

MINUTES
Snow Hill Board of Commissioners Regular Meeting
Wednesday April 28, 2010—7:00 p.m.
Snow Hill Town Hall
201 North Greene Street, North Carolina 28580

The Snow Hill Board of Commissioners regular meeting convened at 7:00 p.m. on Wednesday, April 28, 2010 at the Snow Hill Town Hall with the following members present: Mayor Dennis Liles; Commissioners Laura O'Brien, Becki Scarborough, Geraldine Shackelford, Bobby Taylor and Roger Whitson. Others present were Town Clerk Michelle Strickland, Town Administrator Bob Clark, Town Attorney Brian Pridgen, Public Works / Utilities Director Dana Hill and Finance Officer Andy Harris.

1. **Call to Order** – Mayor Liles called the meeting to order at 7:06 p.m.
2. **Prayer** – Prayer was offered by Commissioner Shackelford.
3. **Pledge of Allegiance** – Commissioner Whitson led the Pledge.
4. **Roll Call** – Miss Strickland called roll. All members were present and a quorum was declared.

Mayor Liles took a point of privilege to read a letter (a copy hereby incorporated by reference and made a part of these minutes) that he had received from former Commissioner Bizzell. He thanked Mr. Bizzell for his honesty in his decision to resign based on his relocation to Greenville and thanked him for his service to the Town of Snow Hill.

5. **Consider Approving Meeting Agenda** – Motion was made by Commissioner Scarborough, seconded by Commissioner Shackelford and carried unanimously to approve the meeting agenda.
6. **Consider Approving Meeting Minutes: April 12, 2010** – Commissioner Scarborough informed Miss Strickland that she did not remember Ms. Joan Atkinson saying to the Board that the Town's attorney had reviewed all contracts with her organization as stated in item 7b of the minutes. Miss Strickland played the portion of the meeting that contained that information. **Motion was made by Commissioner Scarborough, seconded by Commissioner Whitson and carried unanimously to approve the minutes of the April 12, 2010 meeting.**
7. **Special Order**
 - a. Report of Town Clerk—Applications Received for Unexpired Term of Commissioner James L. Bizzell, Sr. – Miss Strickland reported that there had been two applications received for the unexpired term of former Commissioner James L. Bizzell, Sr. These were from Mrs. Laura Harper O'Brien and Mr. Paul

Douglas VanDusen. Miss Strickland informed the Board that Mr. VanDusen had called prior to the meeting and asked her to let the Board know that he was withdrawing his application due to something that had unexpectedly come up that may interfere with his ability to serve.

- b. Open/Close Nominations for Unexpired Term of Commissioner James L. Bizzell, Sr. – **Motion was made by Commissioner Shackelford, seconded by Commissioner Scarborough and carried unanimously to open the floor for nominations for the unexpired term of Commissioner James L. Bizzell, Sr.**

Motion was made by Commissioner Whitson, seconded by Commissioner Scarborough and carried unanimously to nominate Mrs. Laura H. O'Brien for the unexpired term.

Motion was made by Commissioner Whitson, seconded by Commissioner Shackelford and carried unanimously to close the floor for nominations.

- c. Interviews/Q/A Nominee(s) – It was by consent to skip the interview session with there being only one applicant/nominee.
 - d. Hold Election for the Appointment of Commissioner to the Unexpired Term of James L. Bizzell, Sr. – **Motion was made by Commissioner Scarborough, seconded by Commissioner Whitson and carried unanimously to appoint Mrs. Laura H. O'Brien to the unexpired term of James L. Bizzell, Sr.**
 - e. Declaration of Appointee and Oath of Office – Mayor Liles declared Mrs. Laura H. O'Brien a Commissioner of the Town of Snow Hill to fill the unexpired term of James L. Bizzell, Sr. Mayor Liles issued the oath of office to Commissioner O'Brien.
 - f. Remarks of newly appointed Commissioner – Commissioner O'Brien thanked everyone and took her seat at the table.
- 8. Public Comments** – Mr. Jim Baker stood and asked the Board to consider moving the public comment section of the meeting to where it had been in the past. Mr. Baker stated that if the Board discussed anything in the meeting there was no opportunity for the public to comment on what the Board was discussing during the meeting. The Board discussed this. It was by consent that the agenda was amended to add "Public Comments" as item #13 and renumber the remainder of the agenda.
- 9. Presentations**
- a. *Greene County Farmers' Market Project—Stan Dixon* – Mr. Stan Dixon came forward to talk to the Board about recent developments of the project. Mr. Dixon explained that if the Town is the applicant then there is a chance of a 55% grant through USDA. The grant would be significantly lower if Greene County were the applicant. Mr. Dixon read a motion from the Greene County Board of

Commissioners meeting that stated "On motion by Commissioner Heath, seconded by Commissioner Jones the Board voted unanimously to endorse and move forward with the Elaney Wood Heritage Farm & Market with the Town of Snow Hill being the applicant and the County would be responsible for the USDA debt payment not to exceed a loan of \$57,000 for a term of 30 years." Mr. Dixon stated that the County would pay the debt service and that there would be no financial obligation by the Town. There was discussion as to why the County has to have Snow Hill as a conduit for the project. This is basically due to the amount of grant money that can be received as the applicant; the Town of Snow Hill's demographics are the reason for this. There was discussion on what this will cost the Town monetarily as well administrative work to be done in disbursing funds for the project. Mr. Masters informed the Board that things will need to move forward very fast as the door closes in July for the grant. The loan would be in the Town's name but the County has agreed to pay the debt service. There was discussion as to who would prepare the grant application. Mr. Masters stated that he was willing to do the grant application at his own risk. This would mean that he would look for other grant money and if received he would come back to be paid for the work. The Town will own the facility once it is complete and there would be a management agreement for the building with the County. There was discussion of what the building would be used for. There will be other uses than just a farmers market such as FFA Rallies, Boy Scouts, computer training facilities and other activities. Commissioner Scarborough expressed that her main concern is that this will show up as a debt service on the Town's fund balance and that it will affect the audit. Mr. Masters explained that yes, there will be a financial obligation on the audit but there will also be an asset on the books worth much more. There was discussion over annexation of the farmers market and Elaney Wood House. Mr. Tom O'Brien asked Mr. Masters if it wouldn't be better if the Board had full disclosure of a number for his costs. Mr. Masters informed him that it all depended on how much the Town wanted him to be involved in the project. Mr. O'Brien stated "The sense to many of the community that for the last 8 years when another administration was running the Town there were an awful lot of things that were done not always entirely the way they should have been and I think as a group certainly me, I'm tired of uncertainty and I just think if the Town is going to endorse this thing all those kinds of decisions ought to be made up front and we ought to know to the penny what we are committing ourselves to before we get involved." Mr. Masters informed the Board that the grants he would be applying for have provisions in them as to how much money can be used for planning functions. Costs to the Town were discussed again. Commissioner Scarborough commented that it was not that anyone didn't want a farmer's market but that there were issues with what would be spent and the lack of money. Commissioner Taylor suggested that the County Economic Development money be tapped into because it was a good project to support if the money was there.

- b. *Greene County Museum*—Report Sharon Ginn – Mrs. Sharon Ginn came forward and informed the Board that it was official; the Greene County Museum was now an Arts Council. Mrs. Ginn shared (a copy hereby incorporated by reference and made a part of these minutes) a document outlining the economic impact of America’s Nonprofit Arts and Culture Industry. Mrs. Ginn went over highlights of the outline. Mrs. Ginn announced that the museum would be hosting “Jazz in the Courtyard” on June 15, 2010. Mayor Liles thanked Mrs. Ginn and her staff for the work that they do.

10. Report of Officers

a. *Mayor:*

1. Census participation rate – Mayor Liles shared (a copy hereby incorporated by reference and made a part of these minutes) current data regarding census participation rates in neighboring communities. Greene County has a higher participation rate than these other communities. Mayor Liles stressed the importance of participating in the 2010 census.
2. Proclamation –May as Motorcycle Safety & Awareness Month – Mayor Liles asked Miss Strickland to read (a copy hereby incorporated by reference and made a part of these minutes) a proclamation proclaiming May as Motorcycle Safety & Awareness Month. Mr. Robert Burke and Mrs. Debbie Burke came forward to accept a copy of the proclamation and made a few comments on the importance of motorcycle safety. Mayor Liles thanked the Burkes for coming.
3. Key to the Town given to Leonard Herring – Mayor Liles informed the Board that he had attended a book signing by Mr. Leonard Herring over the weekend and presented him with a key to the Town. Mr. Herring grew up in Snow Hill and eventually became CEO of Lowe’s. Mr. Herring donated 400 copies of his autobiography to the Friends of the Library for them to sell to raise money for the new library.

Mayor Liles took a point of privilege to ask that everyone having a public comment to wait for the public comment portion of the meeting.

b. *Town Administrator:*

1. Community Center lease, operating agreement and fees – Mr. Clark spoke on the report at the last meeting by Ms. Joan Atkinson. Mr. Clark informed the Board that he feels like this might be a good time to review the Community Center lease, operating agreement and fees. Mr. Clark reported that his thought is that in the coming months going into the budget; review some of these things whether by the Board or a committee of Board representatives. Mr. Clark has no recommendations at this time. Mr. Clark informed the Board that Mr. Pridgen has reviewed the entity names involved with the Community Center and has provided documents (a copy hereby incorporated by reference and made a part of these

minutes) for the Board to review. Mr. Pridgen informed the Board that that he had researched the entity names and provided a memo (a copy hereby incorporated by reference and made a part of these minutes) regarding the history of the names. Mr. Pridgen reported that in 2005 an attempt at exempt status was achieved by the entity after being denied previously. This legal entity is the Greene Community Improvement Association, Inc. The Town has two agreements; these are the lease and the operating agreement. Mr. Pridgen feels that the lease agreement is still legally binding but has provided (a copy hereby incorporated by reference and made a part of these minutes) an amended agreement for consideration. Mr. Pridgen informed the Board that the operating agreement does contain an error. The word “community” was left out of the entity name. Mr. Pridgen has prepared (a copy hereby incorporated by reference and made a part of these minutes) an amendment to the operating agreement for the Board to consider. Mr. Pridgen informed the Board that he had spoken with Ms. Atkinson about cleaning up the issue of the multiple entity names.

2. Recommendation for six-month extension/amendment Parks & Recreation Trust Fund (PARTF) Community Center Project – Mr. Clark informed the Board that that without an extension the Community Center project expires on June 30, 2010. Mr. Clark recommends consideration of a six month extension of the project. This extension will allow the Town to finish the project as well as raise additional monies and spend the least amount possible. Mr. Clark went over (a copy hereby incorporated by reference and made a part of these minutes) a proposed amendment of activities for the completion of the project as well as how much these amended activities will save the Town. Mayor Liles informed the Board that he feels that the extension is necessary. There was discussion on the over-expenditures that had already been made. There was discussion on what would happen if the project was not finished. Miss Strickland went over the list (a copy hereby incorporated by reference and made a part of these minutes) she had compiled with the knowledge that she had of the original pledges that had been made and the payments that had actually been received. It was by consent that Miss Strickland sends out letters to the people and organizations who pledged but had yet to make payment.
- c. Fallen Officer Memorial Ride Ceremony 1:45 PM Thursday May 13 – at the Greene County Senior Citizens Center – Mr. Clark announced that the Fallen Officer Memorial Ride will be stopping by the Greene County Senior Center at 1:45 p.m. on May 13, 2010 on the way from Lenoir to Wilson County.
3. Greene County Museum request for temporary street closing for “Jazz in the Courtyard” concert June 15 6:30 p.m.—9:00 p.m. – Mr. Clark shared the request (a copy hereby incorporated by reference and made a part of

these minutes) of the Greene County Museum to close parts of Greene and Third Street for “Jazz in the Courtyard” on June 15, 2010. Mr. Clark explained that this would also have to go through the DOT.

- c. *Finance Officer:* Report FY2009-10 Financials thru February 2010 – Mr. Harris handed out (a copy hereby incorporated by reference and made a part of these minutes) financial reports as of February 28, 2010. Mr. Harris reported the current cash account amounts. Mr. Harris reported that the General Fund is looking pretty good and anticipating the flow of revenue and expenditures could possibly bank at least \$30,000.00 for the year. Mr. Harris reported that the Water/Sewer Fund was at a loss currently. Mr. Harris informed the Board that going in cash was off but that he and Miss Strickland had worked to determine where those discrepancies were and that there was about \$4000.00 that was left to work on trying to figure out where to book that they were continuing to work on.
- d. *Revenue Collector/Town Clerk: Resignation Code Enforcement Officer (Animal Control)* – Miss Strickland reported that Ms. Pazzaglia had turned in her resignation and would be going to work for Greene County Animal Control. Miss Strickland informed the Board that Kathy had done a great job in starting up the animal control program for Snow Hill. Ms. Pazzaglia’s last day will be May 5, 2010.
- e. *Town Planner:* Background and Regulation of Internet Sweepstakes/Internet Cafes through privilege license and zoning – Mr. Clark handed out (a copy hereby incorporated by reference and made a part of these minutes) information on the Internet Cafés and explained that at this point it was just for information purposes but could be an action item if the Board wished. Mr. Clark explained that the cafés were a hot topic in many communities right now. Mr. Pridgen has provided (a copy hereby incorporated by reference and made a part of these minutes) a sample draft of revisions of the zoning ordinance addressing internet cafes. Mr. Pridgen spoke to the Board about past legislature on video poker, phone cards and internet cafes. Mr. Pridgen advised that the Institute of Government is recommending regulating and taxing. Mr. Pridgen gave background on how the cafes work. Mr. Pridgen informed the Board that his sample is one of the strictest policies that could be found. There was discussion on the taxation of the cafes. Mr. Clark discussed timing issues on hearings. Mr. Clark advised that business licenses did not require a public hearing. However amending the zoning ordinance required advertisement and May 26, 2010 would be the first possible meeting to hold a hearing on the draft submitted by Mr. Pridgen. The Planning Board is expected to have the topic on their May 4 agenda. There was discussion about hearing requirements for a moratorium.

11. Report of the Boards, Commissions, Committees and/or Taskforces: none

12. Unfinished Business and General Orders: None

13. Public Comments – Mr. Robert Masters came forward to answer a question that had been asked earlier in the meeting about working on a project at risk. Mr. Masters explained that this meant if funding was not found that he did not get paid. Mr. Masters also commented on the financial report that had been given and that he was happy to hear that the Town is not doomed. Mr. Masters commented that every municipality is losing money; it's not just the Town of Snow Hill. Mrs. Mary Betty Kearney came forward to share that she had been talking to Mrs. Roland regarding the concerns of the Town Board. Mrs. Roland has asked that the Mayor seek two volunteers from the Board to meet with the County to get more details and reassurance about moving forward.

14. New Business:

- a. Consider authorizing, with conditions the county and or other entities assuming the town's financial responsibility, application for USDA Grant/Loan and other funding opportunities in support of the Greene County Farmers Market Project – **Motion was made by Commissioner Shackelford to authorize application for USDA Grant/Loan and other funding opportunities in support of the Greene County Farmers Market Project. This motion died on the table due to lack of a second.**
- b. Consider authorizing Carolina Opportunities, Inc., at its own risk at no cost, to pursue the USDA Grant/Loan and planning, engineering/architectural services funding required for the USDA portion of the Greene Farmers' Market – **Motion was made by Commissioner Scarborough, seconded by Commissioner Taylor to table items 14(a) and 14(b) until the representatives from the Town Board could meet with the project committee.**
- c. Consider amending the Community Center Lease with the Greene Community Improvement Association, Inc. – **Motion was made by Commissioner Scarborough, seconded by Commissioner Whitson and carried unanimously to table item 14(c) and 14 (d) until the Board can get grant questions answered. There was discussion on who would work to resolve the dissolving of the incorrect entity names.**
- d. Consider amending the Operating Agreement with the Greene Community Improvement Association, Inc. – **See Item 14c**
- e. Consider authorizing a request for a six-month extension/amendment of the PARTF Greene Community Center Project – **Motion was made by Commissioner Scarborough, seconded by Commissioner Whitson and carried unanimously to authorize the request for a six-month extension/amendment of the PARTF Greene Community Center Project.**

- f. Consider approving Greene County Museum request for closing of a portion of Greene St. and NW Third St. for “Jazz in the Courtyard” concert June 15 6:30 p.m.—9:30 p.m. and request NC Department of Transportation to concur – **Motion was made by Commissioner Shackelford, seconded by Commissioner Whitson and carried unanimously to approve the Greene County Museum’s request for closing a portion of Greene Street and NW Third St. for “Jazz in the Courtyard” concert June 15, 2010 at 6:30 p.m. – 9:30 p.m. and request NC Department of Transportation to concur.**

15. Commissioner’s Comments – Commissioner Scarborough informed the Board that she would be happy to serve on the Farmer’s Market Committee. Commissioner Taylor agreed also to serve. It was by consent that Commissioner Scarborough and Commissioner Taylor serve on the committee.

16. Consider a closed session pursuant to NCGS 143-318.11(6) personnel – Motion was made by Commissioner Shackelford, seconded by Commissioner Whitson to enter into closed session at 10:03 p.m.

Motion was made by Commissioner Whitson, seconded by Commissioner Scarborough and carried unanimously to reconvene in open session at 10:56 p.m.

Motion was made by Commissioner Taylor, seconded by Commissioner Whitson and carried unanimously to recess the meeting until 6:00 p.m. on May 6, 2010 at Vandiford’s Restaurant.

Mayor Liles reconvened the recessed meeting from April 28, 2010 at 6:09 p.m. on May 6, 2010 at Vandiford’s Restaurant.

Motion was made by Commissioner Taylor, seconded by Commissioner Whitson and carried unanimously to enter into closed session at 6:10 p.m.

Motion was made by Commissioner Scarborough, seconded by Commissioner Whitson and carried unanimously to reconvene in open session at 8:05 p.m.

17. Adjournment – Motion was made by Commissioner Whitson, seconded by Commissioner Scarborough and carried unanimously to adjourn at 8:06 p.m.

Dennis Liles, Mayor

Michelle Strickland, Town Clerk