

The Plymouth Town Council met in a regular meeting Monday, July 11, 2011 at 7:00 pm in the Town Council Room located in the Plymouth Police Department with Mayor Brian Roth presiding. The meeting was called to order. The following were present:

Mayor Brian Roth  
Councilmember Edgar Barrow  
Councilmember James Arnold  
Councilmember Mary Ann Byers  
Councilmember Shelton McNair  
Councilmember Mary Nixon

Kenneth Creque, Town Manager  
Joanne Floyd, Town Clerk  
Brantley Peck, Town Attorney

Member of Council not present was Councilmember Sawyer.

**I. MEETING CALLED TO ORDER**

**II. OPENING PRAYER & PLEDGE OF ALLEGIANCE**

The Mayor gave the opening prayer, led with the Pledge of Allegiance, and a moment of silence in memory of Mrs. Jenny Jackson, Vicki Sawyer's sister.

**III. APPROVAL OF AGENDA**

Motion to revise the proposed agenda as follows: 1) delete closed session items number two and three; (2) move the Town Manager's report so that it follows the Town Attorney's report; and (3) add number fourteen (14) to New Business regarding the recent park vandalism and possible reward was made by Councilmember Byers and seconded by Councilmember Barrow. Motion passed with a vote 4-0.

**IV. PRESENTATIONS TO COUNCIL**

Councilmember Nixon arrived.

1. Willie Drye

Willie Drye updated the Council on the Small Town Main Street Program. He stated that Albert Downing, Steve Hoggard, and Marvin Spencer helped him clean up the Armistead House and that Reid Thomas of the NC Department of Cultural Resources visited the house twice and suggested that an application be made for a Stedman Grant through Preservation of North Carolina to help fund work there. He stated that the

application is due by June 30<sup>th</sup> and the award notification will be in September. He stated that money has been received for the formation of the 501(C) (3) status and the application and will be submitted to the IRS in a few weeks.

Motion to approve the Resolution Re-Affirming the Town's Participation in the North Carolina Small Town Main Street Program for fiscal year 2011-2012 was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

## **V. PUBLIC HEARING**

### 1. Text change to Town Ordinances creating regulations for Parks

The Mayor opened the public hearing.

Keith Sawyer, resident 109 West Main Street and business owner of the Wine on the Roanoke, spoke in favor of the park regulations and permitting proposal and emphasized the need for enforcement.

Doward Jones, Waterways Commission Chairman, spoke in favor the need for regulations for municipal parks.

After there being no further public comments, the Mayor closed the public hearing.

Councilmembers then inquired about:

- (1) The need for signs and providing notice of rules; and
- (2) What about vendors being in parks on special occasions?

The Mayor has requested staff make a draft copy available in the office and recommends the public review it before a decision is made.

No action was taken.

2. Proposed Text changes to the succession of membership for the Town's Planning Board and Board of Adjustments.
  - (a) Motion to approve the proposed text changes to Chapters 153.176, "Appointment of Members" and 153.194, "Planning Board Appointments" in the Town's Ordinance was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 4-1. Member voting opposed was Councilmember Barrow.
  - (b) After the Town Manager presented the proposed revisions for the Planning Board ordinances, a motion was made to approve the same with a deletion of the nine year limitation by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.
  - (c) Motion to attach the revised ordinances to the Boards' applications was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

The Mayor recognized the Board of Education Superintendent Mr. Farley, who was in the audience.

## **VI. PUBLIC COMMENT**

Keith Sawyer, business owner of Wine on the Roanoke, stated that the Town needs trash cans with larger capacities downtown because the current ones are too small. He stated that the Town used to empty them on Fridays and if they are not emptied every week, trash spills out all over the sidewalks.

The Town Manager responded that David's Trash Services is contracted to empty them once a week, but they are in Belhaven on Friday. He stated that General Services empties them when they are able, but their main focus is yard debris.

## **VII. DEPARTMENT REPORTS**

1. Public Works Report- Introduction of New Program Manager (Cobern Rasnick)

The Town Manager introduced Mr. Corbern Rasnick from Veolia to Council. (He is Bill Ehrenbeck's replacement through the remainder of the contract term.)

Mr. Corbern Rasnick presented the monthly report that is normally part of Council's agenda package.

2. Police Department Report– Chief O’Neal

Chief O’Neal reviewed the monthly report that was part of Council’s agenda package and presented the Gas Log Report that is normally part of Council’s agenda package.

3. General Services –Mike Wright

Mike Wright reviewed the monthly report that was part of Council’s agenda package. He reported that 21 tons of solid waste was dumped during the clean up month and the cost was approximately \$3,100.

Councilmember Arnold stated that his area looks cleaner and would like to do this again in the future.

**VIII. CONSENT AGENDA**

1. Consideration of proposed June 13, 2011 minutes.

Motion to approve the proposed June 13, 2011 minutes was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

1. Approval of Auditing Contract.

The Town Manager requested that Council approve the audit contact for Fiscal Year 2010-2011 with Pittard, Perry, and Crone in the amount of \$18,300, which includes an extra service to have the Town’s and employees’ 401(K) contributions audited for the past three years. The Town manager recently did a self audit on 401(K) payments and found that one month had not been paid and wants to ensure that all the payments have been made as required.

Motion to approve the audit contact for Fiscal Year 2010-2011 with Pittard, Perry, and Crone in the amount of \$18,300 was made by Councilmember Byers and seconded by Councilmember Arnold. Motion passed with a vote 5-0.

2. Approval of grant agreement extension with the Rural Center for the Waste Water Treatment Plant and CIP Update for the Town until 12/31/2011.

Motion to approve the extension of the Waste Water Treatment Plant and CIP Update grant agreement with the Rural Center was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

3. Approval of grant agreement extension with the Rural Center for the Sanitary Sewer System Rehabilitation – Phase 2 until 06/30/2012.

Motion to approve the extension of the Sanitary Sewer System Rehabilitation – Phase 2 grant agreement with the Rural Center was made by Councilmember Nixon and seconded by Councilmember Byers. Motion passed with a vote 5-0.

4. Approval of Interlocal Agreement with Washington County to provide Fire Service to Washington County (Motion)

The Town Manager requested that Council approve the proposed Fire Service contract with Washington County, which is a two (2) year contract with a one (1) year automatic renewal provision. The payment to the Town will be \$84,000 annually.

The Town Attorney said that several amendments should have been made to the draft: (1) on page one, third "Whereas" paragraph, the phrase "and §153A.233" needs to be inserted after N.C.G.S§ 69-25.3; and (2) the day of the month needed to be inserted in blank on page two.

Motion to approve Interlocal Agreement with Washington County to provide Fire Service to Washington County with 1) the insertion of the statutory reference and 2) the County to choose whether the payment date be made on the first (1<sup>st</sup>) or the fifteenth (15<sup>th</sup>) of the month was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

5. Consideration of a new business license fee for Internet Sweepstakes within the Town of Plymouth in the amount of \$500.00 per year plus \$100.00 per machine per year.

Motion to approve a privilege license fee for Internet Sweepstakes businesses in the amount of \$500.00 per year plus an additional \$100.00 per machine per year and to review the fees in 2012 was made by Councilmember Nixon and seconded by Councilmember Barrow. Motion passed with a vote 5-0.

6. Approval of a Grant Project Ordinance for the Building Reuse Project. (Rural Center Update to correct FY 2010/2011 Audit Statement)

Motion to approve the proposed Building Reuse Project Grant Project Ordinance was made by Councilmember Byers and seconded by Councilmember Barrow. Motion passed with a vote 5-0.

7. Re-Affirmation of participation within the North Carolina Small Town Main Street Program (Resolution)

(Approved as noted under "Presentation to Council" section.)

8. Resolution of Support for the Tyrrell-Washington Partnership for Children

Motion to approve the proposed Resolution of Support for the Tyrrell-Washington Partnership for Children with attorney's recommended changes was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

9. Proposed budget amendment 2012-01. Transfer of \$5,000.00 from Contingency 10-6100-9970 to Contract Service 10-4120-6990 to allow the Town Manager to hire a consultant to complete a market analysis to meet the requirements of North Carolina General Statute 160A-265 to 286 in regards to the potential Solar Field Contract.

Motion to approve proposed budget amendment 2012-01 was made by Councilmember Barrow and seconded by Councilmember Byers. Motion passed with a vote 5-0.

10. (Rural Center Funds Re-Allocation) Consideration of the transfer of funds within NC-STEP Implementation Grant \$3200 from Business Incentive to Research and Welcome Center

Motion to approve proposed budget amendment 2011-13 was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

11. Proposed draft Text changes to Town Ordinance 93.21 (*For information and review*) and Repeal of sections 93.21 subsection C and D, and replace with appropriate text language for enforcement. (Business to be conducted 8 August 2011).

The Town Manager explained that a public hearing will be scheduled for next month to consider proposed text changes the Burning Ordinance. He explained that this ordinance should be straight to the point since state law does not allow burning if debris pickup is provided to the public, (which the Town offers). He stated that the current ordinance sets the penalty as civil, and recommends that this be revised to allow a criminal citation or summons be issued.

12. Text changes to Town Ordinance 153 (*For information and review*) catch all language pertaining to improvement of non-conforming lots (Business to be conducted 8 August 2011)

The Town Manager explained that a public hearing will be scheduled for next month for a possible text amendment in Chapter 153.059, Continuance of a Nonconforming Use. He explained that current Zoning Ordinance does not provide for the transition from one nonconforming situation to another. He explained that currently it will not be permitted, if a use is nonconforming and a request is made to transition to another nonconforming use. He explained that in order to address this issue, the proposed language in the draft included in Council' agenda package would have to be considered.

13. Approval of Utility Write offs

Motion to approve Utility Write-offs for July 1, 2007 – June 30, 2008 in the amount of \$20,167.04 was made by Councilmember Nixon and seconded by Councilmember Byers. Motion passed with a vote 5-0.

14. Award Funding for \$1,000.00 reward. (Proposed budget amendment 2012-02)

The Town Manager indicated there was some interest in allocating \$1,000 toward an award for the conviction of the person(s) responsible for the vandalism that was committed at the downtown park the night of June 30, 2011.

Motion to approve the proposed Budget Amendment 2012-02 was made by Councilmember Byers and seconded by Councilmember Nixon. Motion failed with vote 2-3. Members voting opposed were Councilmembers Arnold, McNair, and Nixon,

**XI. TOWN ATTORNEY'S REPORT**

No report.

**XII. TOWN MANAGER'S REPORT**

The Town Manager reviewed the following items that were part of Council's agenda package:

1. Finance;
2. Permits and Zoning; and
3. Project List.

He presented and reviewed a delinquent tax list in the amount of \$184,095.82 and asked for and received consensus from all Councilmembers for the Town will proceed with foreclosing on these properties.

**XIII. CLOSED SESSION**

Motion to go into closed session under N.C.G.S 143-318.11(a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of employment of an individual officer or employee. was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

After coming out of closed session, the Council questioned the Town Manager if he would approve that his evaluation be performed in August, 2011.

The Town Manager, Ken Creque, consented to have his evaluation performed in August. 2011.

Motion to complete the Town Manager's evaluation in August, 2011 with the Manager's consent, was made by Councilmember Barrow and seconded by Councilmember Nixon. Motion passed with a vote 5-0.

**XIV. ANNOUNCEMENTS FROM COUNCIL**

**XV. ADJOURNMENT**

Motion to adjourn was made by Councilmember McNair and seconded by Councilmember Byers. Motion passed with a vote 5-0.

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Town Clerk

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Mayor

August 8, 2011  
Adopted