

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF TARBORO, HELD AT 7:00 P.M. ON MONDAY, OCTOBER 9, 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 Pitt.

**2. INVOCATION**

Invocation was given by Councilman Taylor.

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF AGENDA BY COUNCIL**

Councilman Taylor made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council approve the agenda as presented.

**5. REQUESTS AND PETITIONS OF CITIZENS**

**A. Donnie Davis – 202 Cantongate Road, Tarboro**

Mr. Davis expressed concerns with the Police Department handling grass clipping ordinance violations. Mr. Davis suggested that citizens be advised to report violations to Town Manager.

**B. Judith Moss – 1708 W Wilson Street, Tarboro**

Ms. Moss shared results from the NC Senior Games State Finals. She acknowledged participants and thanked Council for support. The participants earned 39 medals while competing in the games.

**C. Al Braxton – 2406 Deanie Avenue, Tarboro**

Mr. Braxton expressed concerns with the Police Department handling grass clipping ordinance violations. Mr. Braxton asked Council to stop nit-picking small things and let Department Heads handle those issues.

**D. Layveran Rhoades – 312 Saint Andrew Street, Tarboro**

Ms. Rhoades expressed concerns about downtown parking, including the need for the lines to be re-painted, increased parking violations and the short amount of time allowed. Ms. Rhoades also asked what the revenue generated by parking tickets is used for. Staff explained the revenue was a part of the General Fund used for general operating expenses.

**E. Vernell Jordan – 1737 McNair Road, Tarboro**

Ms. Jordan expressed concerns about a proposed solar farm adjacent to her lot including visual appearance, decrease in property value, storm water drainage and post project clean up.

**F. Greg Bottoms – 205 Maryland Avenue, Tarboro**

Mr. Bottoms expressed concerns about the proposed Monopole Communication Tower near his property including health concerns and visual appearance. Mr. Bottoms was also concerned that the public hearing was not properly advertised. Staff did fail to post signs on the property as notice to the public, however Council can still hold the public hearing. All residents directly affected were sent proper documentation.

**6. MATTERS SCHEDULED FOR PUBLIC HEARING**

**A. Demolition Assessment – 1312 Martin Luther King Jr Drive**

The following Notice of Public Hearing was published in The Tarboro Weekly and The Tar River Times:

**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, October 9, 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 items:

1. To consider assessment roll and levying for demolition cost for the structure located at 1312 Martin Luther King, Jr. Drive.
2. To consider assessment roll and levying for demolition cost for the structure located at 600 Wahree Street.
3. To consider a proposed Conditional Use Permit #17-03 submitted by C.B. Daughtridge for the construction of a solar farm to be located on the south side of Anaconda Road between McNair Road and Highway 64 Business. (Parcel No. 4718-77-6868) The address is behind Edgecombe County Jail and LS Cable & System USA, Inc. The acreage is 52.185. The access easement is off Anaconda Road. The property is zoned I-2.
4. To consider a proposed Conditional Use Permit #17-04 submitted by Laura Goode on behalf of Verizon Wireless for the construction of a new communication tower with 4' lightning rod and ancillary equipment for the property located on the east and south side of Memorial Avenue between Office Street and CSX Railroad. (Parcel No.4738-22-3769) The property contains 2.65 of acreage. The property is zoned RA-8.

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 assessments and conditional use permits.

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

This the 9<sup>th</sup> day of October, 2017.

The Mayor declared the public hearing open.

No one spoke in favor of or in opposition to the assessment roll for the cost of demolition.

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

Councilman Shephard made a motion, which was seconded by Councilman Jenkins and passed unanimously, that the following resolution be adopted:

**RESOLUTION CONFIRMING ASSESSMENT  
ROLL AND LEVYING ASSESSMENTS**

WHEREAS, the Town Council of the Town of Tarboro has on this day held a public hearing after due notice as required by law, on the Assessment for the demolition of the house at 1312 Martin Luther King Jr Drive; and

WHEREAS, the Town Council of the Town of Tarboro has heard all those present who requested to be heard, and has found the Assessment to be proper and correct;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tarboro:

Section 1. That the Assessment for the demolition of the building at 1312 Martin Luther King Jr Drive, in the Town of Tarboro, North Carolina, and specifically identified as parcel no. 4738-78-2859-00 on the city-county tax maps, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228 of the General Statutes of the State of North Carolina.

Section 2. That the Town Council of the Town of Tarboro, pursuant to authority conferred by Chapter 160A, Section 216 and Chapter 160A, Section 443 of the General Statutes of North Carolina, does hereby levy an assessment as follows:

\$8,385.37 for demolition of building at 1312 Martin Luther King Jr Drive

Section 3. That the Town Clerk is hereby directed to deliver to the Town Tax Collector the said assessment.

Section 4. That the Town Tax Collector is hereby charged with the collection of said assessment in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of the State of North Carolina.

Section 5. That the Town Clerk is hereby further directed to publish once on the 1st day of November, 2017 the notice required by Chapter 160A, Section 229 of the General Statutes of the State of North Carolina.

Adopted this the 9th day of October, 2017

**B. Demolition Assessment – 600 Wahree Street**

The Notice of Public Hearing in its entirety is printed under 6.A. above.

The Mayor declared the public hearing open.

No one spoke in favor of or in opposition to the assessment roll for the cost of demolition.

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

Councilman Shephard made a motion, which was seconded by Councilman Jenkins and passed unanimously, that the following resolution be adopted:

RESOLUTION CONFIRMING ASSESSMENT  
ROLL AND LEVYING ASSESSMENTS

WHEREAS, the Town Council of the Town of Tarboro has on this day held a public hearing after due notice as required by law, on the Assessment for the demolition of the house at 600 Wahree Street; and

WHEREAS, the Town Council of the Town of Tarboro has heard all those present who requested to be heard, and has found the Assessment to be proper and correct;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tarboro:

Section 1. That the Assessment for the demolition of the building at 600 Wahree Street, in the Town of Tarboro, North Carolina, and specifically identified as parcel no. 4728-77-8230-00 on the city-county tax maps, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228 of the General Statutes of the State of North Carolina.

Section 2. That the Town Council of the Town of Tarboro, pursuant to authority conferred by Chapter 160A, Section 216 and Chapter 160A, Section 443 of the General Statutes of North Carolina, does hereby levy an assessment as follows:

\$15,303.04 for demolition of building at 600 Wahree Street

Section 3. That the Town Clerk is hereby directed to deliver to the Town Tax Collector the said assessment.

Section 4. That the Town Tax Collector is hereby charged with the collection of said assessment in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of the State of North Carolina.

Section 5. That the Town Clerk is hereby further directed to publish once on the 1st day of November, 2017 the notice required by Chapter 160A, Section 229 of the General Statutes of the State of North Carolina.

Adopted this the 9th day of October, 2017

**C. Conditional Use Permit #17-03 – Solar Farms**

The Notice of Public Hearing in its entirety is printed under 6.A. above.

The Mayor declared the public hearing open. Catherine Grimm, Planning Director, C.B. Daughtridge, Dan Shaffer, Vernell Jordan, Layveran Rhoades and Ron Eason were sworn in by the Town Clerk.

Catherine Grimm, Planning Director, gave the background information.

C.B. Daughtridge and Dan Shaffer spoke in favor of the Conditional Use Permit.

Vernell Jordan, Layveran Rhoades and Ron Eason spoke against the Conditional Use Permit.

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

Councilman Shephard made a motion, which was seconded by Councilman Burnette and passed unanimously, that the application is complete. Catherine Grimm will amend the description, which is a Planning error unrelated to the applicant.

Councilman Shephard made a motion, which was seconded by Councilman Brown and passed unanimously, that the application complies with all applicable requirements of the land-use ordinance.

Councilman Shephard made a motion to grant the application with modified conditions, the motion died due to the lack of a second. Councilman Brown made a motion, which was seconded by Councilman Jenkins and passed by a 7 to 1 vote, that the application be denied based on the following:

- (1) Councilman Brown made a motion, which was seconded by Councilman Taylor and passed by a 7 to 1 vote, that the application be denied due to materially endangering the public health or safety for the following reason: health concerns unknown. Councilman Woodard, Taylor, Jordan, Bynum, Burnette, Jenkins and Brown voted for the motion. Councilman Shephard voted against the motion.
- (2) Councilman Taylor made a motion, which was seconded by Councilmember Jordan and passed by a 7 to 1 vote, that the application be denied due to substantially injuring the value of adjoining or abutting property for the following reason: a solar farm would decrease property value and make it difficult for current property owners to sell the property. Councilman Woodard, Taylor, Jordan, Bynum, Burnette, Jenkins and Brown voted for the motion. Councilman Shephard voted against the motion.
- (3) Councilmember Jordan made a motion, which was seconded by Councilman Woodard and passed by a 7 to 1 vote, that the application be denied due to not being in harmony with the area in which it is to be located for the following reason: nearby residents do not want the solar farm in the area due to reason listed. Councilman Woodard, Taylor, Jordan, Bynum, Burnette, Jenkins and Brown voted for the motion. Councilman Shephard voted against the motion.

**D. Conditional Use Permit #17-04 – New 195' Monopole Communication Tower**

The Notice of Public Hearing in its entirety is printed under 6.A. above.

The Mayor declared the public hearing open. Catherine Grimm, Planning Director, Laura Goode, Mike Moody, Anthony Edwards,

Greg Bottoms, Vickie Brone, Jodella Newell and James Brone were sworn in by the Town Clerk.

Catherine Grimm, Planning Director, gave the background information.

Laura Goode, Mike Moody and Anthony Edwards spoke in favor of the Conditional Use Permit.

Greg Bottoms, Vickie Brone, Jodella Newell and James Brone spoke against the Conditional Use Permit.

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

Councilman Jenkins made a motion, which was seconded by Councilman Taylor and passed unanimously, that the application is complete.

Councilman Jenkins made a motion, which was seconded by Councilman Shephard and passed unanimously, that the application complies with all applicable requirements of the land-use ordinance.

Councilman Jenkins made a motion, which was seconded by Councilman Shephard and passed by a 7 to 1 vote, that the application be granted subject to the following conditions:

- (1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the office of the Building Inspector.
- (2) If any of the conditions affixed hereto or any part thereof is held invalid or void, then this permit shall be void and of no effect.
- (3) Engineered documentation must be provided prior to construction, regarding setbacks and fall zone.

Councilmembers Woodard, Taylor, Bynum, Brown, Shephard, Jenkins and Burnette voted for the motion. Councilmember Jordan voted against the motion.

**7. REPORTS OF BOARDS AND COMMISSIONS**

Catherine Grimm, Planning Director, presented the Planning Board and Zoning Commission report attached at page, 73-62a. Councilman Shephard made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council call for and hold a public hearing at the November meeting for UDO Text Amendment 17-01 Article III, Section 29 Board of Adjustments.

**8. TOWN MANAGER'S RECOMMENDATIONS**

**A. Consent Items**

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

**(1) Memo 17-90 – 2012 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2012 Tax Levy release number 26 in the amount of \$4.96,
- (2) approved the *Schedule of 2012 Tax Levy Adjusted as of October 9, 2017*, attached at page 73-62b, in the amount of \$3,589,043.55.

**(2) Memo 17-91 – 2013 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2013 Tax Levy release number 23 in the amount of \$4.96,
- (2) approved the *Schedule of 2013 Tax Levy Adjusted as of October 9, 2017*, attached at page 73-62c, in the amount of \$3,508,923.04.

**(3) Memo 17-92 – 2014 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2014 Tax Levy release number 31 in the amount of \$4.96,
- (2) approved the *Schedule of 2014 Tax Levy Adjusted as of October 9, 2017*, attached at page 73-62d, in the amount of \$3,391,981.24.

**(4) Memo 17-93 – 2015 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2015 Tax Levy release number 28 in the amount of \$4.96,
- (2) approved the *Schedule of 2015 Tax Levy Adjusted as of October 9, 2017*, attached at page 73-62e, in the amount of \$3,359,227.45.

**(5) Memo 17-94 – 2016 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2016 Tax Levy release number 24 in the amount of \$4.96,

- (2) approved the *Schedule of 2016 Tax Levy Adjusted as of October 9, 2017*, attached at page 73-63a, in the amount of \$3,286,164.28.

**(6) Memo 17-95 – 2017 Tax Levy Adjustment**

Action taken: Council

- (1) ordered the Tax Collector be charged with after lists 3 - 22 in the amount of \$97,578.22,
- (2) entered into the minutes 2017 Tax Levy release numbers 17 through 19 in the amount of \$56.82 and authorize the Tax Collector to refund release number 18 in the amount of \$20.17 which has already been paid, and
- (3) approved the *Schedule of 2017 Tax Levy Adjusted as of October 9, 2017*, attached at page 73-63b, in the amount of \$3,313,762.11.

**(7) Minutes**

Action taken: Council approved the minutes of the September 11, 2017 regular meeting.

**B. Action Items**

**(1) Memo 17-96 – Emergency Response/Fire Training Facility**

Councilman Taylor made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council call for and hold a public hearing on November 13, 2017 for the purpose of receiving public input on the use of Town-owned property for an emergency response/fire training center.

**(2) Memo 17-97 – Bid Award – 500,000 Gallon Elevated Tank Reconditioning**

Councilman Taylor made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council award the bid to Utility Service Company, Inc. for the amount of \$347,500.00. A bid tabulation is attached at page 73-63c.

**(3) Memo 17-98 – Taxes – Charge Off of Uncollectable Personal Taxes – 2007 Tax Levy**

Councilman Woodard made a motion, which was seconded by Councilmember Bynum and passed unanimously, that Council:

- (1) authorize the 2007 personal property tax for each taxpayer listed on the schedule, attached at page 73-63d, in the amount of \$892.02, which is determined to be uncollectable, be charged off the books of the Tax Collector and the Tax Collector be relieved from the collection of same, and also be given credit for same in her settlement.
- (2) authorize the outstanding 2007 motor vehicle tax receivable in the amount of \$6,895.59, which was billed and remains uncollected by Edgecombe County, be charged off the books of the Tax Collector and the Tax Collector be given credit for same in her settlement.
- (3) authorize the accounts charged off be turned over to the Finance Director for verification and disposal in accordance with The Municipal Records Retention and Disposition Schedule.

**(4) Memo 17-99 – Appointment for October – Redevelopment Commission**

Councilman Shephard made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council appoint Jay Boykin to serve a (5) five year term.

**(5) Memo 17-100 – Appointment for October – Parking Authority**

Councilman Woodard made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council reappoint Bud Woolard (Classic Diner) to serve a (5) five year term.

**(6) Memo 17-101 – Appointment for October – Edgecombe County Tourism**

Councilman Woodard made a motion, which was seconded by Councilmember Jordan and passed unanimously, that Council reappoint June Leland and Rosena Ricks to serve a (1) one year term and Raj Patel to serve a (2) two year term.

**9. OTHER REPORTS**

**A. Town Manager**

Troy Lewis informed Council that the one year Joint Lease Agreement between the Town of Tarboro and Edgecombe County Public Schools for the use of the Town Commons for Princeville Elementary School expires in October. A representative from ECPS will be present at the November meeting to request additional time.

**B. Town Attorney**

Chad Hinton informed Council that he has sent letters and emails to all available contacts at Suddenlink Communications regarding the absence of an office in Tarboro.

**C. Council Members**

**Ward 1 – Councilman Woodard** – agreed that Police Officers should not be responsible for enforcing grass clipping ordinance violations. Councilman Woodard also mentioned speeding concerns in his neighborhood.

**Ward 2 - Councilman Taylor** – asked for an update on the CSX drainage on Anaconda Road. Troy informed Councilman Taylor that he has contacted CSX multiple times. Councilman Taylor also expressed the need for grass clipping enforcement, no matter who enforces.

**Ward 3 – Councilman Burnette** – suggested the Town consider sponsoring evening concerts to promote growth in Tarboro.

**Ward 4 – Councilman Brown** – None

**Ward 5 – Councilman Jenkins** – requested Chad Hinton research speeding violations for trains.

**Ward 6 – Councilmember Jordan** – explained the importance of the grass clipping violations as her neighborhood drains flood. She also thanked Public Works for continuing to keep the drains clean on her street.

**Ward 7 – Councilmember Bynum** – None

**Ward 8 - Councilman Shephard** – continued to express concerns for junk cars in Tarboro.

**10. ADJOURNMENT**

Councilman Burnette made a motion, which was seconded by Councilmember Jordan and passed unanimously, that the meeting be adjourned.

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Joe Pitt, Mayor

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Leslie M. Lunsford, Town Clerk