

MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF TARBORO, HELD AT 7:00 P.M. ON MONDAY, JULY 10, 2017 IN THE COUNCIL ROOM, TOWN HALL, TARBORO, NORTH CAROLINA

MEMBERS PRESENT

Joe Pitt	Mayor
C.B. Brown	Councilman
Steve Burnette	Councilman
Sabrina Bynum	Councilmember
John Jenkins	Councilman
Deborah Jordan	Councilmember
Garland Shephard	Councilman
Leo Taylor	Councilman/Mayor Pro Tem
Othar Woodard	Councilman

MEMBERS ABSENT

ALSO PRESENT

Troy Lewis	Town Manager
Leslie M. Lunsford	Town Clerk
Chad Hinton	Town Attorney

1. MEETING CALLED TO ORDER

The meeting was called to order by Mayor Joe Pitt.

2. INVOCATION

Invocation was given by Councilman Taylor

3. PLEDGE OF ALLEGIANCE

Lead by Boy Scout Troop 816 from First Freewill Baptist Church.

4. APPROVAL OF AGENDA BY COUNCIL

Troy Lewis requested Council add Memo 17-62 regarding the National Guard Armory and a Closed Session to discuss a personal matter. Councilman Shephard made a motion, which was seconded by Councilman Taylor and passed unanimously, that Council approve the request to add the requested items. Councilman Taylor made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council approve the amended agenda.

5. REQUESTS AND PETITIONS OF CITIZENS

A. Carlton Jones – 200 N Main Street, Tarboro

Mr. Jones spoke on behalf of Delton Creech, 806 Saint David Street, requesting additional time to repair the home before the Town proceeds with the scheduled demolition. The property has been through the appropriate demolition process. Councilmember Bynum made a motion, which was seconded by Councilman Woodard and passed by a 5 to 3 vote that Council allow an additional 30 days for the necessary work to be done before continuing with the demolition. Councilmembers Woodard, Jordan, Bynum, Brown and Jenkins voted for the motion. Councilmembers Shephard, Burnette and Taylor voted against the motion.

B. Al Braxton – 2406 Deanie Avenue, Tarboro

Mr. Braxton encouraged Council to vote in favor of the proposal presented by the BLET program at Edgecombe Community College for use of the National Guard Armory during Memo 17-62.

C. Bobby Gaston – 1012 E Saint John Street, Tarboro

Mr. Gaston requested an update from the Town on flooded properties. He was informed that 13 out of 52 applications were approved and that letters would be sent out soon informing applicants of the status of their applications.

6. MATTERS SCHEDULED FOR PUBLIC HEARING

A. Annexation – 107 River Oaks Drive

The following Notice of Public Hearing was published in The Tarboro Weekly:

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of the Town of Tarboro will conduct a public hearing beginning at 7:00 p.m. on Monday, July 10, 2017, in the Council Room of the Town Hall of the Town of Tarboro for the purpose of considering and taking action on the following item.

- To consider an application submitted by DT Properties, LLC requesting annexation of property contiguous to the Tarboro town limits.

A certain parcel of land that is located south and east of US 258 South, south and west of NPC Quality Burgers Inc, west of Lowe's Home Center Inc, and being the northern portion of the 2.11 acre parcel referred to as Lot 2 as shown on map entitled "Subdivision Plat Lowes Home Center, Inc." recorded in Plat Cabinet 9 slide 290-291, Number 1 Township, Edgecombe County, North Carolina and being more particular described as follows:

Beginning a NCGS monument "Rockville" having NC Grid Coordinates based on NAO 1983 localized in 2011 from a survey by Joyner Keeny PLLC North 779,897.20, East 2,430,117.47 thence South 25° 58' 28" West with a ground distance of 584.94 feet to the Point of Beginning, said point being the northwest corner of Lot 2 described in Plat Cabinet 9 slide 290-291 and also being the corner between the subject property and the property of NPC Quality Burgers INC and being in the southeast right of way of US 258 South; thence along the southeast right of way of US 258 South along a curve concaved to the right with a radius of 2450.00 feet and a cord bearing of South 37° 06' 16" West and a chord distance of 174.50 feet to a point; thence continuing along the southeast right of way of US 258 South 39° 11' 40" West a distance of 19.90 feet to a point, a new corner in the line of Lot 2 described in Plat Cabinet 9 slide 290-291; thence along a new dividing line of said Lot 2 South 63° 00' 12" East a distance of 270.01 feet to a point in the line of Lot 2 described in Plat Cabinet 9 slide 290-291; thence along the southeast line of said Lot 2 North 27° 08' 08" East a distance of 190.70 feet to a point, said point being the corner of property of NPC Quality Burgers INC, thence along the dividing line between the subject lot and NPC Quality Burgers INC North 62° 52' 19" West a distance of 235.65 feet to the POINT OF BEGINNING containing 1.108 acres and referred as Lot 2A as shown on plat entitled "Minor Subdivision Plat Dollar Tree Site" recorded in Plat Cabinet 12 Slide 82 Number 1 Township, Edgecombe County, North Carolina by Joyner Keeny PLLC Licensed number P-0551 dated 10-31-2016.

The full text of this application which if adopted, will effectuate the proposed changes is on file in the office of the Director of Planning and in the office of the Town Clerk of the Town of Tarboro in the Town Hall and is available for review by interested parties during normal business hours prior to the holding of the public hearing.

All citizens and interested parties are urged to be present at said Public Hearing and make their views known on said proposed amendment and application.

BY ORDER OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TARBORO.

This the 12th day of June 2017.

The Mayor declared the public hearing open.

Catherine Grimm, Planning Director, gave the background information.

No one spoke in favor of or against.

Everyone having had an opportunity to be heard, the Mayor declared the public hearing closed.

Councilman Shephard introduced and moved the adoption of an ordinance entitled:

ORDINANCE NO. 17-13

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF TARBORO, NORTH CAROLINA.

which motion was seconded by Councilman Taylor and passed unanimously. The Ordinance is recorded in Ordinance Book Number 11.

7. REPORTS OF BOARDS AND COMMISSIONS

None.

8. TOWN MANAGER'S RECOMMENDATIONS

A. Consent Items

Councilmember Jordan made a motion, which was seconded by Councilman Woodard and passed unanimously, that the following consent item be approved:

(1) Memo 17-53 – 2016 Tax Levy Adjustment

Action taken: Council

- approved 2016 Tax Levy release number 23 in the amount of \$4,447,91, and
- approved the *Schedule of 2016 Tax Levy Adjusted as of July 10, 2017*, attached at page 73-53a, in the amount of \$3,286,169.24.

(2) Memo 17-54 – Taxes – Preliminary Report & Annual Settlement of Tax Collector

Action taken: Council

- approved the Preliminary Annual Settlement Report of the Tax Collector attached at pages 73-53b through 73-53j,
- adopted the following Resolution designating the insolvent list to be credited to the Tax Collector in her settlement:

RESOLUTION

THAT WHEREAS, pursuant to G.S. 105-373 (a) (1), the Tax Collector of the Town of Tarboro has submitted her preliminary annual settlement dated the 30th day of June, 2017, to the Town Council of the Town of Tarboro, and whereas, as a portion of

said report, said Tax Collector submitted a list of persons not owning real property whose personal property taxes remain unpaid;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Tarboro, pursuant to G.S. 105-373 (a) (2), that the list of names of persons owing taxes (but who listed no real property) included in the preliminary annual settlement report of the Tax Collector be entered upon the minutes of this meeting and is hereby found by the Town Council of the Town of Tarboro to be insolvent;

AND BE IT FURTHER RESOLVED, that said list is hereby designated as the insolvent list to be credited to the Tax Collector in her settlement.

- (3) approved the Tax Collector's Settlement as of June 30, 2017, attached at page 73-54a, subject to the independent audit to be performed by the firm of Petway, Mills & Pearson, PA, and
- (4) recharged the Tax Collector with the outstanding taxes and the responsibility for collecting same for the years 2007 through 2016. (Collection of taxes for 2006 and prior years is barred by law unless foreclosure action has been instituted.)

(3) Minutes

Action taken: Council approved the minutes of May 22, 2017 Reconvened Budget Study and the June 12, 2017 regular meeting

B. Action Items

(1) Memo 17-55 – Emergency Watershed Protection (EWP) Grant

Councilman Jenkins made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council authorize staff to execute the application for funding and other documents related to obtaining Emergency Watershed Damage funding in the amount of \$608,021.50 from the US Department of Agriculture; authorize staff to execute a sub-recipient agreement with Edgecombe Cotton Growers for their share of the Hendricks Creek Project; and adopt the following budget resolution:

BUDGET RESOLUTION
TOWN COUNCIL OF THE TOWN OF TARBORO
July 10, 2017

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TARBORO, NORTH CAROLINA, that the Water & Sewer Capital Project Budget be adjusted as follows:

Account No.	Account Name	Current Budget	Amt of Change	Revised Budget
REVENUES – WATER & SEWER CAPITAL PROJECT FUND				
<u>Emergency Watershed Protection Project</u>				
753760.0100	Contrib from W&S Fund	0	+57,560.95	57,560.95
753760.0200	Contrib from Edge Cotton	0	+3,241.20	3,241.20
753760.0200	USDA NRCS Funding	0	+608,021.50	608,021.50
EXPENDITURES – WATER & SEWER CAPITAL PROJECT FUND				
<u>Emergency Watershed Protection Project</u>				
758510.4300	Professional Services	0	+60,802.15	60,802.15
758510.7300	Capital Outlay-Construction	0	+608,021.50	608,021.50

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

(2) Memo 17-56 – NCDOT – Congestion Mitigation and Air Quality (CMAQ) Grant

Councilman Woodard made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council accept the CMAQ grant in the amount of \$420,000 from NCDOT, authorize the Mayor and staff to execute appropriate agreements with NCDOT for the grant and adopt the following budget resolution:

BUDGET RESOLUTION
TOWN COUNCIL OF THE TOWN OF TARBORO
July 10, 2017

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TARBORO, NORTH CAROLINA, that the General Fund Capital Project Budget be adjusted as follows:

Account No.	Account Name	Current Budget	Amt of Change	Revised Budget
REVENUES – GENERAL CAPITAL PROJECT FUND				
<u>NCDOT – CMAQ Grant Project</u>				
823760.0100	Contri from Powell Bill Fd	0	+105,000	105,000
823760.0200	NCDOT-CMAQ Funding	0	420,000	420,000
EXPENDITURES – GENERAL CAPITAL PROJECT FUND				
<u>NCDOT – CMAQ Grant Project</u>				
828510.7300	Capital Outlay-Construction	0	+525,000	525,000

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

(3) Memo 17-57 – Cemetery Ordinance

Councilman Taylor made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council amend the Ordinance to add a 30 day notice period. Councilman Brown made a motion to amend the Ordinance to allow for 2 solar lights per grave, motion died due to the lack of a second. Councilman Jenkins introduced and moved the adoption of an ordinance entitled:

ORDINANCE NO. 17-11

AN ORDINANCE AMENDING THE TARBORO CODE OF ORDINANCES TO CLARIFY RESTRICTIONS

which motion was seconded by Councilman Shephard and passed unanimously. The Ordinance is recorded in Ordinance Book Number 11.

(4) Memo 17-58 – Minimum Housing Code Enforcement – 600 Wahree Street – File 14-01

Councilman Taylor introduced and moved the adoption of an ordinance entitled:

ORDINANCE NO. 17-12

AN ORDINANCE ORDERING THE BUILDING INSPECTOR OF THE TOWN OF TARBORO TO EFFECTUATE THE PURPOSES OF ARTICLE II OF CHAPTER 9 (“MINIMUM HOUSING STANDARDS”) OF THE TOWN CODE AS TO THE BUILDING AT 600 WAHREE STREET IN THE TOWN OF TARBORO, NORTH CAROLINA OWNED BY ROGER A. CROSS.

which motion was seconded by Councilman Jenkins and passed unanimously. The Ordinance is recorded in Ordinance Book Number 11.

(5) Memo 17-59 – Edgecombe County Cultural Arts Council

Councilmember Jordan made a motion, which was seconded by Councilman Taylor and passed unanimously, that Council adopt the resolution, attached at pages 73-54b & 73-54c, to further expand diverse cultural arts education, programming, activities, events, resources and opportunities for the citizens of Tarboro and request the Town Attorney to draft a deed with the condition that the property would revert back to the Town of Tarboro should the Edgecombe County Cultural Arts Council dissolve.

(6) Memo 17-60 – Appointment – Historic District Commission

Councilman Jenkins made a motion, which was seconded by Councilman Shephard and passed unanimously, that Council close the nominations for the vacant Historic District Commission. Councilman Jenkins made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council appoint Ms. Susan Bamann to fill the unexpired term, expiring in March 2018.

(7) Memo 17-61 – Appointment – Main Street Façade

Councilman Shephard made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council appoint Mr. William Bret Broadwater to fill the expired term, expiring in October 2017.

(8) Memo 17-62 – National Guard Armory Reversion

Councilman Taylor made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council authorize the Mayor and Town Manager to work with the Edgecombe County Manager and the North Carolina State Property Office to transfer the North Carolina National Guard facility at 400 E Walnut Street to Edgecombe Community College for use as a Basic Law Enforcement Training Center.

9. CLOSED SESSION as per NCGS §143-318.11.(a)(6)

Councilman Shephard made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council enter into Closed Session.

Councilman Shephard made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council enter into Open Session.

Councilman Taylor made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council approve an above standard evaluation for Troy Lewis, Town Manager.

10. OTHER REPORTS

A. Town Manager

None.

B. Town Attorney

None.

C. Council Members

Ward 1 – Councilman Woodard – None.

Ward 2 - Councilman Taylor – requested that staff continue to follow up on CSX drainage on Anaconda Road and traffic patterns on Howard Avenue.

Ward 3 – Councilman Burnette – None.

Ward 4 – Councilman Brown – None.

Ward 5 – Councilman Jenkins – None.

Ward 6 – Councilmember Jordan – stated that the departmental reports presented to Council were unnecessary and seemed that Council was trying to micro manage.

Ward 7 – Councilmember Bynum – None.

Ward 8 - Councilman Shephard – requested staff continue to follow up on lost water.

11. ADJOURNMENT

Councilman Jenkins made a motion, which was seconded by Councilman Shephard and passed unanimously, that the meeting be adjourned.

Joe Pitt, Mayor

Leslie M. Lunsford, Town Clerk