

MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF TARBORO, HELD AT 7:00 P.M. ON MONDAY, DECEMBER 8, 2014 IN THE COUNCIL ROOM, TOWN HALL, TARBORO, NORTH CAROLINA

MEMBERS PRESENT

Rick Page	Mayor
Steve Burnette	Councilman
Al Hull	Councilman
John Jenkins	Councilman
Deborah Jordan	Councilmember
Taro Knight	Councilman
Carol F. Ruffin	Councilmember
Garland Shephard	Councilman
Othar Woodard	Councilman

MEMBERS ABSENT

None

ALSO PRESENT

M Alan Thornton	Town Manager
Leslie M. Lunsford	Town Clerk
Chad Hinton	Town Attorney

1. MEETING CALLED TO ORDER

The meeting was called to order by the Mayor.

A. Invocation

The invocation was given by Mayor Page.

2. APPROVAL OF AGENDA BY COUNCIL

Councilman Jenkins made a motion, which was seconded by Councilman Shephard and passed unanimously, that Council approve the Agenda as presented.

3. REQUESTS AND PETITIONS OF CITIZENS

A. Laura Temple – 300 E Park Avenue

Ms. Temple informed Council of the Edgecombe Cancer Support Foundation. The Foundation helps financially support Edgecombe County residents, actively being treated for Cancer. Ms. Temple expressed appreciation to the Tarboro Police & Fire Departments for their assistance in the recent 5-K fundraiser.

B. Sabrina Bynum – 1201 Martin Luther King Jr. Drive

Ms. Bynum asked for updates from the recent Community Meeting regarding the Boys & Girls Club. She was informed that the contract was legal and Council approved through 8/1/2015. A concern about the original purpose of the M. A. Ray Center was expressed and that citizens were being denied usage of the facility.

4. SELECTION OF MAYOR PRO-TEM

Councilman Shephard made a motion, which was seconded by Councilman Burnette to nominate Councilman Jenkins as Mayor Pro Tem.

Councilmember Ruffin made a substitute motion, which was seconded by Councilmember Jordan that Council adopt a policy at this meeting and vote for a new Mayor Pro Tem at a later time based on the new adopted policy. Council was advised by the Town Attorney that the motion was not proper.

Councilmember Ruffin made a motion, which was seconded by Councilmember Jordan to nominate Councilman Knight.

Councilmember Jordan made a motion, which was seconded by Councilmember Ruffin and passed unanimously, that Council elect a new Mayor Pro Tem after elections every two years. Council will vote a new Mayor Pro Tem after the election in 2015.

Council voted, each nominee received 4 votes each. The Mayor voted for Councilman Jenkins to serve as Mayor Pro Tem until the November 2015 election.

5. MATTERS SCHEDULED FOR PUBLIC HEARING

A. Application for Certificate of Convenience and Necessity to Operate Taxicabs in the Town of Tarboro in 2015

The following Notice of Public Hearing was posted in the Town Hall and mailed to all current holders of Certificates of Convenience and Necessity:

NOTICE OF PUBLIC HEARING

NOTICE is hereby given pursuant to Tarboro Code of Ordinances, Section 18-48, that a PUBLIC HEARING will be conducted by the Town Council at its regular meeting in the Council Room in the Town Hall at 7:00 P.M., Monday, December 8, 2014, to consider and act upon the applications of Blanche Lee Jenkins T/A Checker Cab Co., 179 N. Ridgewood Road (5 taxis) and K & L Transport Service, 1600 W Howard Ave (6 taxis) for a Certificate of Convenience and Necessity to operate in the Town of Tarboro for the year 2015.

All interested citizens and all parties of interest will be given an opportunity to be heard. Any interested person may file with the Town

Clerk a memorandum in support or opposition to the issuance of such a certificate.

This 2nd day of December, 2014.

The Mayor declared the public hearing open. Kermit Perkins spoke in favor of. He also stated that he had drug tests and background checks on all of his current drivers and asked if that would be sufficient for the Towns requirements. He was referred to the Police Chief. Ms. Carolyn Higgins, Checker Cab Company, also spoke in favor of. No one spoke against the issuance of the requested Certificate of Convenience and Necessity.

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

Councilman Knight made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council approve Kermit Perkins T/A K & L Transport Service Inc. and Blanche Lee Jenkins T/A Checker Cab Co. for a Certificate of Convenience and Necessity to operate eleven total taxicabs in Tarboro for 2015.

B. Zoning Map Amendment – AR-20 to I-2-C

The following Notice of Public Hearing was duly 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 two (2) public hearings beginning at 7:00 p.m. on Monday, December 8, 2014, 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:

- To consider a Rezoning application submitted by Price Solar, LLC to rezone 199.69 acres of land located on the north side of E. Northern Boulevard. (between Pecan Drive and Baker Street Extension) from AR-20 (General Residential District) to I-2-C (Conditional General Industrial District). The property being more specifically described as follows:

Tract One:

BEGINNING at a point in the center of the road leading from N.C. Highway No. 44 through the Morrison and Hope Lodge Farms, being the northwest corner of the tract of land this day conveyed to Roscoe N. Ellis and wife, by Alfred J. Ellis and wife, and the northeast corner of the land of C. H. Henderson, Jr., thence running along the center of said road and with the line of C. H. Henderson, Jr., South 73 degrees 45 minutes West 217 feet, cornering; thence North 27 degrees West 477 feet, thence North 89 degrees 30 minutes West 1049 feet to a canal, thence running along a dam North 5 degrees West 377 feet to a power pole, thence running North 69 degrees West 303 feet, cornering with the property of Long Manufacturing Company, formerly the Lizzie H. Baker land, thence with the Long line North 44 degrees 30 minutes East 137 feet and North 14 degrees 15 minutes East 1061 feet to the run of Tar River, thence down the various courses of Tar River 2910 feet to a point on the bank of Tar River, cornering, thence South 13 degrees 02 minutes East 200 feet to a large red oak tree, thence continuing along said line South 13 degrees 02 minutes East 2880 feet to a point in the center of the road leading from N.C. Highway No. 44 through the Morrison and Hope Lodge Farms, cornering, thence along and with the center of said road South 68 degrees 19 minutes West 312 feet, thence South 64 degrees 47 minutes West 1012.3 feet, thence South 73 degrees 45 minutes West 141 feet to the point of beginning, and being a part of the identical conveyed to Alfred J. Ellis and wife, Mollie E. Ellis, by C. H. Henderson and wife, Gertrude Henderson, by deed recorded in Book 571, Page 238 of the Edgecombe Registry, and reference is also made to map of the Hope Lodge Farm recorded in Map Book 1, Page 121 of the Edgecombe Registry and Map showing property of C. H. Henderson in No. 1 Township, Edgecombe County, North Carolina, dated December 22, 1955 by J. W. Traylor, Roanoke Rapids, North Carolina, for a further description of said land.

Tract two:

BEGINNING at a point in the center of the road leading through the Morrison and Hope Lodge Farms also the southwest corner of H. H. James, thence running along and with the center of said roads. 41 degrees 40 minutes W. 2482.8 feet to a bend in said road, thence still with the center of said S. 68 degrees 19 minutes W. 417.7 feet to a point in the center of said road cornering, also the southeast corner of the land of Mildred E. Winstead and husband, thence with their line N. 13 degrees 02 minutes W. 2880 feet to a large Red Oak Tree, thence still with said line N. 13 degrees 02 minutes W. 200 feet to a point on Tar River, thence down the various courses of Tar River 1355 feet to the northwest corner of Tract No.3 of the Hope Lodge Farm, now owned by H. H. James, thence running along and with the James line S. 44 degrees 30 minutes E. 2399 feet to the center of the road leading through the Morrison and Hope Lodge Farms, the point of the beginning, and containing 122.3 acres, more or less, and being a part of the identical tract of land conveyed to Alfred J. Ellis and wife, Mollie E. Ellis by C. H. Henderson and wife, Gertrude Henderson, by deed recorded in Book 571. Page

238 of the Edgecombe Registry, and reference is also made to Map of the Hope Lodge Farm, by G. B. Cooper, Engineer, dated November, 1919, recorded in Map Book 1, Page 121 of the Edgecombe Registry, and Map showing property of C. H. Henderson, No. 1 Township, Edgecombe County, North Carolina, dated December 2, 1955, by J. W. Traylor, Roanoke Rapids, N.C., for a better description of said land.

The above described real property was conveyed to Mildred E. Winstead and husband, Ralph W. Winstead by instrument recorded in Book 660, Page 548, and to Mildred E. Winstead by instrument recorded in Book 660, Page 618, Edgecombe County Public Registry. See also Estate of Mildred E. Winstead, Estate File 13 E 112, Edgecombe County Clerk of Superior Court.

2. To consider a Conditional Use Permit application submitted by Price Solar, LLC to allow for the construction of a major solar energy facility.

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 19th day of November 2014.

The Mayor declared the public hearing open.

Josh Edmondson, Planning Director, gave background information.

The Mayor informed citizens there would be a 10 minute time limit.

Price Solar, Joe White, Claxton Autry, Harry Main, John Wooten, Dickie Guill, Steve Sanders and Kenny Habul spoke in favor of the rezoning.

Lee Cannady, Jason Newsome, Kolouia Newsome, Gary Newsome, Leonard Giles, Jim Marrow, Regina Langley, Al Braxton and Kermit Perkins spoke against the rezoning.

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 Council reject the rezoning.

C. Conditional Use Permit – 1018 E. Northern Boulevard

No Action Necessary.

Council took a 5 minute break at 9:24 pm.

6. REPORTS OF BOARDS AND COMMISSIONS

Josh Edmondson, Planning Director, presented the Planning Board and Zoning Commission report for November 17, 2014 to Council. The report is attached at page 72-86a. Action taken on the report follows: Councilman Knight made a motion, which was seconded by Councilman Jenkins and passed unanimously, that Council call for a public hearing to be held on Monday, January 12, 2015 at 7:00 p.m. regarding UDO Text Amendment 14-03 Section 273. Councilman Hull made a motion, which was seconded by Councilman Woodard and passed unanimously, that Council call for a public hearing on Monday, January 12, 2015 at 7:00 p.m. regarding UDO Text Amendment 14-04 Section 273(a)(6).

Josh Edmondson, Planning Director, also presented the Main Street Façade Committee report, attached at page 72-86b.

A. Brewer's Jewelry – 228 Main Street

Councilman Hull made a motion, which was seconded by Councilmember Ruffin and passed unanimously, that Council approve the grant application.

7. TOWN MANAGER'S RECOMMENDATIONS

A. Consent Items

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

(1) Memo 14-84 – 2014 Tax Levy Adjustment

Action taken: Council

- (1) ordered the Tax Collector be charged with afterlist 6 in the amount of \$9,710.33,
- (2) approved 2014 Tax Levy release number 13 in the amount of \$152.40 and authorize the Tax Collector to refund same which has already been paid, and

- (3) approved the *Schedule of 2014 Tax Levy Adjusted as of December 8, 2014*, attached at page 72-86c, in the amount of \$3,394,932.91.

(2) Minutes

Action taken: Council approved the minutes of the November 10, 2014 regular meeting.

B. Action Items

(1) Memo 14-85 – Taxicabs – Certificates of Convenience and Necessity

Action taken during Matters Scheduled for Public Hearing 5. A.

(2) Memo 14-86 – NCDOT – Speed Limit Ordinance Update

Councilman Jenkins made a motion, which was seconded by Councilman Knight and passed unanimously, that Council adopt the Municipal Ordinance Certificates per NCDOT request.

(3) Memo 14-87 – NCDOT – Request for Addition of Commerce Center Drive & Sunset Avenue Extension to State System

Councilman Hull made a motion, which was seconded by Councilmember Ruffin and passed unanimously, that Council adopt the resolutions, attached at page 72-86d and 72-86e, requesting that the NC DOT add Commerce Center Drive & Sunset Avenue Extension to the State Maintained Secondary Road System.

8. OTHER REPORTS

A. Town Manager

The Town Manager reminded Council of the Christmas Parade, Sunday December 14, 2014 at 2:00 pm.

B. Town Attorney

The Town Attorney informed Council that he had a memo addressing the Public Records retention schedule. Council agreed to discuss the information at the January 2015 meeting.

C. Mayor

The Mayor informed Council that Electricities would be selling assets owned by NCEMPA (collectively) and the Town should consider entering into a \$5,000 contract with a consultant in Florida that specializes in selling assets. Councilman Woodard made a motion, which was seconded by Councilman Knight and passed unanimously, that Council agree to enter into the contract with the consultant.

D. Council Members

Councilman Woodard mentioned the street markings on W Saint James Street and Western Blvd, he stated it seemed to be dangerous. Troy Lewis, Public Works Director stated that he had requested NC DOT repaint the markings but no plans have been made to do so. He suggested that the Mayor write a letter to the NC DOT requesting the same. Councilman Knight made a motion, which was seconded by Councilmember Ruffin and passed unanimously, that Council ask the Mayor to send a letter to the NC DOT. Councilman Woodard also asked about an annual Council Retreat. He was informed that a retreat would be planned for late February or early March.

Councilman Shephard asked what the status was for the audit and why was it taking so long to present. He was informed that the audit would be presented at the January meeting and that it was still in compliance. Councilman Shephard also asked if all Councilmembers had completed the required ethics course. He was informed that all Councilmembers had completed the course.

Councilman Burnette suggested that staff research and prepare an Ordinance regarding Solar Farms for future requests by Solar Companies. The Town Manager agreed and will instruct staff to do so.

9. ADJOURNMENT

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

Rick Page, Mayor

Leslie M. Lunsford, Town Clerk