

(20) Exterior Surface Maintenance. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.

(21) Rubbish. Buildings and environs shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.

(22) Overhanging and Protruding Objects. The building and environs shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property. The building and environs shall be kept free of objects and elements protruding from building walls, roof, and environs that are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets, and other brackets and similar objects.

(23) Holes and Breaks in Walking Surfaces. The environs shall be kept free of insufficiently protected holes, excavations, breaks, projections, obstructions, and other such dangerous impediments on and around walks, driveways, parking lots, and other areas that are accessible to and generally used by persons on the premises.

(24) Gutters and Downspouts. Gutters and downspouts shall be replaced or repaired as necessary and shall be appropriately located so as not to cause a hazard to pedestrians, vehicular traffic, or property.

(25) Drainage. All yards and environs shall be properly graded and maintained to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(26) Accessory Structures and Appurtenances. Attached and unattached accessory structures and appurtenances shall not cause a nuisance or safety hazard.

(27) Signs. Advertising sign structures attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall not cause a nuisance or safety hazard.

(D) Registration.

(1) Registration. Any vacant commercial property located within the Central Business District of the Town of Tarboro must be registered by the owner with the Town's Planning Department either:

(a) by the owner's own accord after such property is vacant for 90 days and before receiving a Notice of Registration Requirement, but within 120 days of becoming vacant, or

(b) within 30 days of the owner receiving a Notice of Registration Requirement from the Town.

(2) Notice. The Town will send a Notice of Registration Requirement to the owner of record of properties that are vacant or exhibit evidence of vacancy for 90 days. The owner shall have 30 days to register property, within the period set forth in paragraph (1) of this section. The Notice shall contain a determination the property is vacant and the requirements for registration, including a copy of the registration form and instructions for paying the registration fee.

(3) Hearing. The recipient of a Notice of Registration Requirement may request in writing a hearing with the authorized code enforcement official within 30 days of receipt of the Notice to rebut the determination of vacancy. Such a hearing shall be scheduled by the authorized official at a time and date within 30 days of receipt of the

request. The Hearing shall allow the owner to provide clear and convincing evidence to the authorized official, or his designee, within such time period, that the property is not vacant. After considering the evidence presented, and/or in the record, the authorized official shall make a determination whether the property is vacant at the conclusion of the hearing or a reasonable time thereafter, and if vacant, notify the property owner to Register within 10 days of the decision. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the authorized code enforcement official. Appeals of the decisions of the authorized code enforcement official shall follow the same procedures as set forth in the Town of Tarboro Code of Ordinances Chapter 10 Nuisances.

(4) The registration shall contain:

- (a) The name of the owner (corporation or individual);
- (b) The direct street/office mailing address of the owner and post office box, if applicable; and
- (c) A direct contact name and phone number.

(5) Any changes in the information in paragraph (3) of this section shall be reported to the Planning Department within 30 days of such changes.

(6) Registration must be renewed annually.

(7) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this article as long as they remain vacant.

(8) Once the property is no longer vacant or is sold, the owner must provide written proof of occupancy or sale to the Planning Director.

(9) Registration of a vacant commercial property does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitations, with regard to the owner's vacant property. By accepting an owner's registration, the Planning Department has not determined that the vacant

property being registered is in compliance with an applicable, local, or state regulation or law.

(E) Fees. The Town recognizes the costs to its citizens of effecting the purpose of this ordinance and hereby establishes an administrative fee. The fee structure established in this ordinance serves additional purposes, including covering costs incurred by the municipality to deal with vacant properties and motivating owners to restore and reuse vacant properties. The fee schedule shall be defined pursuant to the Fee Schedule for the Town adopted by the Town Council and as amended from time to time.

(F) Exemptions.

(1) A vacant commercial property that is actively *[listed with a licensed NC realtor and offered for sale or lease]* for sale or lease for a period of no more than one calendar year shall be exempt from the annual vacant commercial property registration fee. The vacant commercial property must still be registered. The owner must provide proof of the building being actively and continuously marketed through a licensed real estate broker or the owner and show proof of advertising in the area, whether by signs, print media, electronic media, or otherwise. This exemption is subject to the following conditions:

(a) The exemption may be extended for an additional year upon proof of good faith marketing of the property for sale *[by a licensed realtor]* and compliance with all applicable town ordinances.

(b) The price for lease or sale must be no more than 25% over assessed value or market rate, verified by an appraisal completed by a licensed appraiser using accepted appraisal standards or in the alternative, verified by written opinion of market value by two licensed real estate brokers.

(2) A vacant commercial property that is under active pre-permit planning by the owner for occupancy shall be exempt from the annual vacant commercial property registration fee for a period of no more than one calendar year. The vacant commercial property must still register. Owner must provide evidence of such planning for future improvement or occupancy, to include but not limited to

common pre-permitting activities such as the engagement of an architect or design firm, civil engineer, surveyor, landscape architect, or other similar interior or exterior design company or qualified individual.

(a) The exemption may be extended for an additional year upon proof of good faith pre-permit planning activities and compliance with all applicable town ordinances.

(3) A vacant commercial building that is being renovated under an active building permit for the purpose of preparing it for occupancy shall be exempt from the annual vacant building registration fee subject to the following conditions:

(a) The property owner can demonstrate that the work being performed is pursuant to the acquired permit for the preparation of occupancy, lease, or sale; and

(b) Inspections for the work covered under the permit are requested on at least a monthly Basis.

(4) A vacant commercial building that has been purchased within 90 days of receiving a Notice of Registration Requirement. Properties meeting this exemption will be given 12 months to start rehabilitation or action to occupy the buildings. A work plan of action shall be submitted along with the property registration form outlining the work being planned and an estimated date of completion/occupation.

(5) A vacant commercial building that has fire, flood, or wind damage or similar casualty. The owner then has 120 days to repair or demolish the building or register it as vacant.

6. ENFORCEMENT

The authorized enforcement officer is hereby designated to exercise the powers prescribed in this article; in accordance with the provisions of N.C.G.S. 160D-1129 and specifically the supplemental powers set forth in 160D-1129(l). The authorized official,

or his designee, is hereby designated to exercise the powers prescribed in this article; in accordance with the provisions of G.S. 160A-174.

7. APPLICABILITY OF OTHER CODE

Applicable North Carolina State Building Codes and the National Electric Code shall govern all repairs or alterations made to any existing structure.

8. INVESTIGATION OF CONDITIONS

(A) Whenever it appears to the code enforcement officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants, or members of the general public, are jeopardized for failure of the property to meet the minimum standards established by this article, the code enforcement officer shall undertake a preliminary investigation.

(B) If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises. The authorized enforcement officer may seek assistance from necessary qualified parties when inspecting properties suspected of hazardous conditions.

9. COMPLAINT AND HEARING

If the preliminary investigation discloses evidence of a violation, the authorized enforcement officer shall issue and cause to be served upon the owner of and parties in interest, in the nonresidential building or structure, a complaint. The complaint shall state the following:

(A) The charges and a notice that a hearing will be held before the authorized enforcement officer at a place within the town; scheduled within 30 days after the serving of the complaint;

(B) That the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint;

(C) That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement officer.

10. ORDER

If, after notice and hearing, the authorized enforcement officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the governing body, the authorized enforcement officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

(A) Limitations on Orders.

(1) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing body or to vacate and close the nonresidential building or structure for any use.

(2) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or a historic district listed in the National Register of Historic Places and the governing body determines, after a public hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is

brought into compliance with the minimum standards established by the governing body.

(3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(B) Action by Governing Body Upon Failure to Comply With Order.

(1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the governing body may adopt an ordinance ordering the authorized enforcement officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the authorized enforcement officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following the adoption of an ordinance, the authorized enforcement officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The authorized enforcement officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

(2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the governing body may adopt an ordinance ordering the authorized enforcement officer to proceed to effectuate the purpose

of this section with respect to the particular property or properties that the authorized enforcement officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require the demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing body. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following the adoption of an ordinance, the authorized enforcement officer may cause the building or structure to be removed or demolished.

(C) Action by Governing Body Upon Abandonment of Intent to Repair.

(1) If the governing body has adopted an ordinance or the authorized enforcement officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the governing body may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the governing body may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(a) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that

the owner either repair or demolish and remove the building or structure within 90 days; or

(b) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

(2) In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the governing body may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the authorized enforcement officer shall effectuate the purpose of the ordinance.

11. SERVICE OF COMPLAINTS AND ORDERS

Complaints or orders issued by the code enforcement officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement officer in the exercise of reasonable diligence, and the authorized enforcement officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least once no later than the time that personal service would be required under this section. When service is made by publication, a

notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

12. LIENS

- (A) Upon the authorized enforcement officer effectuating the order to repair, alter, improve, vacate, close, remove, or demolish the nonresidential property, the amount of the cost shall be a lien against the real property upon which the cost was incurred. This lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. 160D-1129.
- (B) The amount of the costs shall also be a lien on any other real property of the owner, except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- (C) When a nonresidential building or structure is removed or demolished by the authorized enforcement officer, the officer shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure. All proceeds of the sale shall be credited against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court. The proceeds shall be secured in a manner directed by the court and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree. Nothing in this section shall be construed to impair or limit in any way the power of the city council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

13. CIVIL PENALTY

In addition to other available remedies provided in this article, any violation of this article may subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) for each day the violation(s) continue to exist, as provided in Section 1-12 of the Tarboro Code of Ordinances.

14. CONFLICT WITH OTHER PROVISIONS

In the event, that any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of the Town the provision that establishes the higher standard or more stringent requirements for the promotion and protection of the health and safety of the residents of the Town shall prevail.

15. SEVERABILITY

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

16. APPEALS

Any appeals for an order or decision made by the authorized enforcement officer may be taken to the zoning board of adjustment. Any person aggrieved by a decision or order of the authorized enforcement officer shall have the remedies provided in G.S. 160D-1129(m).

PLANNING BOARD AND ZONING COMMISSION

REPORT TO COUNCIL

APRIL 8, 2024

The Planning Board and Zoning Commission submit the following report to the Town Council for consideration and action in connection with matters reviewed at the Board's March 15th regular meeting.

I. MATTERS FOR CONSIDERATION

A. UDO TEXT AMENDMENT #24-01

Modifications to the UDO as recommended by Staff and the Planning Board as attached.

The Planning Board recommends that Council call for and hold a public hearing to approve the UDO changes as presented.

Respectfully Submitted,
Catherine W. Grimm
Board Secretary

Recommended Modifications to the Unified Development Ordinance
From the March 2024 Planning Board Meeting

Purpose & Applicability, Chapter 1

1.4 Shall read: “The regulations contained in this ordinance have been adopted in accordance with the adopted plans and seek to increase the quality of life, health, safety, and welfare of persons within the town, by regulating development including property uses, aesthetics, traffic safety, and all related means of improvement.”

Permitted Uses, Chapter 2

Tables to be updated as below:

- Central Business District
 - Parking lot/structure, Permitted with Additional Standards
 - Multi-family & Townhomes as Permitted with Additional Standards
 - Bin/Overstock not permitted
 - Vape, Hookah not permitted
 - Differentiated between cigar bar/Hookah
 - In all districts, shall not sell drug-related paraphernalia; coordinate with Police Department to match state definitions
 - Cryptocurrency not permitted
 - Permitted with Standards in LI, HI
- Townhouse –Is Permitted with Standards; shall remove the limitation of 5 adjacent as there is no state building code limitation.

Design Standards

- Driveway spacing – increase to 24' minimum; Section 3.2.2 & 9.5
- Stacking requirement for drive-thru businesses shall be included
- To match state standards, one- or two-family residential development with over 30 dwelling units requires a secondary fire access road (NC Fire Code, Section D107, pg. 467); or as recommended by staff if less than 30
- Street Classifications – update to meet the Town of Tarboro Manual of Specifications and Design Standards and/or NCDOT Standards as required
 - Sidewalks required when meet Tarboro Pedestrian plan, new subdivisions, and as indicated by staff; fee-in-lieu as an option

Misc.

- Page 73, Telecommunications Tower section update the zone labels to the current labels and distance
- Page 97, “Town”
- Page 326, “Wingate” replaced with “Tarboro”

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF TARBORO, HELD AT 7:00 PM ON MONDAY, MARCH 11, 2024 IN
THE COUNCIL ROOM, TOWN HALL, TARBORO, NORTH CAROLINA**

MEMBERS PRESENT

Mayor Mayo
Councilman Anderson
Councilman Taylor
Councilman Burnette
Councilman Brown
Councilmember Jordan
Councilmember Bynum

MEMBERS ABSENT

Councilman Woodard
Councilman Jenkins

ALSO PRESENT

Troy Lewis, Town Manager
Leslie Lunsford, Town Clerk
Chad Hinton, Town Attorney

1. MEETING CALLED TO ORDER BY THE MAYOR

2. INVOCATION

Councilman Taylor.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA BY COUNCIL

Council amended the agenda to include a grant proposal for the Environmental Enhancement Grant. Amended agenda was approved.

Leo Taylor made a motion, which was seconded by Sabrina Bynum and Passed, Motion. ;
Absent: Jenkins, Woodard

5. REQUESTS AND PETITIONS OF CITIZENS

No one spoke.
; Absent: Jenkins, Woodard

6. TOWN MANAGERS RECOMMENDATIONS

Consent Items

Consent Items approved as presented.
Deborah Jordan made a motion, which was seconded by Sabrina Bynum and Passed,

Motion. ; Absent: Jenkins, Woodard

- (1) Approve minutes of the February 12, 2024 regular meeting.
- (2) Budget Transfers
- (3) Tax Collector's Report

Action Items

(4) NC Attorney General - Environmental Enhancement Grant

Council authorized staff to submit a grant proposal to the Environmental Enhancement Grant Program for shoreline stabilization at Indian Lake and to execute a letter of commitment regarding the same.

Deborah Jordan made a motion, which was seconded by Leo Taylor and Passed,
Motion. ; Absent: Jenkins, Woodard

(5) Non-Residential Maintenance Code

Council called for a public hearing at the April 8, 2024 Council Meeting to make appropriate changes to the Non-Residential Maintenance Code.

Clarence Brown made a motion, which was seconded by Deborah Jordan and Passed,
Motion. ; Absent: Jenkins, Woodard

(6) Special Event - Tarboro-Edgecombe Juneteenth Celebration

Council agreed to co-sponsor the Juneteenth Celebration and in order to receive approval from NCDOT, Council adopted ordinance 24-03 declaring road closure to close Main Street (NC 33) from Saint John Street to Granville Street from 10 a.m. until 10 p.m.

ORDINANCE NO. 24-03

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE TARBORO_EDGECOMBE JUNETEENTH CELEBRATION

Leo Taylor made a motion, which was seconded by Deborah Jordan and Passed,
Motion. ; Absent: Jenkins, Woodard

(7) Appointment for March - Historic District Commission

Council appointed Eugene Muse to fill the term on the Historic District Commission.
Clarence Brown made a motion, which was seconded by Sabrina Bynum and Passed,
Motion. ; Absent: Jenkins, Woodard

7. OTHER REPORTS

A. Town Manager

- (1) June Town Council Meeting Date

Troy Lewis asked Council to consider postponing the June Council meeting due to a scheduling conflict with an ElectriCities event at the same time as the original June meeting date.

Council agreed to hold the June meeting on Monday, June 17, 2024, one week later than the original scheduled date of Monday, June 10, 2024.

Deborah Jordan made a motion, which was seconded by Steve Burnette and Passed, Motion. ; Absent: Jenkins, Woodard

B. Town Attorney

No report

C. Council Members

Councilman Woodard - absent

Councilman Taylor - thinks the annual Council Retreat went well and was productive, he thanked the Councilmembers and staff.

Councilmember Jordan - requested a new chair.

Councilman Jenkins - absent

Councilmember Bynum - no report.

Councilman Brown - asked that Troy look into Town Hall renovations and be prepared for any restorations grants that may become available for such projects.

Councilman Burnette - no report.

Councilman Anderson - no report.

8. ADJOURNMENT

Meeting adjourned.

Clarence Brown made a motion, which was seconded by Deborah Jordan and Passed, Motion. ; Absent: Jenkins, Woodard

MINUTES OF A COUNCIL RETREAT MEETING OF THE TOWN COUNCIL OF THE TOWN OF TARBORO, HELD AT 9:00 A.M. ON SATURDAY, MARCH 2, 2024 AND SUNDAY, MARCH 3, 2024 AT THE JANE IN TARBORO, NC

MEMBERS PRESENT

Tate Mayo	Mayor
Cutchin Anderson	Councilman
C.B. Brown	Councilman
Steve Burnette	Councilman
Sabrina Bynum	Councilmember
Deborah Jordan	Councilmember
Leo Taylor	Councilman
Othar Woodard	Councilman

MEMBERS ABSENT

John Jenkins	Councilman
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ALSO PRESENT

Troy Lewis	Town Manager
Chad Hinton	Town Attorney (Sunday Only)
Leslie Lunsford	Town Clerk
Lee Bell	Fire Chief
Chip Dickson	Electric Department Director
Travis Stigge	Recreation Department Director
Jason Nichols	Public Works Director
Rick Mann	Police Chief
Anne Mann	Finance Director
Catherine Grimm	Planning Director
Tina Parker	Commercial Development Coord
John Walker	Media

Mayor Mayo welcomed Council and staff to the annual Council Retreat.

Troy Lewis, Town Manager, gave a Retreat overview and reviewed Retreat objectives.

Councilman Taylor gave the invocation.

DEPARTMENTAL REPORTS:

Department Heads presented reports to Council and answered questions. A copy of all reports are filed in the Town Clerks office at Town Hall.

Finance – Anne Mann

Anne Mann reviewed the Town’s Financial Summary, explained each fund and answered questions regarding the financial report information. She gave Council an update on the Finance Department and staff.

Public Works – Jason Nichols

Jason Nichols presented the Public Works Department report and answered questions. He discussed current and future projects and needs, including a side mower to replace a current aging piece of equipment. He discussed the rising landfill fees and the continued struggles of solid waste collection. He also addressed concerns regarding aging infrastructure.

Anne Mann presented a budget amendment for Capital Outlay – Equipment, Councilman Woodard made a motion, which was seconded by Councilmember Jordan and passed unanimously that Council approve the budget amendment that will allow for the purchase of a side mower.

Electric Department – Chip Dickson

Chip Dickson presented the Electric Department report and answered questions. He discussed the Town’s system reliability and current projects, including a substation project. He also discussed NCEMPA wholesale power cost changes, which could result in a possible rate increase soon.

Fire Department – Chief Lee Bell

Chief Lee Bell presented the Fire Department report and answered questions. He discussed the departments training and current needs, as well as capital outlay needs.

Police Department – Chief Rick Mann

Chief Rick Mann presented the Police Department report and answered questions. He discussed the public surveillance system throughout the Town, updated crime statistics, software updates and department needs. Chief Mann also discussed speed control devices and training facility improvements and upgrades.

Recreation Department – Travis Stigge

Travis Stigge presented the Recreation Department report and answered questions. He discussed programs at all recreation locations and explained departmental challenges, goals, accomplishments and needs. He also gave an update on the splash pad at the M. A. Ray Center and presented proposed usage fees. Council discussed the wetland easement at Clark Park.

Planning Department – Catherine Grimm

Catherine Grimm presented the Planning Department report and answered questions. She discussed completed, current and future grant projects, the Riverfront plan. the most recent census and transportation. She also discussed commercial and residential development. Catherine discussed code enforcement, inspections and the need for additional staff.

Retreat was recessed at 5:32 pm.

Retreat resumed on Sunday March 3, 2024 at 9:00 am.

Community Development – Tina Parker

Tina Parker presented the Downtown & Commercial Development report and answered questions. She gave an update on downtown projects, grant program awards, vacancy updates and discussed a municipal service district tax. Tina also discussed commercial and business development town-wide and Placer AI software that would greatly help determine town trends and needs.

COUNCIL DISCUSSION

Town Manager – Troy Lewis

Code Enforcement

Town Manager, Troy Lewis, presented an update on code enforcement. Council further discussed the need for additional staff in the Planning Department and agreed that the department needed another part time or full time employee.

Anne Mann presented a budget amendment for contracted services, Councilman Taylor made a motion, which was seconded by Councilman Woodard and passed unanimously that Council approve the budget amendment to proceed with the purchase of Placer AI software.

Speeding

Troy review the Residential Traffic Management Plan for Speed & Traffic Control, he also presented suggestions on how to update the plan according to surrounding areas. Staff will continue to work on updating the plan. Chief Mann also included information on a Neighborhood Speed Watch Program.

Development Regulations

Troy reviewed and answered questions regarding downtown parking, housing regulations, including the subdivision off of Hope Lodge Street and Northern Blvd., and Food trucks. .

Downtown Vacancy

Chad Hinton, Town Attorney reviewed the current downtown vacancy ordinance and suggested Council amend the ordinance. Council agreed to place on the March agenda to call for a public hearing at the April meeting before considering amendments to the ordinance.

Animal Shelter

Council discussed the current Town animal shelter and the new Edgecombe County animal shelter. Councilman Woodard made a motion, which was seconded by Councilman Brown and passed unanimously that the Town not contribute to the Edgecombe County animal shelter at this time.

Other Items

Troy presented information and updates on other items requested by Council, including the Citizen Alert System, employee retention and employee evaluation system.

CLOSED SESSION per NCGS § 143-318.11(a)(5) – Real Estate

Councilman Taylor made a motion, which was seconded by Councilman Woodard and passed unanimously that Council enter into closed session per NCGS § 143-318.11(a)(5) – Real Estate.

Councilman Taylor made a motion, which was seconded by Councilman Anderson and passed unanimously that Council resume open session.

No action was taken during closed session or after returning back to open session.

ADJOURNMENT

Council Retreat was adjourned at 3:35 p.m.

Tate Mayo, Mayor

Leslie Lunsford, Town Clerk

To: Troy Lewis, Town Manager

From: Anne Mann, Finance Director

Date: April 2, 2024

Re: Reallocation of Departmental Appropriations



In accordance with Section 8 of the FY 2023-2024 Budget Ordinance of the Town of Tarboro, in your capacity as the Budget Officer, you have approved certain reallocations of departmental appropriations. Such transfers are required to be reported to Town Council within sixty (60) days.

Also, in accordance with Section 8 of the FY 2023-2024 Budget Ordinance of the Town of Tarboro, in your capacity as the Budget Officer, you have approved certain transfers between departments within the same fund. Such transfers shall be reported to Town Council at its next regular meeting and entered in the minutes.

These reallocations and transfers are summarized on the attached pages for presentation to Town Council.



Town of Tarboro

Budget Adjustment Register

Adjustment Detail

Packet: GLPKT14252 - Budget Transfers - April Council Meeting

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000230	Adopted by Council	Budget Transfers - Per Department Request	3/22/2024

Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
10-4310-0600	Group Insurance	Budget Transfers - Per Department Request	284,400.00	-15,000.00	269,400.00
July: -1,250.00	October: -1,250.00	January: -1,250.00	April: -1,250.00		
August: -1,250.00	November: -1,250.00	February: -1,250.00	May: -1,250.00		
September: -1,250.00	December: -1,250.00	March: -1,250.00	June: -1,250.00		
10-4310-3100	Auto Supplies	Budget Transfers - Per Department Request	56,404.00	15,000.00	71,404.00
July: 1,250.00	October: 1,250.00	January: 1,250.00	April: 1,250.00		
August: 1,250.00	November: 1,250.00	February: 1,250.00	May: 1,250.00		
September: 1,250.00	December: 1,250.00	March: 1,250.00	June: 1,250.00		
10-4340-1600	Maintenance & Repair Equipm	Budget Transfers - Per Department Request	37,923.00	-5,000.00	32,923.00
July: -416.67	October: -416.67	January: -416.67	April: -416.67		
August: -416.67	November: -416.67	February: -416.67	May: -416.67		
September: -416.67	December: -416.67	March: -416.67	June: -416.63		
10-4340-3100	Auto Supplies	Budget Transfers - Per Department Request	17,000.00	5,000.00	22,000.00
July: 416.67	October: 416.67	January: 416.67	April: 416.67		
August: 416.67	November: 416.67	February: 416.67	May: 416.67		
September: 416.67	December: 416.67	March: 416.67	June: 416.63		

Budget Code Summary

Budget	Budget Description	Account	Account Description	Before	Adjustment	After	
As Adopted	Adopted by Council	10-4310-0600	Group Insurance	284,400.00	-15,000.00	269,400.00	
		10-4310-3100	Auto Supplies	56,404.00	15,000.00	71,404.00	
		10-4340-1600	Maintenance & Repair Equipment	37,923.00	-5,000.00	32,923.00	
		10-4340-3100	Auto Supplies	17,000.00	5,000.00	22,000.00	
		As Adopted Total:			395,727.00	0.00	395,727.00
		Grand Total:			395,727.00	0.00	395,727.00

Fund Summary

Fund	Before	Adjustment	After
Budget Code:As Adopted - Adopted by Council Fiscal: 2023-2024			
10	395,727.00	0.00	395,727.00
Budget Code As Adopted Total:	395,727.00	0.00	395,727.00
Grand Total:	395,727.00	0.00	395,727.00



Town of Tarboro

Budget Adjustment Register

Adjustment Detail

Packet: GLPKT14333 - Budget Transfers - April Council Meeting
(2)

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000232	Adopted by Council	Budget Transfer - Per Department Request	4/1/2024

Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
10-6120-1400	Travel and Training	Budget Transfer - Per Department Request	1,850.00	750.00	2,600.00
July: 62.50	October: 62.50	January: 62.50	April: 62.50		
August: 62.50	November: 62.50	February: 62.50	May: 62.50		
September: 62.50	December: 62.50	March: 62.50	June: 62.50		
10-6120-4500	Contracted Services	Budget Transfer - Per Department Request	5,400.00	50.00	5,450.00
July: 4.17	October: 4.17	January: 4.17	April: 4.17		
August: 4.17	November: 4.17	February: 4.17	May: 4.17		
September: 4.17	December: 4.17	March: 4.17	June: 4.13		
10-6120-4550	Computer Support Services	Budget Transfer - Per Department Request	1,000.00	-800.00	200.00
July: -66.67	October: -66.67	January: -66.67	April: -66.67		
August: -66.67	November: -66.67	February: -66.67	May: -66.67		
September: -66.67	December: -66.67	March: -66.67	June: -66.63		

Budget Code Summary

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
As Adopted	Adopted by Council	10-6120-1400	Travel and Training	1,850.00	750.00	2,600.00
		10-6120-4500	Contracted Services	5,400.00	50.00	5,450.00
		10-6120-4550	Computer Support Services	1,000.00	-800.00	200.00
		As Adopted Total:		8,250.00	0.00	8,250.00
		Grand Total:		8,250.00	0.00	8,250.00

Fund Summary

Fund	Before	Adjustment	After
Budget Code:As Adopted - Adopted by Council Fiscal: 2023-2024			
10	8,250.00	0.00	8,250.00
Budget Code As Adopted Total:	8,250.00	0.00	8,250.00
Grand Total:	8,250.00	0.00	8,250.00

Town of Tarboro, North Carolina
General Fund
Schedule of Ad Valorem Taxes Receivable
March 31, 2024

Fiscal Year	Uncollected Balance February 29, 2024		Additions	Collections and Credits	Uncollected Balance March 31, 2024
2023	\$ 17,708	*	\$ 204,827	\$ 54,642	\$ 167,892
2022	48,351			2,197	46,154
2021	31,852			857	30,995
2020	23,759			641	23,118
2019	16,682			699	15,983
2018	13,237			-	13,237
2017	9,796			1	9,795
2016	10,060			198	9,862
2015	7,918			407	7,511
2014	5,720			333	5,388
Prior years	26,022			593	25,429
	<u>\$ 211,105</u>		<u>\$ 204,827</u>	<u>\$ 60,569</u>	<u>\$ 355,363</u>

Less: Allowance for Uncollectible Accounts:
General Fund

Ad valorem taxes receivable - net \$ 355,363

* Public Service Companies

Reconciliation with Revenues:

Ad valorem taxes - General Fund

Reconciling Items:

Prior years taxes written off	-
Prior year releases	-
Interest	4,549
Fees	1,805
Total reconciling items	<u>6,354</u>
Total collections and credits	<u>\$ 65,118</u>



Town of Tarboro, North Carolina Mayor and Council Communication

Subject: 2023 Tax Levy Adjustment

Date: 4/8/2024

Memo Number: 24-19

The Schedule of 2023 Tax Levy Adjusted as of April 8, 2024, attached hereto, lists the valuation and tax amount of three (3) afterlists.

It is recommended that Council:

1. Order the Tax Collector be charged with afterlists 35 through 37 in the amount of \$846.43, and
2. Approve the Schedule of the 2023 Tax Levy Adjusted as of April 8, 2024, in the amount of \$4,090,416.47.

ATTACHMENTS:

Description	Upload Date	Type
2023 Tax Levy Adjustment	4/3/2024	Cover Memo

TOWN OF TARBORO, NORTH CAROLINA
SCHEDULE OF 2023 TAX LEVY
April 8, 2024

VALUATIONS

	Real	Personal	Public Service Companies	Total
Billing February 12, 2024	622,433,668	221,059,656	44,527,564	888,020,888
After list: 35 - 37	52,165	101,380	0	153,545
Less Releases:	0	0	0	0
Balance as of April 8, 2024	<u>622,485,833</u>	<u>221,161,036</u>	<u>44,527,564</u>	<u>888,174,433</u>

TAX CALCULATIONS

	Real, Personal, & Pub. Ser. Co.	Late Listing Penalty	Auto Tax	Total
Billing February 12, 2024	4,084,896.83	4,673.21	0.00	4,089,570.04
After list: 35 - 37	706.31	140.12	0.00	846.43
Less Releases:	0.00	0.00	0.00	0.00
Balance as of April 8, 2024	<u>4,085,603.14</u>	<u>4,813.33</u>	<u>0.00</u>	<u>4,090,416.47</u>

ITEMIZED RELEASES

Rel. No.	Name/Description	Acct. No.	Real, Personal & Pub. Ser. Co.	Late Listing Penalty	Auto Tax	Total
Total Releases			<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

ITEMIZED AFTERLISTS

Afl. No.	Name/Description	Acct. No.	Real, Personal & Pub. Ser. Co.	Late Listing Penalty	Auto Tax	Total
35	Murphy Brown of Missouri		324.59	116.84	0.00	441.43
36	Community Home Care & Hospice		141.76	23.28	0.00	165.04
37	Robert Beamon 4738-09-4226-00		239.96	0.00	0.00	239.96
Total Afterlists			<u>706.31</u>	<u>140.12</u>	<u>0.00</u>	<u>846.43</u>



Town of Tarboro, North Carolina Mayor and Council Communication

Subject: Disposition of Town-owned Property - Tarboro Commerce Center

Date: 4/8/2024

Memo Number: 24-20

Suncap Property Group, LLC has submitted an offer to purchase approximately 26 acres of land in the Tarboro Commerce Center. The proposed purchase price is \$16,000 per acre or approximately \$416,000. A \$25,000 deposit has been made to secure the property during due diligence as authorized by the approved letter of intent. The \$25,000 deposit will be applied to the final purchase price at closing.

It is recommended that Council accept Suncap Property Group, LLC's offer to purchase 26 acres in the Tarboro Commerce Center for \$16,000 per acre. Per North Carolina General Statute 160A-269 an accepted offer will be subject to upset bid procedures.

ATTACHMENTS:

Description	Upload Date	Type
WNC3 - Offer to Purchase - Tarboro Commerce Center	4/4/2024	Cover Memo
SunCap_Project Blue Offer to Purchase 3 April 2024[68]	4/4/2024	Cover Memo

March 8, 2024

CONFIDENTIAL

Carolina Gateways Partnership
Attn: Oppie Jordan
386 SW Main Street
Rocky Mount, NC 27804

Re: Offer to Purchase – Tarboro Commerce Center - 26ac

Dear Ms. Jordan

This non-binding letter of intent (“**LOI**”) states the basic terms and conditions for the negotiation of a mutually acceptable Purchase and Sale Contract (“**Agreement**”) for the Property.

Seller:	Town of Tarboro
Purchaser:	SUNCAP PROPERTY GROUP, LLC, a North Carolina limited liability company, and/or its assigns
Property:	An approximately 26-acre portion of Parcel Identification Number 4727-09-4134-00, located along Commerce Center Drive, in the Town of Tarboro, Edgecombe County, North Carolina, further detailed in Exhibit A : Subject Property. The Property will include the land, buildings, fixtures, mineral rights, and improvements, an assignment of leases which Purchaser elects to assume, service and other contracts affecting the Property which Purchaser elects to assume, personal property owned by Seller located on and exclusively used in connection with the operation of the Property and all intangibles (including names, permits, warranties, licenses, and entitlements related to the Property).
Purchase Price:	The purchase price will be equal to the product of \$16,000 per acre, multiplied times the net usable acreage of the land as set forth in the Agreement. Net Usable Acreage shall be defined as gross acreage of land less any acreage, or fraction thereof, determined to be jurisdictional floodplain or wetland and public road right of way.
Terms:	Cash at Closing
Earnest Money:	Within ten (10) business days following the effective date of the Agreement, Purchaser will deposit the amount of \$25,000 Chicago Title Insurance Company (the “ Title Company ”) at 701 5 th Avenue, Suite 2700, Seattle, 98104. The Earnest Money will be interest-bearing, refundable prior to the expiration of the Contingency Period and as otherwise provided in the Agreement, and applicable to the Purchase Price at Closing.
Title Insurance:	Seller will provide Purchaser with a title commitment (including exception documents) and current ALTA Form Owner’s Policy of Title Insurance with

deletion of the standard printed exceptions issued by Title Company and acceptable to Purchaser. Purchaser will, at Purchasers' expense, cause the Title Company to deliver to Purchaser a Commitment for Title Insurance, with copies of all exception documents referenced therein.

Survey: Purchaser will, at Purchaser's expense, deliver a current ALTA survey of the Property.

Due Diligence Documents: Seller will deliver to Purchaser copies of all documents pertaining to the development, ownership, or operation of the Property, including site plans; surveys; drawings; title; tax; zoning; operating expense; covenants, conditions and restrictions; and, environmental documents.

Contingency Period: Purchaser will have a one hundred and fifty (150) day period commencing on the effective date of the Agreement (the "**Contingency Period**") to inspect all aspects of the Property and to determine in Purchaser's sole discretion whether the Property is suitable. At any time prior to the expiration of the Contingency Period, Purchaser may, in its sole discretion, terminate the Agreement for any reason and receive back the Earnest Money, with interest thereon. The Agreement will automatically terminate unless Purchaser delivers written notice to Seller that Purchaser has satisfied or waived the contingency on or prior to expiration of the Contingency Period, in which event the Earnest Money, together with interest thereon, will be refunded to Purchaser.

Subject to the provisions below, the Contingency Period will be extended until there is evidence that the following Conditions to Close have been satisfied:

- 1) Establishment of an independent tax parcel and Geographic Parcel Identification Number (GPIN) for the Purchaser's land interest; and,
- 2) The property is rezoned to support Purchaser's use of warehousing and distribution, if applicable.

Contingency Period Extension(s): Purchaser may extend the Contingency Period for up to two (2) additional 45-day periods, by delivering written notice to Seller and depositing with the Title Company an extension fee of \$25,000 for each such extension, prior to the expiration of the Contingency Period then in effect. The extension fee(s) will be nonrefundable to Purchaser, but applicable to the Purchase Price at Closing.

Closing: The Closing will take place on or before the 15th day following the expiration of the Contingency Period (as the same may be extended). The Seller will deliver to Purchaser at Closing a Special Warranty Deed conveying to Purchaser fee simple title to the Property free and clear of all matters affecting title except for the permitted exceptions approved by Purchaser pursuant to the Agreement.

Costs: Closing costs will be apportioned between Purchaser and Seller in a manner consistent with market convention, to be described in the Agreement. Each party will pay its own attorneys' fees.

Assignment: Purchaser may freely assign this LOI or the Agreement without Seller's consent.

Letter of Intent
March 8, 2024

- Brokerage Commission:** Should either party engage outside brokerage for this transaction, any fees and/or commissions due to said broker for the transaction will be the sole responsibility of the contracting party.
- Intended Use:** Agreement is intended to support Purchaser's development of a warehousing and distribution facility with the exact nature of the operation and the facility design dependent on Purchaser's evolving business needs and the site constraints.
- Exclusivity:** For a period of 45 days following the date of this LOI and during the term of the Agreement (if executed), Seller will not negotiate, or enter into, any agreement pertaining to the sale, exchange, lease or transfer of all or any portion of the Property to any person or entity other than Purchaser, and will not enter into or extend any service or other agreements relating to the Property that cannot be terminated at Closing.
- Confidentiality:** Seller agrees to maintain in confidence the dealings, negotiations, identities, and agreements of the parties with respect to the Property, this LOI and the Agreement, and will not make any public release of information regarding such matters, unless otherwise agreed to by Purchaser in writing.
- Authority:** Seller has all requisite power and authority to enter into this LOI and perform its obligations pursuant to the Agreement (if executed). No consent, approval, order or authorization of any third party on the part of Seller is required in connection with this LOI.
- Counterparts:** This LOI may be executed in one or more counterparts, each of which will be deemed to be an original copy of this LOI and all of which, when taken together, will be deemed to constitute one and the same document.
- Limiting Conditions:** This LOI is intended to support negotiation of a mutually satisfactory Agreement. Except for Seller's obligations for Exclusivity and Confidentiality stated above, this LOI is not legally binding upon the parties, and no liability or obligation of any kind is intended to be created in this LOI. The Agreement (or any other agreements between the parties) will not be binding and in effect unless duly executed and delivered by both Purchaser and Seller (in their respective sole discretion). Neither Purchaser nor Broker will have any liability for any expenses Seller incurs in anticipation of the Agreement or in replying to this LOI.

The offer represented by this LOI will expire if not accepted on or before February 18, 2024.

If this LOI meets with your approval, please indicate Seller's acceptance of the same by signing below, and return one executed copy to us. Purchaser will then prepare an Agreement in accordance with the foregoing terms and conditions to submit to Seller for review.

If you have any questions, please feel free to contact me. Thank you for your consideration.

Letter of Intent
March 8, 2024

Sincerely,

A handwritten signature in blue ink that reads "Andrea Roy". The signature is fluid and cursive, with the first name "Andrea" and the last name "Roy" clearly distinguishable.

Andrea Roy
KBC Advisors

Letter of Intent
March 8, 2024

AGREED AND ACCEPTED:

Seller: Town of Tarboro

By: _____
Name: _____
Title: _____
Date: _____

Buyer: SunCap Property Group, LLC

By: 
Name: Jason K. Bria
Title: Authorized Signatory
Date: 4-3-2024

Letter of Intent
March 8, 2024

Exhibit A
Subject Property



OFFER TO PURCHASE AND CONTRACT

SunCap Property Group, LLC, as Buyer, hereby offers to purchase and the Town of Tarboro as Seller, as authorized by the General Statutes of North Carolina, upon acceptance of said offer, agrees to sell and convey, all of the plot, piece or parcel of land described below:

1. Real property: Located in the Town of Tarboro, County of Edgecombe, State of North Carolina being known as and more particularly described as:

Street address: Tarboro Commerce Center Zip: 27886

As surveyed by: _____ on _____
See attached survey.

2. Purchase price: The purchase price is \$ 16,000 per acre (Approx. \$416,000) and shall be paid as follows:
\$ 25,000 Deposit of Five percent (5%) of the purchase price paid by cash, bank certified or personal check with the delivery of this offer.
\$ 391,000 The balance of the purchase price to be paid at closing.

3. In the event this offer is not accepted or in the event of a breach of this contract by the Seller, then the 5% deposit will be returned to the Buyer. However, in the event this offer is accepted and the Buyer breaches this contract, then the 5% deposit shall be forfeited subject to terms of the due diligence period approved in the Letter of Intent dated March 8, 2024.

Date of Offer: April 4, 2024

Date of Acceptance: _____

SunCap Property Group LLC

Buyer: _____

Seller: _____

By:  _____

Buyer: _____

Seller: _____

Authorized Signatory

Exhibit A
Subject Property
Approx. 26 Acres





Town of Tarboro, North Carolina Mayor and Council Communication

Subject: Budget Amendment - Cultural Arts Grant

Date: 4/8/2024

Memo Number: 24-21

The mission of the Tarboro-Edgecombe Public Arts Commission is to plan, promote, communicate and coordinate cultural arts education and enrichment, through a variety of inclusive, accessible activities and events in the Tarboro-Edgecombe area. These efforts are funded in part through grant opportunities that arise. This year, TEPAC was awarded a Grassroots Grant from the NC Arts Council in the amount of \$60,417. During the 2023-2024 budget process, \$20,000 in estimated funding was included. In order to expend the additional funds awarded, a budget amendment is necessary.

It is recommended that Council approve the attached budget amendment.

ATTACHMENTS:

Description	Upload Date	Type
Budget Amendment	4/3/2024	Budget Amendment

BUDGET RESOLUTION

TOWN COUNCIL OF THE TOWN OF TARBORO

April 8, 2024

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TARBORO, NORTH CAROLINA, that the Fiscal Year 2023-2024 Budget be adjusted as follows:

<u>Account Number</u>	<u>Account Name</u>	<u>Current Budget</u>		<u>Amount of Change</u>		<u>Revised Budget</u>
REVENUES						
61-3490-1000	Grant Revenue - Cultural Arts	20,000	+	40,417	=	60,417
EXPENDITURES						
61-6140-8000	Grassroots Grant Expenditures	10,000	+	34,417	=	44,417
61-6140-8010	Grassroots - Sub Grant Awards	7,500	+	6,000	=	13,500
61-6140-8020	Grassroots - Departmental Supplies	2,500	+	-	=	2,500

BE IT FURTHER RESOLVED that the Budget Officer is hereby authorized and directed to implement said budget as amended.



Town of Tarboro, North Carolina Mayor and Council Communication

Subject: Resolution of Support - N.C. Commerce Rural Downtown Economic Dev. Grant

Date: 4/8/2024

Memo Number: 24-22

In an effort to continue the support of the development of the Riverfront Restoration Plan adopted by Council, it is recommended that Council adopt the attached Resolution of Support and Local Match for the North Carolina Commerce Rural Downtown Economic Development Grant.

ATTACHMENTS:

Description	Upload Date	Type
Resolution of Support	4/3/2024	Resolution Letter



**Resolution of Support and Local Match for the North Carolina Commerce
Rural Downtown Economic Development Grant**

WHEREAS the Town of Tarboro wishes to provide our citizens and visitors with the highest quality of life and recreation, and has recently adopted a Downtown Area-Wide Plan and Riverfront Restoration Plan, and

WHEREAS the North Carolina Department of Commerce has opened applications for the Rural Downtown Economic Development Grants, and

WHEREAS the purpose of this program is to support downtown revitalization and economic development initiatives that are intended to help local governments grow and leverage downtown districts as assets for economic growth, economic development, and prosperity, and

WHEREAS the maximum grant amount is \$850,000 and there is a local match of 5%.

NOW THEREFORE BE IT RESOLVED that The Town of Tarboro officially supports the application for the Rural Downtown Economic Development Grant and agrees to provide the 5% match required should the grant be awarded.

**DULY ADOPTED BY THE COUNCIL OF THE TOWN OF TARBORO ON
THE 8TH OF APRIL, 2024.**

MAYOR

ATTEST:

CLERK