

The Plymouth Town Council met in a regular meeting on Monday, January 10, 2011 at 7:00 p.m. in the Plymouth Town Council Room at the Plymouth Police Department with Mayor Brian Roth presiding. The meeting was called to order. The following were present at the meeting:

Mayor Brian Roth
Councilmember Vicki Sawyer, Mayor pro-tempore
Councilmember James Arnold
Councilmember Edgar Barrow
Councilmember Mary Ann Byers
Councilmember Shelton McNair, Sr.
Councilmember Mary Nixon

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

I. MEETING CALLED TO ORDER

II. OPENING PRAYER & PLEDGE OF ALLEGIANCE

The Mayor gave the opening prayer and led with the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Councilmember Nixon requested that Town Cemeteries ne added to the agenda.

Motion to approve the agenda with the addition of: (1), Appointment to the Planning Board; and (4) Town Cemeteries under New Business was made by Councilmember Barrow and seconded by Councilmember Byers. Motion passed with a vote 6-0.

IV. PRESENTATIONS TO COUNCIL

1. Audit Report 2009/2010

Mr. Jeff Best presented, explained and responded to questions and concerns that the Council had regarding the Town's audit for the fiscal year ending June 30, 2010. Upon receipt by Council, he highlighted the specific findings contained in the audit and opined that the financial condition of the Town is in much better shape than last year, not only financially, but from a compliance standpoint.

Motion to accept the Audit Report for fiscal year ending June 30, 2010 was made by Councilmember Byers and seconded by Councilmember Sawyer. Motion passed with a vote 6-0.

V. PUBLIC COMMENT

No public comment was heard.

VI. DEPARTMENT REPORTS

1. Public Works Report- Bill Ehrenbeck

Mr. Bill Ehrenbeck presented the monthly report that was part of Council's agenda package.

2. Police Department Report– Chief O'Neal

Chief O'Neal presented the monthly report that was part of Council's agenda package.

3. General Services –Mike Wright

Mr. Mike Wright presented the monthly report that was part of Council's agenda package.

VII. CONSENT AGENDA

The following revisions were made to the December 13, 2010 minutes:

- 1) replace "Jack Barnes" with "Grayson Barnes" on page three (3), under Public Works Report, sixth (6th) paragraph;
- 2) add: Councilmember Byers questioned the Town Manager as to when he was going to tell the Town Council that the Town Manager's job description was removed from the personnel policy as a last paragraph on page six (6);
- 3) delete the first "would" on page nine (9), under Consideration to Changes to Town Ordinance 94.21, Trash Cans, third (3rd) paragraph; and
- 4) replace the period (.) with a comma (,) in the second (2nd) sentence and delete "He explained" and delete "but is getting to old too continue" in the third (3rd) sentence, on page 10, under Wilson Street Park Expansion, first (1st) paragraph.

Motion to approve the December 13, 2010 minutes with these revisions was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 6-0.

VIII. OLD BUSINESS

1. Text Amendment to the Town Ordinance for High Density Residential in the OI Zone.

The Town Manager stated that Mr. and Mrs. Ramsey requested that this item be tabled due to them not being able to attend the meeting due to the weather conditions.

Councilmember Byers said that Council is not approving this request based on the Ramey's application and is not comfortable with some information being included in the agenda package.

The Town Manager explained that this is an amendment to increase the allowable density within the R-7 (Multi-Family) zoning district. He explained the request is to: 1) reduce the minimum lot dimensions for each additional unit from 4,000 square feet to 2,500 square feet and 2) increase the maximum height of structures from 35 feet to 45 feet.

Motion to table the proposed Text Amendment to the Town Ordinance for High Density Residential in the OI Zone to a later date was made by Councilmember Barrow and seconded by Councilmember Byers. Motion passed with a vote 6-0.

2. Resolution Changing the Zoning for Parcel #03580.

The Town Manager explained that this is a proposed resolution changing the zoning for parcel #03580 from R-20 to IL. He explained that this is 19.2 acres of land located off of Pine Street.

Motion to approve the proposed Resolution Changing the Zoning for Parcel # 03580 from R-20 to IL was made by Councilmember Byers and seconded by Councilmember Nixon. Motion passed with a vote 6-0.

3. Consideration of Trash Can Ordinance

The Town Manager explained that the proposed amendment to the Town Ordinance §94.21, Trash Can would allow for a citation to be given in the amount of \$25.00 per occurrence if: 1) trash cans, household trash, garbage or refuse are placed by the street sooner than noon preceding scheduled pickup; and 2) trash cans and refuse containers are not removed by 7:00pm on the day following scheduled pickup.

Motion to reject the proposed amendment to the Town Ordinance §94.21, Trash Cans, was made by Councilmember McNair and seconded by Councilmember Arnold. Motion passed with a vote 5-1. Member voting in opposition to motion was Councilmember Byers.

4. Horses in the ETJ Guidance

The Town Manager explained that ordinance sections §91.03 and §153.041 cover animals.

Motion to have the Planning Board review and propose redefined terms in Chapters §91.03 and §153.041 of the Town's ordinance book for consideration by Council was made by Councilmember Barrow and seconded by Councilmember Sawyer. Motion passed with a vote 5-1. Councilmember Arnold voted in opposition.

IX. NEW BUSINESS

1. Appointment to the Planning Board

Motion to appoint Joey Thompson as alternate number one (1) to the Planning Board was made by Councilmember McNair and seconded by Councilmember Arnold. Motion passed with a vote 6-0.

2. Clagon Building Washington and Water St

The Town Manager explained that the Clagons, owners of 101 East Water Street, would like to apply for grant funds that are available through the Small Town Main Street Program. He explained that the grant is to provide financial assistance to retain or create jobs and to spur private investment in small business. He explained that the Town would be the administrator and a match is required from the participants, (Clagons).

Councilmember McNair questioned whether Mr. Drye or the committee supports this application for the benefit of the Clagons.

Willie Drye responded that the committee has not discussed it, and he does not want to speak for the committee. He explained that the deadline is soon approaching and the funds will not be available if they are not applied for. He stated that this is an important building located on the corner downtown and it is a good idea to renovate it to save the historical structure.

Councilmember McNair questioned if the Town would be held liable if the owners are not financially able to repair the building.

Councilmember Sawyer stated that she has concerns about the grant. She stated that while the building is located on the main entrance downtown and she would like to see the building saved, there are many buildings in need of repair. She questioned if the funds are available for any of the property owners downtown.

The Mayor explained that this is a unique situation due to the condition of the building. He explained that normally these applications are not submitted until one – two years into the program. He stated that the grant is for job creation and economic development. He stated that hopefully several building owners will be able to apply.

Councilmember Barrow questioned who made the final approval on applications.

Mr. Drye responded the Department of Commerce approves and disapproves the applications.

Councilmember Barrow stated that he wants to make sure that the application process will be open to any and all applicants.

The Mayor responded that this is a competitive grant and should not be a problem if all the requirements are met. He stated that the Clagons have worked hard meeting with the engineers and with their contractor.

Councilmember Barrow stated that he would like to see the qualifications. He stated that he wants to make sure that the applications will be available to everyone.

The Town Manager stated that he will make sure that the applications are made easily available to the public.

Motion to approve the Resolution Supporting the Application of NC Small Town Main Street Funds to Rehabilitate 101 East Water Street was made by Councilmember Byers and second by Councilmember Nixon. Motion passed (4-3) with the Mayor voting in the affirmative after a 3-3 vote. Members voting in opposition were Councilmembers Barrow, Sawyer, and Arnold.

3. NCLM Advocacy Rep

Motion to appoint the Mayor as the primary representative and Councilmember Sawyer as the alternate representative for the Town of Plymouth on the NCLM Advocacy Council was made by Councilmember Byers and seconded by Councilmember Barrow. Motion passed with a vote 5-1. Member of Council voting in opposition was Councilmember Arnold.

4. Town Cemeteries

Councilmember Nixon stated she received a request from a citizen about turning Town owned land into a cemetery. She stated that this could create additional revenue for the Town.

Mr. Puckett, owner of Puckett Funeral Home, stated that it would be nice if the Town decided to invest in a cemetery. He stated that the Town currently owns a cemetery behind the old Fourth Street School.

The Council by consensus requested the Town Manager to research properties owned by the Town that could be utilized for this purpose.

X. 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
3. Project List

a) West Avenue Drainage Project

Engineering report completed by the end of January, 2011.
Bring proposed options to Council in February, 2011.

b) Board Walk Renovations

Have not received contract from the State.

c) Marina Project

Received verbal approval on the Environmental Assessment.

d) Strategic Planning

Would like to schedule a workshop.

e) NC Small Town Main St

Meeting scheduled for January 18, 2011 at 6:00 pm.

f) STAG Funds

g) Proposed RFP for Water Sewer Bid

Councilmember Nixon is not happy with contracting out billing.

Councilmember Byers stated that the Town will not have any control if billing is contracted out.

Councilmember Sawyer stated that she would like to have a workshop to better understand the RFP.

Councilmember Arnold stated that he thought the whole idea of this process was to bring it in house.

The Mayor stated that Council should want to see the costs of bringing it in house for comparative purposes.

Councilmember Nixon stated that an item was added to the RFP that was not voted on to be included.

h) Police Ordinances and Fines

Motion to suspend work on creating ordinances to issue town citations was made by Councilmember Barrow and seconded by Councilmember Nixon. Motion passed with a vote 6-0.

i) Police Officer

The Town Manager explained that Officer Hellickson resigned and requested authorization of advertise the position starting at \$26,250.

j) Police Station Repair needed due to:

- 1) Water intrusion; and
- 2) Mold.

k) Water Billing Waiver of Fees

The Town Manager explained that he proposed that all billing adjustments be approved by the Town Council, and the Town Manager be given the authority to adjust penalties not to exceed \$180 for the life of an account.

Council by consensus does not want to make changes to the ordinance.

l) Washington County Subdivision Approval

The Town Manager announced that the Board of Adjustment meeting has been rescheduled for January 31, 2011 at 5:30 pm.

4. Policy Clarification

The Town Manager read a letter that he had written to the Town Council clarifying that Councilmember Byers did not tell him at anytime to remove Town Manager's job description from the Personnel Policy and she never discussed the Personnel Policy with him prior to or after it was considered by the Town Council.

Councilmember Byers then spoke in the meeting to Mary Wayt, Roanoke Beacon and indicated she was not satisfied with the content or manner in which this subject had been reported

Mary Wayt stated that she would be glad to schedule an appointment to discuss this matter further.

Councilmember McNair requested to be excused from the meeting.

Motion to excuse Councilmember McNair from the meeting was made by Councilmember Arnold and seconded by Councilmember Barrow. Motion passed with a vote 6-0.

XII. TOWN ATTORNEY'S REPORT

The Town Attorney updated the Council on the status of Foreclosures.

The Town Council requested that the list be emailed to the Town Manager so he could distribute it to them.

XII. ADJOURNMENT

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

Town Clerk

Mayor

February 14, 2011
Adopted