

**MINUTES  
SNOW HILL BOARD OF COMMISSIONERS  
MONDAY, JUNE 11, 2012  
MUSEUM  
SNOW HILL, NORTH CAROLINA 28580**

- 1. Call to Order – Mayor Liles called the meeting to order at 7:00 p.m. The prayer was offered by Commissioner Washington. The Pledge was led by Commissioner Scarborough.**
- 2. Roll Call – The roll was called by Cathy Webb. All members were present. A quorum was declared.**
- 3. Consider Agenda Approval – A motion was made by Commissioner Washington, seconded by Commissioner Shackelford, and carried unanimously to approve the agenda as presented.**
- 4. Consider Minutes Approval – A motion was made by Commissioner Hagans, seconded by Commissioner Shackelford to approve the minutes as presented. Commissioner Scarborough said that she would like a comment that she made in the May 31<sup>st</sup> meeting to be included in the minutes. She said that she discussed that she would like to see a budget line item be included in the budget for planning services. A motion was made by Commissioner Washington, seconded by Commissioner Shackelford, and carried unanimously, to amend the motion to approve the minutes with the amendment.**
- 5. Presentations – NONE**

**Mayor Liles asked that all public comments be held until the time for them. He asked that each person come to the podium, state their name and address.**

- 6. Report of Officers:**
  - a. Town Administrator –**
    - 1) Meeting Location – He said that there had been some discussion since they had been meeting at the museum about finding a way to meet at the Town Hall. He said that he was considering purchasing comfortable seating high enough so that the Commissioners could sit behind the service counter and arrange public seating in the lobby area. He asked if anyone had any issues with that. The Board was in agreement with this.**
    - 2) Solid Waste Management Plan – Mr. Hill said that the Town was required to adopt a Solid Waste Plan. He said that the Town had an opportunity to support and be a part of Greene County’s Plan. He said that this would relieve the Town of the burden of creating and adopting a separate plan. This would have to be done every ten years. He said that**

a resolution needed to be adopted for this.

- 3) **FYE 2013 Budget/Fee Schedule-** He presented the final 2012-2013 Budget and Fee Schedule. He said that there were no changes to the fee schedule with the exception of the alternative water charge which will go up from \$11 to \$12 per customer as laid out in the Inter-Local Agreement. The Budget and Budget Ordinance for 2012-2013 were included in the packet and he will ask for approval later in the meeting.
- 4) **Board Appointment – Mr. Hill** said that he had received an application from Mrs. Jody Riddle to fill a vacant seat on the Board of Adjustments. He recommends this appointment.
- 5) **Proposed Agreement – Carolina Opportunities – Mr. Hill** said that, as a follow-up from the last meeting, Mr. Masters was here to answer any questions regarding the proposed development/planning services. Mr. Hill asked if the Board had a question for Mr. Masters. A sample contract/agreement was given to each Commissioner for their review. Mr. Hill said that some of the services offered are needed from time to time, and this agreement will guarantee the specified hourly rate, should we choose to utilize his company. This contract will, in no way, cause Snow Hill to exclusively use Mr. Masters or prohibit the use of other providers. The Town would always have the option of requesting other proposals for projects if the Board desires, or if it is in the best interest of the Town. He said that Attorney Pridgen had given them an updated version of the proposal. He said that one of the changes was that he added paragraph 10 –stating that Carolina Opportunities would supply any supplies, computers, paper, etc. that was needed. He said that this agreement did in no way bind the Town in using the services of Carolina Opportunities. Commissioner Scarborough asked how this changed from a proposed situation to a contractual situation. She said that according to the minutes that they were going to discuss a proposal not a binding contract and how did we get from there to here? Attorney Pridgen said that he received a contract for review and saw it on the agenda. He said that he could not answer that. Mr. Hill said that the reason for it was that there was a lot of confusion at the last meeting as to what they were talking about and that this was an example that Mr. Masters gave him to pass along to let the Board know exactly what his proposal is. Commissioner Scarborough said that she would feel more comfortable with this proposal or contract having wording in it that he would be subject to a bid process and that she did not feel comfortable with it having an automatic renewal. She said that she thought that there should be a term on the contract so that it could be reviewed and considered for renewal at the expiration period. She said that other services were put out for bid and that she would like to see this done the same way. She reiterated that she had mentioned at the last meeting about a budget line item be added for planning services

and that there was not one in the budget as presented. She said that she wanted to get the best service for our dollar. Commissioner Taylor said that he was not at the last meeting, but read the minutes, and that this went from a proposal to a contract. He asked why Mr. Masters could not present this to the Town as a proposal and sign the back of it and indicate what his services are and if we need it, we have it signed by him-that he will not go up on the fees. He asked what would be the difference. Attorney Pridgen said that the difference would be that there would be nothing locking Carolina Opportunities into that contract. The Town has not signed it, just kept it on file, so they could withdraw at any point. Commissioner Taylor asked if they could put in a proposal for a certain period and it would be good until then. Attorney Pridgen said that it could certainly be structured like that. Commissioner Taylor said that he was in favor of a renewing proposal, but that a contractual issue was a little bit overboard for what they needed right now. Commissioner Scarborough asked if the Town did enter into a contract, where was the money in the budget to pay for it? Mr. Hill said that a budget amendment could be done to pull it out of contingency.

**b) Police Chief – John Rea**

- 1) **Mutual Aid Agreement – Mr. Rea asked the Board for a Resolution for a Mutual Aid agreement. This would allow agencies to get manpower from other agencies if needed. Commissioner Scarborough said that she did not have a copy of the Resolution in her packet. Chief Rea said he did not put a copy in the packet-and that he could provide one. He said that each department, whether helping another agency or not, were responsible for paying their own officers. Attorney Pridgen asked if there was a model Resolution. Attorney Pridgen said that he recommended the Board consider adopting a formal Resolution. Commissioner Scarborough asked Chief Rea if anyone had offered their assistance and if he had offered his assistance. Chief Rea said that he had been offered assistance by the Farmville PD, the Stantonsburg PD, Lenoir County, and the Greenville Task Force and that he had some conversation with the Farmville PD offering his assistance.**
- 2) **Activity report – Mr. Rea gave a report on the activity of the Police Department for the past six months. He listed the summary of crimes, summary of traffic activities and a summary of the police department. He said that the vast majority of crime reports and calls for service in the Town are in the 2<sup>nd</sup> and 3<sup>rd</sup> street area. He said that the department has two full time officers and two part time officers, covering the Town 12 hours per day. Beginning August 1st an additional full time and part-time officer will be added, which will extend the coverage to 18 hours per day. (summary included as part of the minutes)**

**7. Report of Boards:**

**Planning Board – Mr. Hill said that the Planning Board discussed**

the change of the distance between Internet Sweepstakes Cafes. The item was tabled due to the absence of some of the members. It will be discussed at the July meeting. They recommended two special use request for Internet Sweepstakes to the Board of Adjustment. This meeting will be held on June 27<sup>th</sup> at the Town Hall at 7:00 p.m.

## 8. Public Comments –

### 1) Tom O'Brien – 114 W. Greene Street

Mr. O'Brien indicated that he was made aware of the fact that the contract for Carolina Opportunities would be considered at this meeting. He said that Commissioner Taylor and Commissioner Scarborough indicated that they were not in favor of this. He said that he would have to agree with them. He said although it appears that there is nothing binding in the contract, that the Town would have to be proactive about canceling the contract/agreement. He said that he wanted to ask the Commissioners that had no comment on this issue, and if they intended to vote on it tonight, what good do you see in binding the Town with this sort of thing rather than keeping the proposal on file for the future. He called on Mr. Hagans for his response. Mr. Hagans said that he did think that the Town needed something in place-so sort of plan. Mr. O'Brien said that he certainly agreed with that, but that as Commissioner Scarborough pointed out there were no provisions placed in the budget for these services. He said that it seemed that they were putting the cart before the horse, and that if he felt that strongly about this, that possibly there should be some more discussion on this. He then asked Commissioner Shackleford her view on this subject. Commissioner Shackleford responded that they would only use Mr. Masters if they needed him. Mr. O'Brien asked her if she thought that this type of service should be put out on bid. She said certainly if someone came in with a bid and it was cheaper that they could use them instead of Mr. Masters. Mr. O'Brien asked Commissioner Shackleford if it would be better to go to a bid process. Commissioner Shackleford said "not necessarily". Mr. O'Brien asked her what would be the harm for putting it out to bid? She reiterated on her comment that they are not bound to use Mr. Masters if someone came in when a lower bid. Mr. O'Brien said that they were binding the town to give him notice if they decide to terminate the contract-he said that he did not see anything in the contract that talks about damages if there is a-breach of contract. Attorney Pridgen said that the revised contract has an identification agreement. Mr. O'Brien asked Attorney Pridgen what were the damages that the Town would be liable for if the Town decided to breach. Attorney Pridgen said that with the Town not being locked in to the contract, based on the terms of the contract, he did not see where the Town would breach. He said that the Town was free to terminate with 30 days written

notice. Mr. O'Brien then asked Commissioner Washington her feelings on the subject. Commissioner Washington responded that the contract speaks for itself and as Commissioner Shackelford said the contract is not binding to the Town or Carolina Opportunities. She said if there is a need for a planner, we will have a planner. She said that according to Dana there will be a line item in the budget for planning. Dana said that there would have to be a budget amendment done for this. Mr. O'Brien asked if there was any urgency in voting on this issue tonight without advertising for proposals. Commissioner Washington said that She was not interested in going thru the bid process and that she personally thinks that Mr. Masters would do an excellent job.

- 2) **Bob Masters** – Mr. Masters said that he was glad that the meeting was being televised because the public needs to see the struggle for just a simple thing. The Town is at no risk whatsoever. Mr. Masters said that he liked working for the Town of Snow Hill, had done very good work, and that he did not need to work for the Town, he wanted to work for the Town. He said that the public needed to know what was going on-if there was this much difficulty going on with this kind of contract, he did not know how the Town was going to get to the point of doing any real work. He said that the Town might consider retaining the services of Mr. O'Brien because he honestly had some good ideas. Commissioner Scarborough told Mr. Masters that he made a comment that he had done a good job in the past. She asked him why he did not report sooner about what was going on at the COG last year and about his position as treasurer-why didn't you come and let us know sooner what was going on? She asked if there is no reason for a contract then why are we pushing for one-why can't we just go with the proposal and know that we can call you if we need your services? Mr. Masters said that if a grant opportunity came up, there was no reason why he didn't take it to other towns also, but only one Town would get the grant. He said that his company did not do this. Other engineering firms will do this. But he would not, because he will do it for only one town at the time. Commissioner Scarborough asked Mr. Masters if he was coming to the Town Board meetings and let them know if he has found a project in which to apply for. He said that he would do this. He said that he had tried to get the Board together to see what they wanted-this would be the first step.
  
- 3) **Sharon Ginn** – Mrs. Ginn announced the last concert of the Series-The Steve Creech Band-to be held on June 12<sup>th</sup> at the museum. Box suppers will be available.
  
- 4) **Jody Tyson** – Mr. Tyson said that Mr. O'Brien had a few good points and that Mr. Masters had a few good points. He said that the Town

had a planner not too long ago, and they found, after reviewing that contract and subsequent contracts of the administrator, that there was an overlap. He wanted to reiterate that grant money is not free. It might be free when you get it but it is still coming out of the pockets of taxpayers. And while the grant money may bring an item to the area, when the grant money runs out, it is the burden of the local taxpayer to maintain it. There are obligations when we get grants. He said that we needed to be careful-lets define what we want for the Town and move forward to a specific point. He said that contracts had cost this Town a lot of money. He said that he was sure that many remembered the \$100,000 contract for accounting services and no one even knew how much money was in the bank. We need to be diligent and conscious when enter into these contracts and make sure we are protected.

- 5) Gene Smith – Mr. Smith talked about the Tuscarora War and the massacre. He said that the 300<sup>th</sup> anniversary would be March 22-23, 2013 and he would like to see some type of memorial done.
  - 6) Sharon Ginn- The museum will be doing a 6 month symposium for the 300<sup>th</sup> anniversary, co-sponsored by East Carolina University. A three-day symposium will be held on March 22-24, 2013. (2 days At ECU and the one day here in Snow Hill.
  - 7) David Jones – Mr. Jones talked about the plans for hiring another full-time and part-time officer for the Police department. He urged the Town to work diligently to get minority representation on the Police Force. He said that he wanted means for the Town Council to be accountable in that regard. He said that if there was an affirmative action plan that he would like for it to be made public and followed and for the public to be informed as to how the plan is being implemented in terms of hiring of these officers if such a plan exists. If a plan does not exist, he wants the Town to find and identify ways to informs citizens of efforts being made that qualified minority applicants are being looked at. He said that he would like to see steps taken to give qualified minority applicants a chance to apply. Mr. Hill told Mr. Jones that the Town did have a plan and that the guidelines were being met for any position advertised.
9. Old Business:
- 1) Consider Authorizing the Execution of Agreement with Carolina Opportunities: A motion was made by Commissioner Shackelford, seconded by Commissioner Washington to execute this agreement. Commissioner Scarborough said that she thought that some questions had been raised and that she thought some changes needed to be made in the legal language of the contract. She said that about two years ago that they were looking for a CPA. They did not guarantee them and number of hours, no particular amount or stipend, and 4 or 5

applicants can forward and wanted to propose their services. She said that she took a little bit of issue on this-a comment made by Mr. Masters saying that who would want to bid on this-how do we know, we haven't asked. She also said that she would like to see some sort of expiration on this-not just a renewal- and that she could not vote on this the way it stands. Attorney Pridgen asked if there were any other concerns of the language besides the breach language and a termination provision in regards to the auto renew. Commissioner Scarborough asked that any time there was a need for planning services, that he would be subject to the bid process. Commissioner Washington said that she could agree with the language being added, but not the bid process. Attorney Pridgen recommended that a motion be made to amend the original motion to approve the contract with the additional language. A motion was made by Commissioner Shackelford to amend the original motion to approve the contract with the added language. The motion was seconded by Commissioner Washington. Commissioners Taylor and Scarborough voted nay.

**10. New Business:**

- 1. Consider Adoption of Solid Waste Resolution – A motion was made by Commissioner Shackelford, seconded by Commissioner Hagans, and carried unanimously to approve the adoption of the Solid Waste Resolution.**
  - 2. Consider Adoption of FY 2012-2013 Budget and Budget Ordinance: A motion was made by Commissioner Washington, seconded by Commissioner Shackelford, and carried unanimously to approve The FY 2012-2013 Budget and Budget Ordinance.**
  - 3. Consider Adoption of FY 2012-2013 Fee and Rate Schedule- A motion was made by Commissioner Hagans, seconded by Commissioner Shackelford, and carried unanimously to accept the Fee Schedule as presented.**
  - 4. Consider Authorizing Police Chief to execute Mutual Aid Agreement This item was tabled until the Mutual Aid Agreement is presented by the Chief.**
  - 5. Consider appointing Mrs. Jody Riddle to the Board of Adjustment- A motion was made by Commissioner Shackelford, seconded by Commissioner Taylor, and carried unanimously to appoint Mrs. Jody Riddle to the Board of Adjustment.**
- 11. Closed Session – A motion was made by Commissioner Shackelford, seconded by Commissioner Washington, and carried unanimously to go into closed session.**

**A motion was made by Commissioner Hagans, seconded by Commissioner Shackelford to reconvene to regular session.**

**12. Commissioners Comments – NONE**

**13. Adjourn – There being no further business to come before the Board, a motion was made by Commissioner Hagans, seconded by Commissioner Shackelford, and carried unanimously to adjourn. The meeting adjourned at 8:20 p.m.**

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**Mayor**

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**Clerk**