

TOWN OF ELIZABETHTOWN

Regular Meeting - Virtual

November 2, 2020

The Elizabethtown Town Council met for its regular meeting on Monday, November 2, 2020 at 7:00 p.m. via Zoom. Those present were Mayor Sylvia Campbell, Mayor Pro Tem Rufus Lloyd (Municipal Building), Council Members Rich Glenn (Note: Experienced technical difficulties and lost signal on Zoom while traveling and promptly called in via phone. He did hear the comments and discussion had by all parties involved and voted accordingly), Howell Clark Jr., Herman Lewis, Ricky Leinwand (Municipal Building), Town Manager Eddie Madden and Town Attorney Goldston Womble. Department Heads in attendance included Fire Chief Nick West, Police Chief Tony Parrish, Finance Director Sharon Penny, Public Services Director Hugh Bledsoe, Planner Cameron West, Town Clerk Juanita Hester and Director of Communications & Marketing Terri Dennison. Council Member Paula Greene was absent. Representative from the press included Joy Warren and Emily Williams.

Mayor Sylvia Campbell opened the meeting and apologized for the meeting being by zoom, then called upon Mayor Pro Tem Rufus Lloyd to give the invocation. Mayor Campbell then made a roll call. A motion was made by Council Member Howell Clark Jr., seconded by Council Member Herman Lewis, to approve the Agenda as presented (Unanimous).

Item #2.1: Approval of Previous Minutes

Council Member Rich Glenn, seconded by Mayor Pro Tem Rufus Lloyd, made a motion to approve the October 5, 2020 Regular Meeting Minutes - Virtual (Unanimous).

Item #3.1: Public Hearing: Special Use Permit Request – Case Number: SU01002203803 – D.M. “Mac” Campbell Jr. – Proposed Accessory Building > 750 sq ft.

Mayor Sylvia Campbell requested that she be recused from the Public Hearing and vote for this agenda item. Therefore, Council Member Howell Clark Jr., seconded by Mayor Pro Tem Rufus Lloyd, made a motion to recuse Mayor Sylvia Campbell from the Public Hearing and the vote for Special Use Permit Request – Case Number SU01002203803 – D. M. “Mac” Campbell Jr. – Proposed Accessory Building > 750 sq ft. (Unanimous). Mayor Pro Tem Rufus Lloyd conducted the Public Hearing and approval process.

Town Attorney Goldston Womble: Do you affirm that the testimony you are about to give in this matter shall be entirely truthful and this be your solemn affirmation?

Mr. Mac Campbell: I do. Good Evening Folks. The building is not metal, it is a stick building with a metal roof. Devane Builders will be the contractor for this project.

Town Attorney Goldston Womble: Do you affirm that the testimony you are about to give in this matter shall be entirely truthful and this be your solemn affirmation?

Planner Cameron West: I do, I will.

Mr. Mac Campbell requests a special use permit to build an enclosed metal building to serve as an accessory building to his current residence. The property where the structure will be constructed is zoned Low-Density Residential District (R-20) and is further identified by Bladen County Tax Record PIN # 1321.10.36.3803 located at 1505 E Broad St. The property is located inside the city limits. The Elizabethtown Zoning Ordinance requires that accessory structures in excess of 750 sq. ft. (the structure is 30' x 40' = 1200 sq. ft.) must be granted a special use permit in the Low-Density Residential District (R-20) district. Mr. Campbell plans to construct the proposed metal building at 1505 E Broad St. to store personal belongings inside of the building. Mr. Campbell understands that the Elizabethtown Zoning Ordinance requires that the structure meet the setbacks for a principal building within the Low-Density Residential District (R-20) district because the accessory building is greater than 750 sq. ft. in size.

Enclosed is a site location map, the special use application with supporting information and documentation as required by the application, and a copy of Article 8 Zoning District Development Standards, Section 8.1 for the R-20 Low-Density Residential District dimensional requirements and Section 8.14.12 for notes regarding accessory buildings. Note the site location map shows three separate lots on the premise but has since been combined into one shown in the deed below. Also included is the definition of an accessory building found in Appendix A of the Elizabethtown Zoning Ordinance. **(AGENDA ITEM #3.1A)**

Be aware that it is the applicant's responsibility to present evidence that the standards of the Elizabethtown Zoning Ordinance are met. As with every Special Use Permit request, Town Council must consider whether this use as proposed will meet criteria listed in Article 4, Section 9.3.5. **(AGENDA ITEM #3.1B)**

The owners of the property involved in the special use application and the owners of the parcels of land within 100' of the property involved in the special use application have been sent notification of this public hearing. **(AGENDA ITEM #3.1C)** A zoning sign was posted on the property on October 22, 2020 identifying the type of request, the name of the petitioner, the case number and time, date, and location of the hearing. **(AGENDA ITEM #3.1D)** Additionally, notification of this hearing was advertised in the "Bladen Journal" on Friday, October 23, 2020 as well as on Bladen Online the week of October 23, 2020. **(AGENDA ITEM #3.1E)** Council is requested to follow the public hearing procedure on this matter.

With there being no public comments, Mayor Pro Tem Rufus Lloyd closed the Public Hearing.

Item #3.2: PUBLIC HEARING: Special Use Permit Request-Case #SU0812201731- Cape Fear Private Equity LLC/Hilton Companies – Construct two (2) Duplex Apartment Buildings for Multi-Family Housing

Mayor Sylvia Campbell opened the Public Hearing and Town Attorney Goldston Womble swore in Planner Cameron West, Attorney Allen Johnson, Mr. Steve Mills, Ms. Terri Maria and Mr. Chad Sholar.

Town Attorney: Do you and each of you affirm that the testimony you are about to give in this matter shall be entirely truthful and this be your solemn affirmation?

Planner Cameron West (I do), Attorney Allen Johnson (I do), Mr. Steve Mills (Yes sir, I do) and Ms. Terri Maria (I do), Mr. Chad Sholar (Yes sir).

Planner Cameron West: Hilton Companies requests a special use permit to build two duplexes apartment buildings. The property where the structures are to be constructed is zoned C-1 General Commercial and is further identified by Bladen County Tax Record PIN #1312.19.70.1731 located at 104 N Owen Street. The property is located inside the city limits. Per the Elizabethtown Zoning Ordinance, Multi-Family dwellings are permitted by special use in the C-1 General Commercial zoning district.

Enclosed is a site location map, the special use application with supporting information and documentation as required by the application, and a copy of Article 8 Zoning District Development Standards, Section 8.8 for the C-1 General Commercial district dimensional requirements and Section 8.6 for the R-10 High-Density Residential district dimensional requirements, as residential uses in the C-1 General Commercial District must meet the minimum lot area of this zoning district. Along with Article 10.3 that specify the Parking Ratios that are necessary for the standards to be met. Included after is Article 10.5 that displays the light level needed for performance standards to be met within the lot. At the moment, a streetlight resides on the other side of the road that aims down at the street and may not provide enough lighting. The Town staff suggests that a security light facing the road be installed to accredit the ordinance on light level on the property. **(AGENDA ITEM #3.2A)**

Be aware that it is the applicant's responsibility to present evidence that the standards of the Elizabethtown Zoning Ordinance are met. As with every Special Use Permit request, Town Council must consider whether this use as proposed will meet criteria listed in Article 4, Section 9.3.5. **(AGENDA ITEM #3.2B)**

The owners of the property involved in the special use application and the owners of the parcels of land within 100' of the property involved in the special use application have been sent notification of this public hearing. **(AGENDA ITEM #3.2C)** A zoning sign was posted on the

property on October 22, 2020 identifying the type of request, the name of the petitioner, the case number and time, date, and location of the hearing. **(AGENDA ITEM #3.2D)** Additionally, notification of this hearing was advertised in the “Bladen Journal” on Friday, October 23, 2020 as well as on Bladen Online the week of October 23, 2020. **(AGENDA ITEM #3.2E)** Council is requested to follow the public hearing procedure on this matter.

Mr. Steve Mills: My business partner Terri Maria and I purchased this property roughly two months ago and intended on starting a retail business at this location, after we do renovations to the building and certain things. We brought this property because of its location in the historic district of Elizabethtown. We both are new to the area, just built a house recently at Bay Tree Lake. We are bringing our lives and business here and we never really expected to have apartments build behind our store and really didn’t realize it was even possible. We thought we were in the business district. So, my concerns are the traffic that would be coming in and out. I would much rather see another business come into the area because we want to promote the business, shopping and all those things to the Elizabethtown area and try to make it better. It kind of caught us off guard that they were going to try and build apartments right behind us. I guess that is my concern, just having four apartment buildings because it will be two duplexes, what I understand 4 apartments all together. Traffic and all the things that go with that.

Mayor: Thank you Mr. Mills.

Ms. Terri Maria: Hello, I strongly contest the proposed building project presented tonight because we believe in the charm and historic district. That’s why we picked that location. We want to be a part of the building community there as part of the local business structure. Obviously, it is a very small lot directly behind us. We share a fence in a very narrow end of the street. There is no way possible that it could withstand minimum if there are four families living there with a minimum of eight vehicles. Friends and travel, it just doesn’t fit with four. It’s just too large of a project in a historic district, especially in a historic district. The integrity and charm of Elizabethtown is going to be compromised with this building project. We spent a lot of investment to do this and we plan on investing a lot of capital into that building. Support the local community artist, local community favor there and to have that type of residential in a very small footprint there, I just don’t agree to that. It sickens me actually, that this is a possibility that this is there. We really did not by any means expect that to be in a historic type of area on West Broad Street. I just want it to be known that we are strongly committed to that, no. Thank you.

Mayor: Any questions for Ms. Maria? Mr. Sholar are you on?

Chad Sholar: Yes ma’am. I don’t have any further questions at this time. My biggest concern is how many units was going to be proposed and I don’t have any further questions at this time.

Mayor: Mr. Johnson are you on?

Attorney Allen Johnson: I am. Good Evening Mayor and Councilmen. I appreciate you giving us the time to be before you guys via Zoom this evening. I listened to Mr. Mills and Ms. Maria comments. First things first, I heard a couple of times that it's a historic district. From my understanding and believe looking at the Elizabethtown Zoning map, it's not technically in a historic district. There is a hedge row fence, it's on Owen Street. Owen Street is about the length of a football field if not a few feet over. When you turn on Owen Street you cannot get any speed up relatively fast because of the shortness of that street. Currently, the building that Mr. Mills and Ms. Maria bought is in a commercial building where they will have traffic coming in. Which I hope they want traffic coming into their business. As the business that is owned by the dentist right beside it. Behind there as Ms. Maria currently pointed out, there is a hedge fence and a shared fence that block off the back-latter half of Owen Street. So, that lot that we are proposing to or asking for a Special Use Permit to be granted for Commercial to Resident. Actually, it conforms with the latter half of that street which is residential back there as it is currently zoned across the street. The Fishers own a house that is residential and all the other lots around it is residential. In our opinion, it is in harmony with the balance of the back half of Owen Street. The front half as I stated earlier is a density and formal florist that is commercial. Then there is a big hedge row fence that blocks anything going on from Broad Street pass. It would be 2 duplexes. As far as traffic is concerned, the history there, I know personally it belonged to my Uncle who built a pool house and house back there. Which if he had been living in it and traffic coming in and out, there probably be less traffic with 2 duplexes compared to a big house and pool house with people living there with parties, etc. We will be building these apartments if granted this Special Use Permit with all regulations and codes put out by the Town. We will be using DeVane Contractors Company to build these duplexes. We do believe it has met all matter established in Article 4 of the Zoning Ordinance and we believe what was submitted to you by Mrs. Fisher on the Special Use Permit has met all obligations required. I will be more than happy to answer any more questions on behalf of Town Members or Mr. Mills and Ms. Maria.

Mayor: Are there any more questions y'all would like to ask him?

Attorney Allen Johnson: Mayor, may I point this out as well? They are within 1,000 feet of our proposed 3 duplexes on King Street. On Owen Street right across there are 2 duplexes on the other side of North Owen and on the opposite side of Broad Street 2 duplexes that are 500 feet. So, to say two more will take away, I think, is an empty argument.

Mayor: Thank you sir. Anyone else wishing to speak?

Ms. Maria: Yes, I would like to speak again. He keeps saying 2 duplexes as if its 2 units but that is 4 units. So, I want to be clear that will be 4 townhouses developed there. Four homes and there will be a stress on parking. So, what will happen that size could not withstand the parking required for that size residential area. So, what will happen cars will park on that street, that's a small street. He mentioned the ones on Owen Street across the street from West Broad Street. They have a small footprint over there, where he is proposing is a much smaller footprint. Has that lot size been determined that it can handle enormous amount of parking to support that residential home? Their friends that would come over or adult children driving, if not there will

be parking down the street and customers will have a hard time parking. The business we want to provide will require parking. The fence line he is talking about is an old fence and the hedge has vines growing up over the electric wire that Bladen County electric will have to come in and take all vines that hasn't been attended to over many years. So that's not a barrier or legitimate barrier. The fence is very old and there is no hedge line there. It will put a lot of stress on the businesses there. The parking is available to many people that come through there. The house on that street is tucked in the woods. There are 2 single family homes they are not 4 apartment buildings or townhouses. So that needs to be clarified.

Mayor: Thank you ma'am.

Attorney Allen Johnson: Mayor, may I address the parking?

Mayor: Sure.

Attorney Allen Johnson: Ms. Maria they will be no parking on the side of Owen Street. Per code we are required to put parking on our lot. There is adequate space per Elizabethtown Ordinance. We are going to install paved parking. There will be allowed a maximum of 2 vehicles. I believe that actually the code is a minimum of 1.75 parking spaces. We are going to meet that ma'am. It is going to be submitted in the Special Use Permit, no parking on the side of the street. Just like we hope there will be no parking on the side of your business when you turn on Owen Street.

Mayor: Ok.

Planner Cameron West: Mayor, to clarify that. Mr. Johnson, in the site plans that you all submitted it shows there are 3 bedrooms in each duplex so that would require 2 parking spaces per each unit. There will be 4 on each side which is provided in the plan. I just wanted to clarify that there are 3 bedrooms in each site plan.

Mayor: Thank you.

Council Member Rich Glenn addressed Attorney Allen Johnson about what type of housing it would be. Would it be private tenants or government assistance? Attorney Allen Johnson noted that this is not with Section 8 or any other government assistance. This is strictly private tenants, there will be a contract signed. I can assure that there will be no violations of our lease, it will not be allowed. One last thing, as far as any other traffic there will be no dumpsters out there. Waste Management already comes down the street, cleaning machine, nothing extra. There was already residential at this location before.

Mayor: Thank you sir. Thank you for all your comments. We will be voting on this very soon. I will close the Public Hearing.

Item #3.3: Public Hearing: Amendment to Code of Ordinances for Chapter 152. Subdivision Regulations, Section 152.54 Lots, (B)(6)

Mayor Sylvia Campbell opened the Public Hearing and called upon Town Manager Eddie Madden to present. Mr. Madden noted that flag-shaped lots shall only be permitted in the Residential-Agricultural Zoning District and must meet the minimum lot size requirements for the zoning district. The maximum length of the flagpole portion of the lot shall be no more than 1,000 feet and the minimum street frontage requirement of the flag-shaped lot shall be no less than 60 feet and shall connect the lot to a public street, previously 150 feet. Multiple flag-shaped lots in a minor or major subdivision shall be prohibited. The Planning Board has brought forth an approval; therefore, recommending the Board to approve. No comments were received from the public as to speaking at the public hearing. Town Manager Eddie Madden noted that this agenda item is not Quasi-Judicial, therefore asking the Board to move on this item before December 7, 2020 by recessing until November 4, 2020 at noon. Mayor Campbell closed the Public Hearing.

Item #4.1: Approval of Special Use Permit Application – Case Number: SU01002203803 – D.M. “Mac” Campbell, Jr. – Proposed Accessory Building > 750 sq ft.

Council Member Howell Clark Jr., seconded by Council Member Ricky Leinwand, made a motion to approve the Special Use Permit Application – Case Number: SU01002203803 – Proposed Accessory Building > 750 sq ft. (Unanimous). Copy attached and incorporated herein by reference.

Item #4.2: Approval of Special Use Permit Application – Case Number: SU0812201731 – Cape Fear Private Equity LLC/Hilton Companies – Construct two (2) Duplex Apartment Buildings for Multi-Family Housing

Council Member Herman Lewis recommended to put a fence up as a buffer. Planner Cameron West noted that a streetlight needs be installed by the contractor and a buffer due to vegetation. Council Member Howell Clark Jr. noted that according to his reading, if Council determines that the conditions are met and not violated, they are obligated to grant the Special Use Permit. Council Member Ricky Leinwand asked if the agenda item could be tabled. Attorney Goldston Womble noted that the agenda item could not be tabled due to it being Quasi-Judicial. Council Member Howell Clark Jr., seconded by Council Member Herman Lewis, made a motion to approve the Special Use Permit Application, – Case Number SU0812201731, with the conditions to install a security light and the required minimum landscape buffer. There were 4 ayes and 1 nay (Ricky Leinwand). Council Member Ricky Leinwand noted that he was totally against this, and we should honor our neighbors. Copy attached and incorporated herein by reference.

Item #4.3: Ordinance Approval – Rezoning Request – Case Number: RZ0914200072 – HD3 Investments LLC/Hilton Companies

Town Manager Eddie Madden noted there were no other comments since the October 5, 2020 meeting. Planner Cameron West noted that a dumpster needs to be installed. Council Member Howell Clark Jr., seconded by Council Member Rich Glenn, moved to approve Ordinance Approval – Rezone Request – Case Number RZ0914200072 as presented (Unanimous). Copy attached and incorporated herein by reference.

Item #4.4: Ordinance #R-2020-03 – Code of Ordinances Amendment Subdivision Regulations, Section 152.54 Lots, (B)(6) Flag-Shaped Lots

This agenda item was considered at the Recessed Town Council Meeting on November 4, 2020.

Item #4.5: Proclamation – Youth Appreciation Week

Council Member Ricky Leinwand, seconded by Council Member Rich Glenn, moved to approve the second week of November as Youth Appreciation Week (Unanimous). Copy attached and incorporated herein by reference.

Item #4.6: Resolution #R-2020-25: “Hire a Vet Week”

With no discussion, Council Member Ricky Leinwand, seconded by Council Member Herman Lewis, moved to approve Resolution #R-2025-25: November 9th through November 15th as “Hire a Vet Week” (Unanimous). Copy attached and incorporated herein by reference.

Item #5.1: Monthly Projects Update

Town Manager Eddie Madden noted that some paving is beginning this week at Greene’s Lake and Conservation Park on the Ben Greene side. Progress is being made, playground equipment arrived in January, plan to open in April or May 2021. W.K. Dickson sent out publications for contractors to submit bids for the Cemetery Project, will be on the December agenda. The project will start in January and will last for 6 months. The Town is waiting on reimbursement from the State for damage on Elizabeth Street from Hurricane Florence, partial payment has been received from FEMA. Water Project in the Industrial Park is complete, sewer line finished, test well is a high-producing well which will take a couple of months to complete.

Item #6.1: Tax Releases

Council Member Rich Glenn, seconded by Mayor Pro Tem Rufus Lloyd, moved to approve the Tax Releases (Unanimous). Copy attached and incorporated herein by reference.

Item #6.2: Budget Amendment #2021-02

Finance Director Sharon Penny noted that the additional \$45,000.00 is from Bladen County Fire District. The \$22,192.00 is insurance reimbursement for a wrecked police car, Powell Bill \$11,536 to reduce revenue budget to actual allotment, \$44,052.00 to correct coding for transfer to Capital Reserve Fund for water tank maintenance, originally budgeted as an expenditure instead of a transfer out. The Capital Project to approve 2 properties for the Airport. Council Member Howell Clark Jr., seconded by Rich Glenn, moved to approve Budget Amendment #2021-02 (Unanimous). Copy attached and incorporated herein by reference.

Item #6.3: Monthly Financial Report

Finance Director Sharon Penny noted that the report for October is in line for the year, no unexpected expenditures. Council Member Rich Glenn, seconded by Mayor Pro Tem Rufus Lloyd, moved to approve the Monthly Financial Report (Unanimous). Copy attached and incorporated herein by reference.

Item #6.4: Appointments to Zoning Board of Adjustment

Mayor Sylvia Campbell stated that Mr. Charlie Hilton does not want to be reappointed for an additional three-year term. There was some discussion to put the responsibility on the Planning Board since there has been no meetings in a while for any variances or appeals. Council Member Howell Clark Jr., seconded by Council Member Ricky Leinwand, moved to table Appointments to Zoning Board of Adjustment (Unanimous).

Item #7.1: “Briefly”

Town Manager Eddie Madden briefed on the following:

Welcomed Cameron West as the Planner for the Town of Elizabethtown.

Wished Mayor Campbell and Council Member Ricky Leinwand a happy birthday.

No Planning Board meeting November 2, 2020.

Terri Dennison, Director of Marketing and Communications, noted that the Chamber of Commerce is planning a Holiday Season Promotion that will start November 28th. The “Warm Southern Christmas” (come for the shopping and stay for the lights), promote business, scavenger hunt with merchants and White Lake (decorate the docks).

Masks for employees.

Town offices closed November 11th in observance of Veterans Day.

Town offices closed November 26th – 27th in observance of Thanksgiving.

Closed Session – Attorney Client.

Item #8.1: Open Forum: Three (3) Minutes Per Citizen...Should State Name/Address

Notice was given to the public that written comments could be submitted to Town Clerk Juanita Hester by email: jhester@elizabethtownnc.org or placed in the Town’s Drive Thru Drop Box due to this being a virtual meeting. No written comments were received.

Item #9.1: CLOSED SESSION

Council Member Howell Clark Jr., seconded by Mayor Pro Tem Rufus Lloyd, made a motion to go into closed session in accordance with NCGS 143.318.11(a)(3) – Attorney–Client

Mayor Sylvia Campbell recessed the meeting until Wednesday, November 4, 2020 at Noon for consideration of Agenda Item #4.4: Ordinance #R-2020-03 – Code of Ordinances Amendment Subdivision Regulations, Section 152.54 Lots, (B)(6) Flag-Shaped Lots.

Sylvia Campbell, Mayor