

**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF TARBORO, HELD AT 7:00 P.M. ON MONDAY, APRIL 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
Leo Taylor	Councilman/Mayor Pro Tem
Othar Woodard	Councilman

**MEMBERS ABSENT**

Garland Shephard	Councilman
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**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 Mayor Joe Pitt.

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF AGENDA BY COUNCIL**

Councilman Taylor made a motion, which was seconded by Councilman Jenkins, that Council remove Memo 17-26 and Memo 17-27 from the agenda. Motion did not pass due to a 2 to 5 vote. Councilmembers Woodard, Bynum, Brown, Burnette and Jordan voted against the motion. Memo 17-26 and 17-27 remained on the agenda as presented. Troy Lewis, Town Manager, requested Council add Memo 17-30 and a Closed Session to the presented agenda. Councilman Jenkins made a motion, which was seconded by Councilman Taylor and passed unanimously, that Council amend the agenda to include Memo 17-30 and a Closed Session as requested by the Town Manager. Councilman Jenkins made a motion, which was seconded by Councilman Burnette and passed unanimously, that Council approve the amended agenda.

**5. REQUESTS AND PETITIONS OF CITIZENS**

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

Mr. Braxton spoke in support of controlled alcohol sales at Town events.

**B. Jessica Duff – 608 Ward Drive, Tarboro**

Ms. Duff expressed concerns about the lack of activities and parks for families with disabilities. She requested Council consider adding handicap accessible playground equipment and possibly sports for children with disabilities. Council agreed with the need for these additions and stated that staff would follow up with the suggestions made.

**C. Barbara Campbell Davis – 816 Saint Andrew Street, Tarboro**

Ms. Davis spoke in favor of alcohol sales at Town events.

Councilman Brown spoke on behalf of Eddie Andrews. He stated that Mr. Andrews would like to request benches be installed at Riverfront Park.

**6. MATTERS SCHEDULED FOR PUBLIC HEARING**

**A. Zoning Map Amendment – RA-12 to B-3**

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

**NOTICE OF PUBLIC HEARINGS**

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of the Town of Tarboro will conduct three (3) public hearings beginning at 7:00 p.m. on Monday, April 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 applications:

1. To consider a rezoning application submitted by Charles Robbins to rezone a large tract of undeveloped land located between Austin Pines Subdivision and Hospital Drive from RA-12 (Residential District) to B-3 (Commercial District). The property being more specifically described as follows:

*Beginning at a point in the eastern right-of-way of Hwy 64 Bypass, said point being approximately 200 feet south of Austin Pines Subdivision and also being the POINT OF BEGINNING; thence along the eastern right of way of US 64 Bypass along a curve concaved to the left the following two chord courses and distances, N 10° 44' 38" W a distance of 219.22 feet with a radius of 3837.80 feet; thence N 19° 38' 02" W a distance of 127.90 feet with a radius of 3837.80 feet to a point; thence N 65° 11' 46" E a distance of 429.27 feet to a point; said point being the*

*southwest corner of lot 10-A as shown on plat cabinet 8 slide 147, thence S 20° 29' 25" E a distance of 376.23 feet to a point; thence S 69° 30' 35" W a distance of 467.08 feet to the point of beginning and being 3.7 acres more or less and being in the Town of Tarboro, Number 1 Township, Edgecombe County, North Carolina.*

2. To consider a rezoning application submitted by MC Morgan & Associates, Inc. to rezone five (5) acres of land located at the end of the new Henry Lane Cul-de-sac and west of Country Club Drive (former Hilma Golf Course) from RA-12 (Residential District) to RA-6 (Residential District). The property being more specifically described as follows:

*Beginning at an existing ½ inch iron rod in the western margin of W. Country Club Drive, said iron rod also marking the northeastern corner of Eugene S. Whitfield, Jr., Lot 59, Hilma Park Subdivision as shown on a map recorded in Map Book 7 Page 66 in the office of the Register of Deeds of Edgecombe County, North Carolina; thence running along the northern line of said Whitfield South 66deg.55'03" West 137.54 feet to an existing ¼ inch iron rod marking the northwestern corner of said Eugene S. Whitfield, Jr.; thence along the western line of said Whitfield South 22deg.57'36" East 46.20 feet to a computed point; thence along a new Zoning Line the following seven (7) courses and distances: 1) South 71deg.05'43" West 183.14 feet to a computed point; thence 2) North 18deg.54' 17" West 62.48 feet to a computed point; thence 3) along a curve to the right having a radius of 155.00 feet and an arc length of 24.0 feet, a chord bearing and distance of North 14deg.28'08" West 23.98 feet to a computed point; thence 4) along a curve to the right having a radius of 24.00 feet and an arc length of 25.03 feet, a chord bearing and distance of North 19deg.50'55" East 23.91 feet; thence 5) along a curve to the left having a radius of 55.00 feet and an arc length of 172.21 feet, a chord bearing and distance of North 48deg.56'13" West 98.86 feet to a computed point; thence 6) South 88deg.38'42" West 195.21 feet to a computed point; thence 7) North 19deg.57'48" West 134.49 feet to a computed point in Holly Creek; thence along said Holly Creek, also being said new Zoning Line, the following ten (10) courses and distances: 1) North 49deg.17' 40" East 80.81 feet to a computed point; thence 2) North 70deg.06'01" East 41.18 feet to a computed point; thence 3) South 80deg.25'26" East 35.04 feet to a computed point; thence 4) North 40deg.45'58" East 32.97 feet to a computed point; thence 5) North 06deg.36'27" West 13.91 feet to a computed point; thence 6) North 63deg.14'53" East 35.14 feet to a computed point; thence 7) North 45deg.00' 19" East 38.90 feet to a computed point; thence 8) North 26deg.33'54" East 42.51 feet to a computed point; thence 9) North 16deg.22'40" East 69.12 feet to a computed point; thence 10) North 22deg.47'36" West 38.32 feet to a computed point; thence leaving said Holly Creek along said new Zoning Line, the following two (2) courses and distances: 1) North 61deg.44'47" East 32.82 feet to a computed point; thence 2) South 87 deg.46 '40" East 311.10 feet to computed point at the intersection of the northern margin and said western margin of said W. Country Club Drive; thence along said western margin the following three (3) courses and distances: 1) South 05deg.26'26" East 257.98 feet to an existing ½ inch iron rod; thence 2) South 05deg.01 '39" East 66.60 feet to an existing ½ inch iron rod; thence 3) South 04deg.52' 12" East 99.09 feet to the point and place of BEGINNING containing approximately 5.08 acres, more or less, being part of Edgecombe County Parcel ID 472894879800, all of 473804420400 and part of 473804367300 west of W. Country Club Drive.*

3. To consider a conditional use permit submitted by Charles Ainsley to subdivide 7.5 acres into residential lots on the north side of Daniel Street between Samuel Lane and Panola Street. The frontage is approximately 1100 feet. Land is zoned AR-20 (Residential District). The property being more specifically described as follows:

*Beginning at an existing iron pipe which is located at the southeast corner of the property of Kan-Ban Industries, Inc., as described in a Deed recorded in Book 1148, page 36 of the Edgecombe County Public Registry, and from the point of beginning thus described, thence N. 40 deg. 07 min. 47 sec. W. 400.79 feet to an existing iron pipe, cornering; thence N. 53 deg. 34 min. 09 sec. E. 123.79 feet to an existing iron pipe, then N. 55 deg. 00 min. 00 sec. E. 269 feet to an existing iron pipe, thence N. 50 deg. 00 min. 00 sec. E. 78 feet to an existing iron pipe, cornering; thence S. 52 deg. 40 min. 00 sec. E. 72 feet to an existing stone monument, cornering; thence N. 65 deg. 04 min. 43 sec. E. 1,572.27 feet to an existing iron pipe; cornering; thence S. 23 deg. 10 min. 18 sec. E. 330.04 feet to an existing iron pipe, cornering, thence S. 63 deg. 50 min. 04 sec. W. 1,453.10 feet to a new iron pipe, cornering; thence N. 40 deg. 05 min. 24 sec. W. 30.91 feet to an existing iron pipe, cornering; thence S. 64 deg. 19 min. 30sec W. 98.87 feet to an existing iron pipe; thence S. 54 deg. 54 min. 12 sec. W. 1,100.12 feet to an existing iron pipe, thence S. 50 deg. 50 min. 39sec. W. 121.66 feet to an existing iron pipe, the point of beginning. The property described herein contains 23.87 acres and is the identical property shown on a map entitled "Map of Property of C.H. Henderson, Jr., Daniels St. Ext., Tarboro, N.C." dated September 6, 1995 and prepared by Joyner-Keeny & Associates, to which map reference is hereby made for further description.*

The full text of these petitions which if adopted, will effectuate the proposed changes are 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 are available for review by interested parties during normal business hours prior to the holding of the public hearings.

All citizens and interested parties are urged to be present at said Public Hearings and make their views known on said proposed amendments and applications.

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

This the 23rd day of March, 2017.

The Mayor declared the public hearing open.

Catherine Grimm, Planning Director, gave background information.

No one spoke in favor of or against the rezoning.

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

Councilman Brown made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council adopt the resolution, attached at page 73-44a, and the ordinance entitled:

**ORDINANCE NO. 17-05**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE UNIFIED DEVELOPEMNT ORDINANCE (ZONING ORDINANCE) OF THE TOWN OF TARBORO AND ITS ENVIRONS TO AMEND THE ZONING CLASSIFICATION OF PROPERTY LOCATED NORTH OF HOSPITAL DRIVE, EAST OF US64 BYPASS, WEST AND SOUTH OF AUSTIN PINES SUBDIVSION FROM RA-12 (RESIDENTIAL DISTRICT) TO B-3 (COMMERCIAL DISTRICT).

The Ordinance is recorded in Ordinance Book Number 11.

**B. Zoning Map Amendment – RA-12 to RA-6**

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, gave background information.

No one spoke in favor of the rezoning.

Al Braxton, 2406 Deanie Avenue, expressed concerns of garbage in the creek as a result of new development.

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

Councilmember Jordan made a motion, which was seconded by Councilman Taylor and passed unanimously, that Council adopt the resolution, attached at page 73-44b, and the ordinance entitled:

**ORDINANCE NO. 17-06**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE UNIFIED DEVELOPEMNT ORDINANCE (ZONING ORDINANCE) OF THE TOWN OF TARBORO AND ITS ENVIRONS TO AMEND THE ZONING CLASSIFICATION OF FIVE (5) ACRES OF PROEPRTY LOCATED AT THE END OF NEW HENRY LANE CUL-DE-SAC AND WEST OF COUNTRY CLUB DRIVE (FORMER HILMA GOLF COURSE) FROM RA-12 (RESIDENTIAL DISTRICT) TO RA-6 (RESIDENTIAL DISTRICT).

The Ordinance is recorded in Ordinance Book Number 11.

**C. Conditional Use Permit**

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

Chad Hinton, Town Attorney, stated that his firm, DeLoatch, Hinton & Peters, PLLC, is representing Charles Ainsley, therefore he would refrain from advise and only offer information if needed.

The Mayor declared the public hearing open. Catherine Grimm, Planning Director, was sworn in by the Town Clerk.

Catherine Grimm, Planning Director, gave the background information.

No one spoke in favor of or against the Conditional Use Permit.

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

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

Councilman Jenkins made a motion, which was seconded by Councilman Taylor 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 Brown and passed unanimously, 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.

**7. REPORTS OF BOARDS AND COMMISSIONS**

None.

**8. TOWN MANAGER'S RECOMMENDATIONS**

**A. Consent Items**

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

**(1) Memo 17-16 – 2009 Tax Levy Adjustment**

Action taken: Council

- (1) approved the 2009 Tax Levy release numbers 31 in the amount of \$10.62, and
- (2) approved the *Schedule of 2009 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44c, in the amount of \$3,167,470.96.

**(2) Memo 17-17 – 2010 Tax Levy Adjustment**

Action taken: Council

- (1) approved the 2010 Tax Levy release number 41 in the amount of \$9.94, and
- (2) approved the *Schedule of 2010 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44d, in the amount of \$3,233,875.96.

**(3) Memo 17-18 – 2011 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2011 Tax Levy release number 29 in the amount of \$13.73, and
- (2) approved the *Schedule of 2011 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44e, in the amount of \$3,545,336.10.

**(4) Memo 17-19 – 2012 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2012 Tax Levy release number 24 in the amount of \$9.79, and
- (2) approved the *Schedule of 2012 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44f, in the amount of \$3,589,348.25.

**(5) Memo 17-20 – 2013 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2013 Tax Levy release number 21 in the amount of \$13.73, and
- (2) approved the *Schedule of 2013 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44g, in the amount of \$3,508,937.38.

**(6) Memo 17-21 – 2014 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2014 Tax Levy release number 30 in the amount of \$8.70, and
- (2) approved the *Schedule of 2014 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44h, in the amount of \$3,391,986.20.

**(7) Memo 17-22 – 2015 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2015 Tax Levy release number 27 in the amount of \$8.35, and
- (2) approved the *Schedule of 2015 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44i, in the amount of \$3,359,232.41.

**(8) Memo 17-23 – 2016 Tax Levy Adjustment**

Action taken: Council

- (1) entered into the minutes 2016 Tax Levy release numbers 21 and 22 in the amount of \$10.06, and
- (2) approved the *Schedule of 2016 Tax Levy Adjusted as of April 10, 2017*, attached at page 73-44j, in the amount of \$3,289,102.26.

**(9) Minutes**

Action taken: Council approved the minutes of the March 4, 2017 and March 5, 2017 Council Retreat and the March 13, 2017 regular meeting

**B. Action Items**

**(1) Memo 17-24 – Award Contract – Auditing Services**

Councilman Woodard made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council award the audit contract for the fiscal year 2016-2017 to Petway, Mills, & Pearson, PA at the cost of \$27,240 and authorize the Mayor to execute the necessary contract.

**(2) Memo 17-25 – Amendment – Code of Ordinance and Transportation by Animal-Drawn Vehicle**

Councilman Jenkins made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council adopt the ordinance entitled:

ORDINANCE NO. 17-07

TRANSPORTATION BY ANIMAL-DRAWN VEHICLES

The Ordinance is recorded in Ordinance Book Number 11.

**(3) Memo 17-26 – Request to Temporarily Close N. Main Street and Wilson Street on May 20, 2017**

Councilman Woodard made a motion, which was seconded by Councilmember Jordan and passed by a 6 to 1 vote, that Council adopt the ordinance entitled:

ORDINANCE NO. 17-08

AN ORDINANCE DECLARING A ROAD CLOSURE FOR HAPPENING ON THE COMMON

Councilmembers Woodard, Jordan, Bynum, Brown, Burnette and Jenkins voted in favor of the motion. Councilman Taylor voted against the motion.

The Ordinance is recorded in Ordinance Book Number 11.

**(4) Memo 17-27 – Resolution to allow sale of Alcohol at Happening on the Common**

Councilman Woodard made a motion, which was seconded by Councilmember Jordan and passed by a 5 to 2 vote, that Council approve the resolution, attached at page 73-45a. Councilmembers Woodard, Jordan, Bynum, Jenkins and Burnette voted for the motion. Councilmembers Taylor and Brown voted against the motion.

**(5) Memo 17-28 – Proclamation – Arbor Day**

Councilmember Jordan made a motion, which was seconded by Councilmember Bynum and passed unanimously, that Council proclaim April 28, 2017 as Arbor Day in the Town of Tarboro, NC. The Proclamation is attached at page 73-45b.

**(6) Memo 17-29 – Proclamation – Autism Awareness**

Councilmember Jordan made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council proclaim the month of April 2017 as National Autism Awareness Month in the Town of Tarboro, NC. The Proclamation is attached at page 73-45c.

**(7) Memo 17-30 – Keihin Building Reuse/Project CX – Grant Agreement and Budget**

Councilman Jenkins made a motion, which was seconded by Councilman Taylor and passed unanimously, that Council approve the grant agreement and authorize the Mayor to execute all required documents. Councilman Woodard made a motion, which was seconded by Councilman Taylor and passed unanimously, that Council approve the following resolution:

BUDGET RESOLUTION  
TOWN COUNCIL OF THE TOWN OF TARBORO  
April 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:

<u>Account No.</u>	<u>Account Name</u>	<u>Current Budget</u>	<u>Amt of Change</u>	<u>Revised Budget</u>
<u>REVENUES – GENERAL CAPITAL PROJECT FUND</u>				
<u>Keihin Building Reuse Project</u>				
853760.0100	Contri fr Carolinas Gateway	0	+6,000	6,000
853760.0200	NC Dept of Comm-Bldg Reuse	0	+113,500	113,500

<u>EXPENDITURES – GENERAL CAPITAL PROJECT FUND</u>				
<u>Keihin Building Reuse Project</u>				
858510.4300	Professional Services	0	+6,000	6,000
858510.4500	Contracted Services	0	+113,500	113,500

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

**9. OTHER REPORTS**

**A. Town Manager**

Troy Lewis informed Council of the vacant Ward 7 seat on the Planning Board and Zoning Commission held by Sabrina Bynum. This seat will need to be filled by a citizen at the next regular Council Meeting. He also invited Councilmembers to an Employee Appreciation Luncheon on Thursday April 13, 2017 at noon at Indian Lake.

**B. Town Attorney**

Chad Hinton informed Council that he had a successful trip to the Attorney's Conference at UNC School of Government.

**C. Council Members**

**Ward 1 – Councilman Woodard** – requested an update on storm drain problems in his neighborhood. John Moore, Public Works Director, stated his area was on the list and they would get to it soon. Councilman Woodard also requested garbage cans be placed on the curb after emptying opposed to the street.

**Ward 2 - Councilman Taylor** – stated that the Cemetery Commission had a successful meeting and would continue to work on a solution for

the Town and the community. Councilman Taylor also addressed concerns about yard debris in the streets.

**Ward 3 – Councilman Burnette** – None.

**Ward 4 – Councilman Brown** – requested an increase in weed lien fees and collection methods, possibly enforced collections. Councilman Brown also requested the sidewalk on Martin Luther King Jr Drive be repaired.

**Ward 5 – Councilman Jenkins** – expressed concerns about the CSX train noise during night hours. Troy Lewis stated that he would send a letter to CSX requesting limited horn use during night hours.

**Ward 6 – Councilmember Jordan** – expressed concerns about excessive barking dogs, she was informed that the Town has an ordinance regarding barking dogs. Councilmember Jordan also expressed appreciation to Travis Stigge, Recreation Director, for holding a community meeting for citizens input on Recreation facilities and activities. She also expressed appreciation to Council for proclaiming April as Autism Awareness Month.

**Ward 7 – Councilmember Bynum** – stated that she would like to see more from the Citizen's Recreation Advisory Board.

**Ward 8 - Councilman Shepherd** – None.

**10. CLOSED SESSION PER NCGS 143-318.11.(a)(4)**

Councilman Jenkins made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council enter into closed session.

Councilman Jenkins made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council resume regular session.

**11. ADJOURNMENT**

Councilman Woodard 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