

## **Regular Meeting – July 20, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, July 20, 2004 at 6:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Mary Bruce Grantham, Charles Townsend and Wade Sealey. Commissioner Antonio Currie was absent. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Tax Collector Rebecca Andrews, Fire Chief James Thompson and Police Chief Sam Hunt. Others present included Scott Witten, John Jackson, Doris Locklear, Mickey Williamson, Tony McLellan, James Lennon, Huel Faulk, Nina Johnson, Ray Johnson, Dixie Youth Baseball Coach Pitch team and coaches and several other concerned citizens.

Mayor Gaddy called the meeting to order and Commissioner Charles Townsend gave the invocation.

### Approval of Agenda

Commissioner Kemp made a motion to approve the agenda for tonight's meeting. Commissioner Sealey seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Sealey made a motion to approve the minutes for the regular meeting on June 15, 2004, the budget workshop meeting on June 23, 2004 and the special meeting on June 29, 2004. Commissioner McCree seconded the motion and it passed unanimously.

### Special Presentation

Mayor Gaddy presented a plaque to Police Chief Sam Hunt for twenty years of service to the Town of Fairmont.

### Special Recognition

Mayor Gaddy and the Board of Commissioners congratulated the Fairmont Dixie Youth Baseball Coach Pitch Team for being the 2004 North Carolina State Dixie Youth Baseball Coach Pitch Runner-Up Champions. After having won the District 9 Championship in Bladen County, they went on to compete in the State Coach Pitch Tournament in Clarkton and finished second. The board congratulated the youth on their accomplishments and wished them well in the upcoming year competition. Team members are Cole Lovin, Corey Hunt, Cody McKnight, Gage Bailey, Alex Driggers, Thomas Callahan, Mack Mackie, Waylon Mayers, Michael Hunt, Chance Leggett, Matthew Lindsey, Dakota Chavis and Ricky Ivey. The coaches are Mike Lovin, Morris Leggett, Robert Sealey, Rex Chapel and Mack Leggett.

Appearances

Liz Stone - Liz Stone was not present.

John R. Jackson

Former Commissioner John R. Jackson thanked the board for the opportunity to speak. He asked Commissioner Grantham what gave her the right to deny a citizen the right to speak. She replied that citizens are not supposed to speak except when recognized by the Mayor. Mr. Jackson also wanted to know how many times an employee can give misleading statements to the citizens and board as well as violate codes before the board will take action. Commissioner McCree responded that any citizen who has a complaint about an employee should give it to the manager so it can be investigated to see if the complaint is founded. If so, that employee should be disciplined based on the town's personnel manual in an equal and fair manner. Commissioners Grantham and Kemp agreed with Commissioner McCree. Mr. Jackson reminded the board that they have the power to subpoena witnesses under G.S. 160A-80 because some people are scared to speak because of the fear of retaliation.

Doris Locklear – Request to override court decision to remove mobile home.

Doris Locklear has requested to come before the Board to request that she be allowed to keep a mobile home for storage. To provide history on this issue, Ms. Locklear has been before the board on two separate occasions and on both occasions the board's decision was to have the mobile home removed. She has already exhausted the appeals process. In addition, the town has gone through great expense to fight this case in court, even though we provided two different options for her to explore. Both options would have given her a legal way to address this problem. Instead, Ms. Locklear preferred to go to court and fight the case. The Judge ruled in the town's favor and ordered the removal of the mobile home within 30 days. She is requesting that the board rescind their decision and allow her to do what she wants to do. Ms. Locklear also has another mobile home on the site, which burned. She also refuses to remove that mobile home. What Ms. Locklear is asking would violate several of the town's zoning ordinances and if allowed, would set a precedent for others to violate the ordinance in similar fashion.

Ms. Locklear gave the board the history of how she acquired the trailer and why it means so much to her. She said she has no money to move the trailer and asked the board to please consider letting her keep the trailer so she can be happy. Commissioner Grantham stated that she was not going to go against the ruling of a judge. Commissioner Grantham made a motion that Ms. Locklear remove her trailer immediately. Ms. Tatum informed her that no action was required unless the board was going to let Ms. Locklear keep the trailer. Commissioner Grantham withdrew her motion. Town Attorney Robert Price reiterated that without board action, the judge's order to remove the trailer stands.

**Administrative Matters**

Request for increase in utility deposit fees.

This item was tabled during the last two board meetings. Security deposits for water/sewer accounts are designed to cover at least two months use, plus processing. The coverage of two months is necessary because by the time delinquencies are registered we are already into the second month of actual use, even though it has not been billed. Since there has been an increase in user fees, the deposit charge of \$60 for homeowners and \$120 for renters are no longer sufficient to cover a two-month delinquency. This will only affect new customers. Ms. Tatum requested the deposit fees be increased to \$75 for homeowners and \$150 for renters. Commissioner Grantham made a motion to increase the deposit fee to \$75 for homeowners and \$150 for renters. Commissioner Sealey seconded the motion and it passed unanimously.

Resolution in support of Amendment One: Self-Financing Bonds

The Amendment One Campaign is an initiative to provide the state legislature authority to allow self-financing bonds. Self-financing bonds are an economic development tool that can be used to finance public improvements such as streets, water and sewer service, sidewalks and other public facilities in special development districts. The bonds would be used in public-private partnerships, when private development is planned and public facilities are needed. The town, in conjunction with the landowners, would designate a development district. Then the town would issue self-financing bonds to pay for the public facilities related to the private development within the district. The increased property tax gained from the new development would pay off the bonds. No tax increase would be required and towns would be financially able to go forward with the public improvements. North Carolina is only one of two states having no approved legislation to allow self-financing bonds. A constitutional amendment is required and the North Carolina League of Municipalities requests that the board approve a resolution of support for the amendment.

Commissioner Grantham made a motion to adopt a Resolution in support of Amendment One: Self-Financing Bonds. Commissioner Kemp seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

Rescind Auxiliary Ordinance adopted on May 18, 2004 and amend original ordinance, Chapter 18, Article III, Auxiliary Police Division, by adding Sec. 18-57 – Workers Compensation Insurance.

On May 18, 2004, the board adopted an ordinance creating an Auxiliary Police Division. It was not until after the meeting, that we realized there is already an ordinance in our codebook regarding an auxiliary police force. All that is needed is a section that states that auxiliary police officers are covered under our workers compensation insurance. Therefore, the board needs to formally rescind the ordinance adopted on May 18 and adopt a new ordinance that adds that statement to what is already on the books.

Commissioner Kemp made a motion to rescind the Police Auxiliary Ordinance adopted on May 18, 2004 and amend the original ordinance, Chapter 18, Article III, Auxiliary Police Division, by adding Sec. 18-57 – Workers Compensation Insurance. Commissioner Sealey seconded the motion and it passed unanimously. A copy of this ordinance is hereby incorporated by reference and made a part of these minutes.

Vacant Lots.

Commissioner Kemp has requested that the topic of vacant lots be placed on the agenda. At the last retreat and at various other times, we discussed the need to stop cutting the vacant lots long enough to identify them by legal description and develop a system whereby these property owners are notified by Return Receipt letters that they will be assessed a cost if the town cuts the lots. This will legally allow the town to bill and ultimately assess the cost, if unpaid, as taxes.

In prior years, the town just cut the lots at an approximate annual cost between \$6,000-\$10,000 with no means of recapturing the costs. It takes a while to complete the work necessary to identify the lots and then send letters to each owner. We also needed to give some of the owners time to make arrangements to have their lots cut once it became obvious that the town was not going to cut their lots. We have narrowed the list down to approximately 100 lots and the letters were sent during the week of July 12, 2004. The property owners have 15 days after receipt of the letter to cut their lots or the town will do it for them and charge accordingly.

Warehouse – Corner of Walnut and Cottage Streets.

Ms. Tatum met with Beasley Strickland, owner of the property located at the corner of Walnut and Cottage Streets during the week of July 5, 2004, concerning the pending demolition. According to Mr. Strickland, he is trying to get the person he originally contracted with to complete the work and honor his contract. If he cannot reach some sort of agreement to expedite the demolition, he will be contracting with one of two demolition companies that he has worked with in the past to complete the work. Mr. Strickland is aware of the liability involved in leaving the property in its present condition and assured Ms. Tatum that the work will be completed shortly.

Set Date for retreat.

Mayor Gaddy has asked that a retreat be scheduled for the end of July or the first two weeks in August. The suggested dates are July 29, July 30 or August 2. After discussion, the board set Thursday, July 29 at 6:00 p.m. as the date for a board retreat. The location will be announced.

**Announcements**

There will be no RCMA meetings in July and August. The Town of Fairmont will host the meeting on Tuesday, September 28.

National Night Out will be Tuesday, August 3, 2004 at 6:00 p.m. in front of Town Hall.

**Citizen Appearance**

**Tony McLellan – wooded lot on Woodhue Street**

Tony McLellan asked about the status of cleaning the wooded lot next to his house on Woodhue Street. Ms. Tatum replied that the property owner had been sent a letter about the overgrown lot. Mr. McLellan is concerned about when the lot will be cleaned up since it is so trashy and unsafe. If the property owner does nothing, Ms. Tatum said that a contractor would have to be hired to clean up the lot because of the stumps. Mr. McLellan volunteered to maintain the lot with the owner's permission once the lot is cleaned up. Commissioner Sealey would like to see something happen on this lot within the next 30 days. Ms. Tatum reminded the board that contracting labor for cleaning lots is not in the budget.

**Huel Faulk – burned out house on Maple Street**

Mr. Huel Faulk asked when the burned out house on Maple Street would be removed. It is right next-door to the Elementary School and he is concerned for the safety of the children, who start school in a couple of weeks. Ms. Tatum informed the board that it will cost the town \$2,000 to take down and remove the house. Ms. Tatum could not promise that the house will be removed by the time school starts but will make it a priority for Public Works.

**Closed Session – Personnel and Attorney- Client Privilege**

Commissioner Sealey made a motion to go into closed session at 7:25 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel and attorney-client privilege as permitted under General Statute 143-318.11(a)(3,6). Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information, attorney-client privilege and personnel, Commissioner Kemp made a motion to come out of closed session at 8:10 p.m. Commissioner McCree seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 8:11 p.m.

Jennifer H. Larson, CMC, Town Clerk

## **Board Retreat – July 29, 2004**

The Fairmont Board of Commissioners held a board retreat on Thursday, July 29, 2004 at 6:00 p.m. in the conference room at Gaston Sealey Warehouse with Mayor Nedward Gaddy presiding. Commissioners present included Mary Bruce Grantham, J.J. McCree, Charles Townsend, Charles Kemp, Antonio Currie and Wade Sealey. Staff members present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Police Chief Sam Hunt, Fire Chief James Thompson, Public Works Director Ronnie Seals and Finance Director Linda Vause.

Mayor Gaddy called the meeting to order at 6:15 p.m. and Commissioner Charles Townsend gave the invocation.

### Police Department Issues

Chief Sam Hunt informed the board that he has five auxiliary officers ready to start working and looking at two more. The Town has received a \$10,000 Highway Safety Grant to use to purchase uniforms. Danny Russ applied for the grant on behalf of the police department. Chief Hunt has also hired two part time dispatchers, Jimmy Williamson and Amelia Mitchell. Some of the department's goals are to start rotating out the older cars and purchasing spot lights for the vehicles.

### Public Works Issues

Public Works Director Ronnie Seals said his department was working steadily on tearing down the house on Maple Street next to the elementary school. The total cost for removing the house will end up around \$2,500. His staff is also working hard on cutting the overgrown lots. Ms. Tatum informed the board that the town is committed to tearing down seven more houses but we are holding off because we do not have the money, staff or equipment to do them. Town Attorney Robert Price feels the town may be able to get out of the agreements to tear down the houses and return the money given to the town to do it. These property owners paid \$150 to \$300 to tear down their houses under a voluntary demolition agreement. However, the cost to tear down the homes is much higher than expected.

Commissioner McCree asked about the drainage problems in town, in particular the house at Holly and Pine Streets. Ms. Tatum replied that it is not in the budget to do major drainage work at this time. The Powell Bill money will come in this fall and will be used to repair streets. However, not all drainage work is eligible for Powell Bill funds and most drainage expenses would have to come out of the General Fund.

Mr. Seals also informed the board that work was getting ready to start on the water tower repairs.

Fire Department Issues

Fire Chief James Thompson thanked Ms. Tatum and Chief Hunt for helping him acquire 22 sets of used turnout gear for his department. The town was able to purchase the gear for 1/5<sup>th</sup> the price of a new set. The department will host the Fireman's Association meeting in September. Chief Thompson is also working hard to find a used fire truck that is in good shape and that we can afford.

Mayoral Issues

Mayor Gaddy wants the council to be careful what they tell citizens about how the town ordinances and policies are written. He advised them to refer the citizens' questions to the town staff since they are more knowledgeable about explaining the ordinances and policies.

Mayor Gaddy also brought up the anonymous letter written by "Battlecat." This five-page document is very racial in tone and labels a picture of the Mayor as smiling like a chimp in a zoo as well as comparing the entire African American race to apes. This document has upset his family terribly. The unknown person who wrote the letter also said nasty things about Commissioner Kemp, Commissioner Grantham and the rest of the board as a whole. This person only sent the letter to a select few and only a few members of the board received one in the mail. This is not the first letter written by "Battlecat" but the worst one as far as content and tone.

Commissioner Concerns

Commissioner Kemp talked to Jim Clark at the radio station and Mr. Clark is willing to offer the town 10 to 15 minutes of airtime once a week to discuss town news and events.

Industry

Ms. Tatum informed the board that she has been approached by Innovative Knits of Marietta to lease the In 7 building. Ms. Tatum told the company that the board approved a rent for the front building at \$2,450 per month. Innovative Knits proposes to lease the building at six-month intervals. The town will still maintain insurance on the building but they will cover their equipment and personal property. A fire recently totaled their previous location and they would like the option to purchase the building at a price of \$200,000. The owners of Innovative Knits are David and Kelly Nance. This company stands to lose thousands of dollars in commitments and 15-30 jobs will be lost if they do not get a building that will allow them to knit, ship and receive immediately.

Commissioner Sealey's only request was that they be required to pay their rent either in cash or by cashier's check because the Nances have been known to bounce checks in the past. Ms. Tatum is planning to write a tight lease document to protect the town.

With no further business, the meeting adjourned at 8:28 p.m.

Jennifer H. Larson, Town Clerk

## **Regular Meeting – August 17, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, August 17, 2004 at 6:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Mary Bruce Grantham, Antonio Currie, Charles Townsend and Wade Sealey. Commissioner Mary Bruce Grantham was late and arrived at 7:00 p.m. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, Fire Chief James Thompson and Police Chief Sam Hunt. Others present included Scott Witten, Ernestine Walker and several other concerned citizens.

Mayor Gaddy called the meeting to order and Commissioner Wade Sealey gave the invocation.

### Approval of Agenda

Commissioner Kemp asked to add an item under Administrative Matters concerning the PARTF grant for the Community Building. Commissioner McCree made a motion to approve the agenda for tonight's meeting with the addition of discussing the PARTF grant for the Community Building under Administrative Matters. Commissioner Sealey seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Sealey made a motion to approve the minutes for the regular meeting on July 20, 2004, the board retreat meeting on June 29, 2004. Commissioner Kemp seconded the motion and it passed unanimously.

### Public Hearing – Closeout CDBG Grant # 01-C-0848

Commissioner Kemp made a motion to go into public hearing at 6:07 p.m. Commissioner McCree seconded the motion and it passed unanimously. The first public hearing was on the closeout of CDBG Grant #01-C-0848.

The 2001 CDBG Program on Benjamin and Phillips Streets is finished. All relocations, housing replacements, renovations, demolitions, and street and drainage improvements are complete. With the exception of one concern expressed by the Department of Commerce, regarding a relocation payment, all program requirements have been met. The commissioners said they had heard nothing but compliments on the project and that the work done was really nice and beautiful. The Closeout Resolution and Grant Project Ordinance for the Fairmont FY 01 Community Development Program is hereby attached by reference and made a part of these minutes.

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Public Hearing – Apply for 2005-2006 CDBG Grant

The second public hearing on applying for a 2005-2006 CDBG Grant began at 6:12 p.m.

Ms. Tatum reported to the board that the Division of Community Assistance (DCA) has informed the town that we cannot apply for the 2005-2006 CDBG Grant since we were funded in 2004. The town will have to wait two years before we can apply again. DCA is doing this to give other communities a chance to apply for funds.

**Public Hearing – Hazard Mitigation Plan**

The third public hearing on the Hazard Mitigation Plan began at 6:17 p.m.

The Wooten Company and town staff has completed most of the revision work requested by FEMA on the Hazard Mitigation Plan. The plan details the actions the town will undertake over the next few years to reduce community vulnerability to natural hazards and therefore lessen the cost of a disaster.

Commissioner McCree made a motion to come out of public hearing at 6:21 p.m. Commissioner Kemp seconded the motion and it passed unanimously.

**Administrative Matters**

Program Manual and Grant Project Ordinance – CDBG 2004.

The Program Manual for the FY 04 CDBG Program contains the following components: Fair Housing Plan, Equal Employment and Procurement Plan, Local Economic Benefit for Low and Very Low Income Persons Plan, Section 504 Compliance Officer/Grievance Procedure, Citizen Participation Plan, Residential Anti-Displacement and Relocation Assistance Plan, Optional Coverage Relocation Plan, Code of Conduct/Hatch Act Policy, Acquisition Guidelines, Disposition Guidelines, Relocation Guidelines, Demolition and Clearance Guidelines, Rehabilitation Guidelines, Public Facilities Guidelines, Complaint Procedure, Contracts Officer Designation, Labor Standards Officer Designation, Verification Officer Designation, Just Compensation Officer Designation, and Financial Management Procedure.

The Grant Project Ordinance for the FY 04 CDBG Program needs to be approved in order to allow the staff to proceed with the financial management of the grant. The ordinance establishes a budget within which to operate and outlines specific financial responsibilities for the Finance and Budget Officers. This ordinance must be in place prior to the expenditure of funds.

Commissioner Townsend made a motion to adopt the CDBG Program Manual and Grant Project Ordinance. Commissioner McCree seconded the motion and it passed unanimously. A copy of the CDBG Program Manual Resolution and the Grant Project Ordinance is hereby incorporated by reference and made a part of these minutes.

Resolution of Support I-74/I-20.

The Lumber River Council of Governments has asked the town to approve a Resolution of Support for Interstate 74 and Interstate 20, which will be sent to local legislators and the Transportation Committee. While the proposed improvements to the interstates will not immediately affect our town, the long-range effects will be tremendous, especially with respect to wastewater expansion. Commissioner Kemp made a motion to adopt a Resolution of Support for Interstate 74 and Interstate 20. Commissioner Sealey seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

Litter Sweep – September 20 through October 1, 2004.

Commissioner Kemp made a motion to adopt a resolution naming Fall Litter Sweep as the weeks of September 20 through October 1, 2004 in the Town of Fairmont. Commissioner Townsend seconded the motion and it passed unanimously. A copy of this proclamation is hereby incorporated by reference and made a part of these minutes.

Lease/Purchase option on In 7 Building.

The current tenants of Building #1 of the In 7 Building have asked to be considered for a Lease/Purchase renewal lease once their current six-month lease has expired. They would like to lock the purchase price of \$200,000 in at that time. This arrangement would not occur until the renewal lease is executed and would not prevent the town from selling the building prior to that time. The town is allowed through special legislature to sell this building directly to a tenant. Therefore, no advertisement is needed to open the bidding process to others. The current tenants are paying \$2,450 rent per month and the rent payments will not go toward the purchase price.

Drainage Improvements.

Town Staff has estimated the following costs relative to drainage improvements for three major projects:

1. Holly-Bruce Street Project – 32 hours @ \$80.00 per hour	\$2,560
2. South Walnut (Maitland Hunt) – 4 hours @ \$80.00 per hour	\$320
3. South Walnut to Morro – 16 hours @ \$80 per hour	<u>\$1,280</u>
Total Cost:	\$4,160

Ms. Tatum informed the board that most of this work could be completed using Powell Bill funds.

Antiques and Collectibles Shows.

Mr. John Morgan has approached Commissioner Grantham about the possibility of sponsoring an annual or bi-annual Antiques and Collectibles Show. The shows do not have to be limited to anything in particular. Mr. Morgan is willing to organize this effort. Commissioner Grantham was not present to give more details on this subject.

Kid's Closet – School Supplies Program.

Ms. Mazie Hunt and Ms. Tatum would like to organize a Kid's Closet, sponsored by the Town of Fairmont. The Kid's Closet would not require any funds to be donated by the Town. The purpose of this program would be to warehouse school supplies for distribution to children who are less fortunate than others. A good education is very important and we are aware that some supplies can be costly. All funds secured would be used for the purpose of purchasing costly items. All other items, such as paper, pens, pencils, notebooks, composition books, etc. can be bought by individuals or brought to town hall from personal supplies. Ms. Tatum is sure most people have items that they are not using, that can be brought to town hall for the program. We would not want a child to stay out of school because they do not have the appropriate supplies.

PARTF Grant for the Community Building

Commissioner Kemp asked that the PARTF Grant for the Community Building be added to the agenda. The town recently received a letter stating that our grant application would not be funded. Commissioner Kemp wanted the board to know that Senator David Weinstein would like to be informed of all future grant applications and would make it his "pet project" to help get us funded. Ms. Tatum said the town would resubmit the PARTF Grant for the Community Building in the fall.

**Announcements**

There will be no RCMA meetings in August. The Town of Fairmont will host the meeting on Tuesday, September 28, 2004 at 7:00 p.m.

Fairmont Farmers Festival Committee Meeting, Wednesday, August 18, 2004 at 7:00 p.m. in the courtroom.

**Citizen Appearance**

**Commissioner Sealey – Bushes at Etna/Kangaroo Station and McDonalds**

Commissioner Sealey reported that several citizens have complained to him about the bushes at the Etna/Kangaroo Station and McDonalds blocking the view of traffic. Many people have a hard time seeing around the bushes and pull out in the street. Commissioner Sealey asked if the bushes could be trimmed back or even pulled up. Public Works Director Ronnie Seals said his department trims the bushes but the owner of the Etna station will not let him pull the bushes up.

**Closed Session – Personnel**

Commissioner McCree made a motion to go into closed session at 6:45 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel as permitted under General Statute 143-318.11(a)(6). Commissioner Townsend seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, Ernestine Walker, Sam Hunt and Jenny Larson were in attendance during closed session. Commissioner Grantham arrived at 7:00 p.m.

After the discussion of privileged information and personnel, Commissioner Kemp made a motion to come out of closed session at 8:15 p.m. Commissioner Currie seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 8:15 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Special Meeting – August 26, 2004**

The Fairmont Board of Commissioners held a special meeting on Thursday, August 26, 2004 at 7:00 p.m. in the council chambers with Mayor Nedward Gaddy presiding. Commissioners present included Mary Bruce Grantham, Charles Kemp, Antonio Currie and Wade Sealey. Commissioners J.J. McCree and Charles Townsend were absent. Others present included Interim Town Manager Katrina Tatum, Town Clerk Jenny Larson, Kellie Nance and David Nance.

Mayor Gaddy called the meeting to order and Commissioner Wade Sealey gave the invocation.

### Purchase Option – Knit Creations

The purpose of the special meeting is to discuss a purchase option for Knit Creations. Knit Creations is the current tenant of the Premiumwear (In 7) building and they would like to enter into an agreement to purchase the property for \$200,000. They are proposing to hold an option for the period remaining in their lease, which is five months. An option to purchase effectively takes the building off the market. A deposit of 10% or \$20,000 is required for the purchase option.

Mrs. Kellie Nance explained to the board that it was her intent from the start to have a lease purchase option but that they were in such a hurry to get into the building after her other premises burned that she did not realize the purchase option was not on the lease agreement. She did not realize that the purchase option was not on the lease agreement until Greg Cummings showed the building to another potential buyer last week. She informed the board that it would take longer than the six-month lease period to get replacement equipment and get the knitting operation back up to full capacity.

Ms. Tatum clarified that the town was in a bad lease purchase option before with the In 7 Company and they ended up deciding not to purchase the property at the end of their lease and the town was left empty handed. Ms. Tatum pointed out that both Building #1 and Building #2 are being sold together in “as is condition” with the exception that the town will repair the roof in Building #1. Knit Creations is currently using Building #1 and have no plans to use Building #2. Building #2 needs extensive roof repair before it can be used. The Nances plan to separate the two buildings; repair the roof and either sell or lease the second building.

The Nances have been in the knitting business as Innovative Knits DBA Knit Creations since June 1990 and were in their previous location on Bass Road in Marietta for ten years. They employ anywhere from 15 to 30 people and average 20 employees. They knit fabric (gray goods), which is then shipped to other locations for dyeing, cutting and sewing. The fabric they knit is a patented heat resistant fabric used in sportswear and military clothing. The company they do business for likes the building and is seriously considering moving their cutting and sewing operation to Fairmont. Ms. Tatum asked them to consider moving the dye operation as well since the building is already set up with dye vats.

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Mrs. Nance told the board they could pay the \$20,000 required deposit on the lease purchase option but asked the board to consider a deposit of \$10,000 instead. The Nances left the room to give the board a chance to discuss the lease purchase option.

After discussion, the board agreed on a deposit of \$15,000 that will be forfeited if the Nances do not purchase the property within 30 days of the end of the lease. The Nances came back in the room and Ms. Tatum explained the board's decision. The board agreed to the lease purchase option with a \$15,000 deposit that will be forfeited if the property is not purchased within thirty days of the end of the lease and that the rent payments will not go toward the purchase price but the deposit does. Mrs. Nance asked if they had to wait until the end of the lease to purchase the property. Ms. Tatum replied that they could purchase the property at any time with no penalty.

Commissioner Grantham made a motion to offer Knit Creations an option to purchase the former In 7 building for \$200,000 with a deposit of \$15,000 to be placed immediately and that the deposit will be forfeited if the purchase is not settled within 30 days following the termination of the six month lease and that the deposit goes toward the purchase price but the lease payments do not. Commissioner Currie seconded the motion and it passed unanimously. Mrs. Nance wrote the deposit check of \$15,000 and handed it to the clerk.

With no further business, Commissioner Kemp, seconded by Commissioner Sealey, made a motion to adjourn the meeting at 7:58 p.m.

Jennifer H. Larson, CMC, Town Clerk

## **Regular Meeting – September 21, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, September 21, 2004 at 6:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Mary Bruce Grantham, Antonio Currie, Charles Townsend and Wade Sealey. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Police Chief Sam Hunt. Others present included Scott Witten, Rusty Perry, Huel Faulk, Brittany Lovett, Rev. and Mrs. Lynn Bergman, Alan Oldham, Andy Grimsley and several other concerned citizens.

Mayor Gaddy called the meeting to order and Reverend Lynn Bergman gave the invocation.

### Approval of Agenda

Commissioner Kemp asked to add vacant lots to the agenda. Commissioner Grantham asked to add the Youth Council Report and Interim Town Manager Katrina Tatum asked to add a Resolution of Intent to Close the Alley between Sandy and Stephen Streets. Commissioner Sealey made a motion to approve the agenda for tonight's meeting with the addition of vacant lots, Youth Council Report and a Resolution of Intent to Close the Alley between Sandy and Stephen Streets. Commissioner Townsend seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Sealey made a motion to approve the minutes for the regular meeting on August 17, 2004, and the special meeting on August 26, 2004. Commissioner Kemp seconded the motion and it passed unanimously.

### Administrative Matters

#### Youth Council Report

Brittany Lovett, President of the Fairmont Youth Council, gave their monthly report. The Youth Council will hold a hot dog eating contest during the Farmers Festival. Orrum General Store will provide the hot dogs. Participants will pay to enter the contest and the winner will win half of the entry money. The council is also working on posters honoring area residents who are serving overseas as well as planning a middle school dance and bingo with the senior citizens.

North Carolina Rural Water Association – Wellhead Protection Program presented by Mr. Alan Oldham, NCRWA Groundwater Technician.

Ms. Tatum informed the board that Robeson County relies primarily on ground water as its principle water supply. Given the importance of ground water as a source of drinking water and the cost and difficulty of cleaning it up, it is very important for the town to take steps to ensure the continued supply of clean ground water. The best way to do this is to prevent contamination. Therefore, the town must begin now to develop wellhead protection plans for our wells.

The North Carolina Rural Water Association offers general training and technical assistance to rural and small water and wastewater systems in North Carolina and assists in the development of wellhead protection plans. They are able to assist the town in building a wellhead protection planning team, delineating a wellhead protection area, conducting a contaminant source inventory, managing potential contaminant sources, educating the public and developing ways to ensure public participation, and planning for the future.

Mr. Alan Oldham, NCRWA Groundwater Technician gave the board five steps to developing a Wellhead Protection Program. The first step is to select a planning team from members of the community so they can be aware of the town's water sources. The second step is delineating the protection area by calculating the depth of the wells and how often they are run. The third step is to identify potential contaminated sources within the well area and educate owners that they can take active measures to protect the water. The fourth step is the development of a management plan. The final step is to develop a contingency plan for the health of the system. The Wellhead Protection Program is voluntary and the town can take its time in developing the program. The NCRWA will help the town develop the plan at no charge.

Resolution adopting Hazard Mitigation Plan.

Commissioner Grantham made a motion to adopt the Hazard Mitigation Plan. Commissioner McCree seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

Resolution of Support for Full Federal Recognition of the Lumbee Tribe.

On August 23, 2004, Mayor Gaddy and Interim Town Manager Katrina Tatum attended a meeting held by the Lumbee Tribal Council. The purpose of the meeting was to give local governments more information concerning their efforts for full federal recognition, and gain support from and forge relationships with local municipalities. If recognized, the Lumbee Tribe has designated Robeson County as its reservation/protected area. After discussion of concerns the board had about the tribe's recognition, Commissioner Sealey made a motion to table the resolution of support for full federal recognition of the Lumbee Tribe until a later date. Commissioner Kemp seconded the motion and it passed unanimously.

Waste Management – Limbs and Leaves pickup services.

Ms. Tatum informed the board of recent problems with our limbs and leaves pickup. Town staff has been monitoring the activities of our contractor, Waste Management, very closely. We have found and reported the problems and have had several meetings with them. The problems cited have been primarily with personnel and somewhat stemming from unfamiliarity with our jurisdiction. Waste Management has dismissed individuals for nonperformance. The town staff will continue to monitor their activities until all kinks are out of the system.

Vacant Lots.

Commissioner Kemp wanted to know why lots that have been cited for overgrown grass have not been cut. Ms. Tatum explained that Public Works is short staffed and they have been busy fixing a lot of breaks in the water and sewer lines. They cut the lots when they can. Public Works Director Ronnie Seals added that town owned lots are always cut first. Commissioners Kemp and Sealey asked that the lots that will be most visible during the Farmers Festival be cut. Mr. Seals replied that he had already planned to do that.

Resolution of Intent to Close Alley between Sandy and Stephens Streets.

The town has received a petition to close the alley between Sandy and Stephens Street from Alderwoods Group, Inc., the owner of the property identified as Robeson County map number 3004, Block 2, Lots 13, 14, 15, 17 and 9.1. The closing is desired to consummate a sale of the property to the Lumbee Guaranty Bank to build a new building on the site of the Prevatte Funeral Home. The alley is between Sandy and Stephens Streets, encircled by Sandy, Stephens, North Walnut and Market Streets. Closing of the alley will be at no expense to the Town of Fairmont, as the owner has agreed to bear the costs of the closing, including attorney's fees. General Statute 160A-299 requires that a resolution of intent to close the alley be approved and advertised for a period of four weeks prior to the public hearing that effectively closes a public right-of-way. Conditions for closing the alley need to be added in this case because the town has a sewer main that runs with the alley. According to Public Works Director Ronnie Seals, as long as we reserve an easement for access and the new owners agree to prohibit building over the easement, there is no problem. Town Attorney Robert Price stated that no sewer easement for the alley is currently on record.

Commissioner Grantham made a motion to adopt a resolution of intent to close the alley between Sandy and Stephens Streets and to reserve the sewer easement that runs along the alley for future maintenance of the lines. Commissioner Currie seconded the motion and it passed unanimously. A copy of the resolution is hereby incorporated by reference and made a part of these minutes.

**Announcements**

Fall Litter Sweep is the weeks of September 20 through October 1, 2004.

The Town of Fairmont will host the RCMA meeting on Tuesday, September 28, 2004 at 7:00 p.m. in the Fire Hall. Robeson County Tax Administrator Robert Baird will be the guest speaker and the China Garden Restaurant will be catering the meal.

The Fairmont Farmers Festival Committee will meet on Wednesday, September 29, 2004 at 7:00 p.m. in the courtroom.

The Town offices will be closed on Tuesday, October 5 for computer software conversion and training.

The Fairmont Farmers Festival Pageant is Saturday, October 9 and the Festival is Saturday, October 16.

The Lumber River Council of Governments' Annual Dinner Meeting will be Thursday, October 21, 2004 at 6:00 p.m. at the Southeastern North Carolina Agriculture Center in Lumberton.

**Citizen Appearance**

Rusty Perry – Computer problems at the library

Rusty Perry informed the board that only two of the five computers at the library work. He has informed the County Library and our County Commissioners. The County Commissioners recommended that the Fairmont Town Council appoint a Fairmont Library Board to handle all grievances. After discussion, Ms. Tatum said she would write a letter to Mr. Fisher, the director of the Robeson County Public Library.

James Lennon – asked why Fatbacks closed

Mr. James Lennon wanted to know why Fatbacks closed shortly after being awarded a grant to make improvements. Ms. Tatum replied that the building's owner went up on the rent and it was no longer affordable. Ms. Tatum is currently trying to find another restaurant to rent the building in order to keep the grant.

**Closed Session – Personnel**

Commissioner McCree made a motion to go into closed session at 7:22 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel as permitted under General Statute 143-318.11(a)(6). Commissioner Sealey seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, Ronald Williams, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information and personnel, Commissioner Townsend made a motion to come out of closed session at 8:30 p.m. Commissioner Sealey seconded the motion and it passed unanimously. Ms. Tatum announced that industry was discussed in closed session as well.

There being no further business, the meeting adjourned at 8:30 p.m.

Jennifer H. Larson, CMC  
Town Clerk

**Emergency Board Meeting  
September 28, 2004**

The Fairmont Board of Commissioners held an Emergency Board meeting on Tuesday, September 28, 2004 at 6:45 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were J.J. McCree, Charles Kemp, Mary Bruce Grantham, and Wade Sealey. Commissioners Antonio Currie and Charles Townsend were absent. Staff present were Interim Town Manager Katrina Tatum and Town Clerk Jenny Larson.

Mayor Gaddy called the meeting to order. The purpose of the meeting was for the board to vote on an application for a Capacity Building Grant to allow for the development of an Inflow and Infiltration Evaluation, GIS Mapping for Sewer Collection System and a Capital Improvement Plan for the Water and Sewer Systems. Hobbs, Upchurch and Associates have agreed to apply for the grant on the town's behalf. The grant will allow coverage of approximately 50% of the total amount necessary to develop the plans and mapping, which is estimated to cost approximately \$10,000. Under the town's present system, we were required to develop a Capital Improvement Plan. In addition, GIS mapping and Inflow and Infiltration Evaluations must accompany most grant applications dealing with utilities. In order for the town to be competitive, these plans must be put in place.

Commissioner Grantham made a motion to adopt a Resolution to apply for the Capacity Building Grant Program, to adopt a Resolution of Minority Business Participation and to adopt the Town of Fairmont Water Conservation Incentive Ordinance. Commissioner Sealey seconded the motion and it passed unanimously. A copy of this ordinance and resolutions is hereby incorporated by reference and made a part of these minutes.

There being no further business, Commissioner Sealey made a motion, seconded by Commissioner McCree to adjourn the meeting at 6:48 p.m.

Jennifer H. Larson, CMC, Town Clerk

## **Regular Meeting – October 19, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, October 19, 2004 at 5:30 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Mary Bruce Grantham, and Charles Townsend. Commissioners Antonio Currie and Wade Sealey were absent. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Police Chief Sam Hunt. Others present included County Manager Ken Windley, County Commissioner Noah Woods, Scott Witten, Mickey Williamson, Terry Hunt, John Jackson, Brenda Bullock, James Lennon, Angie Lovin, Whitney McFarland, Katy Locklear, Brianna Leggett, Taylor Locklear, Rachel Sealey and several other concerned citizens.

Mayor Gaddy called the meeting to order at 5:40 p.m. once Commissioner McCree arrived and a quorum was present. A local pastor gave the invocation.

### Approval of Agenda

Commissioner Kemp requested to add Amendment One Campaign, sewer services for East Side Park and Public Park day to the agenda. Commissioner McCree made a motion to approve the agenda for tonight's meeting with the addition of Amendment One Campaign, sewer services for East Side Park and Public Park Day. Commissioner Grantham seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Grantham made a motion to approve the minutes for the regular meeting on September 21, 2004, and the emergency meeting on September 28, 2004. Commissioner McCree seconded the motion and it passed unanimously.

### Administrative Matters

#### Amendment One Campaign

The Board previously endorsed Amendment One by sending in a resolution of support in July of this year. We are now listed on the Amendment One web site as an endorser. County Commissioner Noah Woods, Immediate Past President of the N.C. Association of County Commissioners, briefly addressed the board concerning the importance of Amendment One. The Amendment One legislature is designed to allow self-financing bonds. Self-financing bonds are an economic development tool that can be used to finance public improvements such as streets, water and sewer service, sidewalks and other public facilities in special development districts. The bonds would be used in public-private partnerships, when private development is planned and public facilities are needed. The town, in conjunction with the landowners, would designate a development district. Then the town would issue self-financing bonds to pay for the public facilities related to the private development within the

district. The increased property tax gained from the new development would pay off the bonds. No tax increase would be required and towns would be financially able to go forward with the public improvements. North Carolina is only one of two states having no approved legislature to allow self-financing bonds. A constitutional amendment is required and the North Carolina League of Municipalities requested that we adopt a resolution of support for the amendment. The Town of Fairmont was one of the first municipalities in Robeson County to render a resolution of support. Mr. Woods thanked everyone for their support and encouraged everyone to vote for Amendment One on November 2.

#### Sewer Services – East Side Park

County Manager Ken Windley came before the board to discuss the East Side Park Community Sewer Project. The county has agreed to apply for the grants necessary to provide sewer services to this area and pay all local match fees associated with the grant requests. The county will be billed bulk at the town's base rate plus 22% and then the county will bill the residents for their sewer use. The town will be responsible for operating the system but the county will own it and be responsible for any costs associated with repairs that may be required. Mr. Windley is seeking the town's endorsement of the project before they hold a public hearing to apply for a CDBG grant to get the funds needed to run the sewer lines. The state requires the town's endorsement before it will provide the grant money. Commissioner Grantham made a motion to endorse Robeson County's application for CDBG funds for the East Side Park Community Sewer Project. Commissioner Kemp seconded the motion and it passed unanimously.

#### Youth Council Report

There was no Youth Council Report this month.

#### Acceptance of donated land and buildings to the Town of Fairmont

Ms. Tatum asked the board to consider acceptance of the following donated properties:

Land located on the southwest corner of Mulberry and Center Streets: Several months ago, Ms. Tatum informed the board that the Lewis's and Strickland's had approved use of their property for a soccer field. Since that time, the Lewis's made a decision to donate their land, valued at \$10,000 to the town.

Fairmont Art Products Building (109 North Morro Street): Well over a year ago, the owners of this property met with the Mayor, former Commissioner John Jackson and Ms. Tatum to discuss donating the property to the town. At the time, tax issues prevented the transfer of the property. Since that time the tax issues have been resolved and other issues affecting the town have made it feasible for the transfer of this property. The last appraisal report indicated a value of \$199,600.

Ms. Tatum would like to use this property for Public Works equipment and storage. An official from the state Water Quality Office performed an inspection of our current facility and determined that we will have to arrange to put our trucks and rock supplies in another location because they are being stored too close to the well. In addition, the life of our equipment is lessened by the constant exposure to weather. If we accept this building, although it needs work, it will be beneficial to the town. All of our equipment could then be sheltered inside the new facility and its close proximity will help to expedite morning work preparations. Ms. Tatum has asked Britt and Britt Roofing to give an estimate on the roof repair and hopefully the work can be done for the same amount now allocated to repair the roof at the old ice house building. If approved, our plans are to demolish most of the ice house building, enclose the area around the chlorination and fluoride machines which sanitize the well, and relocate all equipment to the new building.

Commissioner Grantham made a motion to accept the properties located on the southwest corner of Mulberry and Center Streets and the old Fairmont Art Products building on Morro Street and authorized the Mayor to execute the tax donation documents. Commissioner McCree seconded the motion and it passed unanimously.

#### Wellhead Protection Committee

Last month, the board was informed that the North Carolina Rural Water Association (NCRWA) was going to assist our staff in developing a Wellhead Protection Plan. As previously advised, a committee has to be appointed to help make decisions relative to the plan. Alan Oldman, with NCRWA, has asked that we approve one commissioner, one planning board member, one public works staff member and Johnny Britt. Ms. Tatum recommended Fitzhugh Sealey from the Planning Board, and Dennis Freeman and Johnny Britt from Public Works. Commissioner J.J. McCree agreed to represent the board on the committee. Commissioner Grantham made a motion to appoint Fitzhugh Sealey, Dennis Freeman, Johnny Britt and Commissioner J.J. McCree to the Wellhead Protection Committee. Commissioner Kemp seconded the motion and it passed unanimously.

#### Approval of Attorney agreement for CDBG 2004

The 2004 CDBG program requires that an attorney be named to conduct legal services in conjunction with the program. Attorney Robert Price was selected for the 2001 CDBG program based on bid data. Since Mr. Price has since been named the town's attorney, the board has the right to enter directly into an agreement with him to perform these services. Commissioner McCree made a motion to enter into a legal services agreement with Town Attorney Robert Price for the 2004 CDBG program. Commissioner Kemp seconded the motion and it passed unanimously.

Request for Waste Management Appearance

During the last board meeting, the board requested that a supervisor from Waste Management appear before the board to give an account of problems we were having regarding limbs and leaf pickup. Ms. Tatum has received a memo from Mr. Ken Crutchfield, indicating that he is unable to meet during the October board meeting, but that he would be glad to make arrangements to meet at another time, perhaps during the November board meeting. Since the last board meeting, our staff has had very few if any complaints regarding the limbs and leaf pickup service. Commissioner Kemp made a motion to rescind his request to have Mr. Ken Crutchfield of Waste Management attend the November board meeting. Commissioner Grantham seconded the motion and it passed unanimously.

Commissioner Charles Townsend arrived at 6:00 p.m.

Set date to meet with Fairmont Rural Fire Department Board of Directors

The board agreed to meet with the Fairmont Rural Fire Department Board of Directors on Tuesday, October 26, 2004 in the Fire Hall. Time will be announced at a later date.

Public Park Day – Commissioner Kemp

Commissioner Kemp passed out a “Public Park Day” flyer from the city of Dillon, South Carolina. He would like to do a presentation at the November meeting on how the town could host similar programs at our parks.

Public Hearing - Closing of Alley between Sandy and Stephens Streets

The Mayor began the Public Hearing on the closing of the alley between Sandy and Stephens Streets at 6:06 p.m.

The town’s intent to close the alley located between Sandy and Stephens, encircled by Sandy, Stephens, North Walnut and Market Streets has been properly advertised. All adjacent potential owners and owners have been notified. The public hearing is for the purpose of entertaining comments regarding the town’s intent to close the alley.

Mrs. Brenda Bullock asked the board how the closing of the alley would affect the surrounding property owners especially since many didn’t even know it existed. Ms. Tatum replied that closing the alley would increase the value of the adjoining properties by increasing the property on either side of the alley by ten feet. The town will do quitclaim deeds to the adjacent property owners but will retain the sewer easement that runs along the alley. Property owners can fence in the property but cannot build on top of the sewer easement.

The Mayor announced that the Public Hearing was closed at 6:11 p.m. Commissioner Grantham made a motion to adopt a resolution ordering the closing of the alley between Sandy and Stephens Streets with the reservation of the utility easement. Commissioner McCree seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

### **Citizen Appearance**

#### **Fairmont Farmers Festival Queens**

Ms. Tatum introduced the 2004-2005 Fairmont Farmers Festival Queens along with pageant director Angie Lovin. The queens present were Miss Whitney McFarland, Teen Miss Katy Locklear, Junior Miss Brianna Leggett, Little Miss Taylor Locklear and Wee Miss Rachel Sealey. Tiny Miss Devante' Baker was not able to attend and will come to a later meeting. Mayor Gaddy announced that he received a letter from Lumberton City Councilman Delane Shaw congratulating the town on a wonderful festival. Commissioner Kemp announced that the parade would be aired on UNCP-TV on Saturday, October 23 from 9-11 a.m. and Sunday, October 24 from 8-10 p.m.

#### **Lumbee Tribal Council**

Representatives from the Lumbee Tribal Council were unable to attend tonight's meeting.

#### **John Jackson**

Mr. John Jackson read a statement to the board. At Mr. Jackson's request, this statement is hereby incorporated by reference and made a part of these minutes.

### **Announcements**

Halloween Trick or Treating Hours in the Town of Fairmont will be on Saturday, October 30 from 5:00 to 8:00 p.m.

The City of Lumberton will host the RCMA meeting on Tuesday, October 19, 2004 at 7:00 p.m. at the Black Water Grill.

The Lumber River Council of Government's Annual Dinner Meeting will be Thursday, October 21, 2004 at 6:00 p.m. at the Southeastern North Carolina Agriculture Center in Lumberton.

Commissioner Kemp and Ms. Tatum congratulated Farmers Festival Chairman Jenny Larson and the rest of the staff for the marvelous job they did with this year's festival.

There being no further business, Commissioner Grantham, seconded by Commissioner McCree motioned to adjourn the meeting at 6:25 p.m.

Jennifer H. Larson, CMC  
Town Clerk

**Fairmont Board of Commissioners**  
**Special Joint Board Meeting with Fairmont Rural Fire Department**  
**October 26, 2004**

The Fairmont Board of Commissioners held a Special Joint Board meeting with the Fairmont Rural Fire Department on Tuesday, October 26, 2004 at 6:30 p.m. in the Fairmont Fire Hall with Mayor Nedward Gaddy presiding. Commissioners present were J.J. McCree, Charles Kemp, Mary Bruce Grantham, and Wade Sealey. Commissioners Antonio Currie and Charles Townsend were absent. Staff present were Interim Town Manager Katrina Tatum, Police Chief Sam Hunt and Town Clerk Jenny Larson. There were seven members of the Fairmont Rural Fire Department Board of Directors present including President Michael Page, Fire Chief Charlie Ray Hunt, Jackie Strickland and Leon Jacobs.

Mayor Gaddy called the meeting to order at 6:40 and Chief Sam Hunt gave the invocation. Rural Fire President Michael Page passed out a memo with their complaints and concerns. This memo is hereby incorporated by reference and made a part of these minutes. Mayor Gaddy stated the purpose of the meeting is to discuss the concerns and problems between the town and the rural fire department. He added that no personnel issues would be addressed tonight.

Mr. Page feels that one of their major concerns is the use of the fire hall. It was designed as a meeting and training hall for the city and rural fire departments but has turned into a "community building" for the town. They cannot use the building when they need it because it is rented all the time. Mr. Page wanted to know what the rent money was used for. The rural fire department pays the light bill for the fire hall and it averages around \$500 a month. They would like some of the rent money to be used to help pay for the light bill.

The rural fire department would like to use the fire hall for training from RCC in order to get more firemen certified. Ms. Tatum asked Mr. Page to get a schedule from RCC so the fire hall will not be rented on those nights. Ms. Tatum also asked Mr. Page to give her copies of the light bills and the communications console bills. The communications console was purchased by the rural fire department several years ago but they no longer use it. However, the city fire department does use it and the rural fire department would like to be reimbursed for their costs, around \$48 a month.

Mr. Page also pointed out that the fire bay doors need servicing. Ms. Tatum said the town will share the cost of the repairs to the bay doors with the rural fire department. Commissioner Kemp encouraged Mr. Page to meet with Ms. Tatum on a regular basis to work out the concerns they have with the town.

There being no further business, Commissioner Sealey made a motion, seconded by Commissioner McCree to adjourn the meeting at 7:20 p.m.

Jennifer H. Larson, CMC, Town Clerk

## **Regular Meeting – November 16, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, November 16, 2004 at 6:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, Police Chief Sam Hunt, Fire Chief James Thompson, Cliff Rich and Johnny Britt. Others present included Scott Witten, Mickey Williamson, James Lennon, Brenda Floyd, Marsha Floyd, Devante' Baker, Charlie Ray Hunt, Robert Ivey, Jennifer Ferguson, Ray Johnson, Nina Johnson and several other concerned citizens.

Mayor Gaddy called the meeting to order. Commissioner Charles Townsend gave the invocation.

### Approval of Agenda

Commissioner McCree made a motion to approve the agenda for tonight's meeting. Commissioner Sealey seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Grantham made a motion to approve the minutes for the regular meeting on October 19, 2004, and the special joint meeting with the Rural Fire Department on October 26, 2004. Commissioner Sealey seconded the motion and it passed unanimously.

### Presentation – Plaque to Johnny Britt, 20 years of service

Mayor Gaddy presented a plaque to Johnny Britt for twenty years of service with the Town of Fairmont.

### Recognition – Tiny Miss Fairmont Farmers Festival, Devante' Baker

Ms. Tatum recognized Tiny Miss Fairmont Farmers Festival Devante' Baker.

### Administrative Matters

#### Youth Council Report.

Marsha Floyd, vice president of the Fairmont Youth Council, gave their monthly report. The Youth Council has received photos of area residents who are currently serving in the armed forces overseas. They hope to put up the display in the high school soon. Li Chen and Fred Aziz are working on a response letter to a child in Japan who wrote Mayor Gaddy and plan to mail it before Christmas.

TAC Americas – Utility Performance Contracting – Replacement of Water Meters

Ms. Jennifer Ferguson, with TAC Americas, presented the board a proposal to increase the town's water/sewer revenue by replacing all of the water meters. The cost of replacing the water meters would eventually be paid with the revenue generated by more accurate meter reading. The board thanked her for coming but told her they were not interested in Utility Performance Contracting.

Community Activities Committee – Charles Kemp

Commissioner Kemp presented a proposal for the creation of a Community Activities Committee whose function would be to propose and promote worthwhile community activities designed to bring together citizens both young and old. The committee would meet and serve as a think tank, brainstorming ideas and working out the details before being presented to the board for final approval. Commissioner Kemp proposed that the committee be made up as follows: the Mayor and each commissioner would select one citizen to serve as well as the Chamber of Commerce for a total of eight members on the committee. The town clerk and one commissioner would serve with this committee as ex-officio members and the commissioner would be the liaison back to the board. Commissioner Kemp is willing to serve as the commissioner on the committee. Since this would be a volunteer committee, no funding would be necessary. Commissioner Kemp would like for the board to support the creation of this committee and bring names for the committee members to the December board meeting so the committee can begin work in January.

Commissioner Grantham was concerned about costs and the need for recreation. Commissioner Kemp responded that any activities approved would be minimal in costs and that the events would be more cultural than recreational. Mayor Gaddy liked the proposal but was concerned about putting more work on the staff. Commissioner Kemp said he would take the town clerk off as an ex-officio member and would take notes at the meetings himself. Mayor Gaddy replied that any activities planned would still be extra work on our public works staff. Commissioner Grantham suggested holding a workshop to discuss this proposal in more detail. Commissioner Townsend made a motion to table the decision to create a Community Activities Committee until a workshop can be scheduled to discuss it in further detail. Commissioner Sealey seconded the motion. The motion passed with a vote of 5 to 1 with the votes as follows:

For:	Townsend, Sealey, Grantham, McCree, Currie
Against:	Kemp

Ms. Tatum said the board would be polled for a date to hold the workshop.

Downtown Parking Leases

The town pays certain downtown businesses for the parking offered to their customers and staff. Only a few owners are paid for the parking. No owners in the General Business District are paid. The town is also liable under the contracts for maintaining the parking areas. Some of these leases will be up for renewal soon..

Commissioner Currie made a motion to stop paying the downtown parking leases. Commissioner Townsend seconded the motion and it passed unanimously.

Animal Ordinance Amendment

Commissioner McCree made a motion to table the Animal Ordinance Amendment until the next board retreat. Commissioner Townsend seconded the motion and it passed unanimously.

Game Room Ordinance Amendment

Mr. Robert Ivey, a state ALE agent, informed the board that video poker machines are a big problem in Robeson County. There are 160 machines registered in the county with 18 located in Fairmont. The law allows no more than 3 machines per location and they must be registered with the sheriff's department. Payouts must be \$10 or less but the problem comes with un-reputable owners.

Ms. Tatum recommended making the following amendments to the Game Room Ordinance: redefine "Game Room," add definition for Video Gaming Machine, and amending rules for operation. Ms. Tatum recommended redefining "Game Room" as any place of business that operates one or more mechanical games, video gaming machines, pay devices, coin-operated machines, video games, pinball machines, and other computer, electronic or mechanical devices that are operated and played for amusement, including any machine that involves the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or reward free replays. In addition, Ms. Tatum suggested that the operation rules restrict opening after 11:00 p.m. and requiring that non-amusement game rooms remain closed on Sunday.

Commissioner McCree wanted to discuss the changes to the game room ordinance as well as the zoning that would restrict video gaming machines at the next retreat. Commissioner Kemp made a motion to adopt an ordinance amending Chapter 12, Article IV, Game Rooms, Sections 12-76 and 12-77. Commissioner Grantham seconded the

motion. The vote was tied 3-3 with Mayor Gaddy breaking the tie in favor of the ordinance amendment. The vote was as follows:

For: Kemp, Grantham, Sealey, Gaddy  
Against: McCree, Townsend, Currie

A copy of this ordinance is hereby incorporated by reference and made a part of these minutes.

#### Privilege License Fee Amendment – Game Room Machines

Ms. Tatum requested the following changes in the Privilege License Fees for mechanical games, video gaming machines, pay devices, coin-operated machines, video games, pinball machines, and other computer, electronic or mechanical devices that are operated and played for amusement, including any machine that involves the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or reward free replays.

Privilege License Fee of \$100.00 per machine for any machine that involves the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or reward free replays.

#### Privilege License Fee of \$5,000 per machine for all other machines

Commissioner Grantham made a motion to adopt a resolution amending the Privilege License Fee schedule to charge \$5,000 for video gambling machines and \$100 for all other video gaming machines. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

#### Fire Department – Pension Fund

Ms. Tatum gave the board a brief history on the Firemen’s Pension Fund. From 1986 until 1994, the town’s pension fund was governed as follows: “The Town of Fairmont pays pension fund contributions and upon separation-termination prior to twenty (20) years service, all payments revert back to the Town.” In 1994 and 1995, the board voted to approve, or reconfirm exceptions to this rule, as follows:

Members of age that 20 year pension payment or fire fighting (20) years is impossible due to age. Ex: Age 57 + 10 yrs. = 67. This individual has been with the department exceeding 10 years.

Medical (disability) job related or not, with years totaling a minimum of ten (10) years. Job related is not related necessarily to fire fighting. These individuals have the option of withdrawing payments made to present or continued payments by Town until 20 years have been paid and can draw full pension fund benefits.

Relocation caused by job transfer or other required reason. This individual should be eligible for full payment of pension fund return with ten (10) years service or more.

All three (3) options shall be made for ten (10) years service or more.”

Previously, all firemen who fell short of the twenty year requirement, with the exemption of those who fell in the exception categories, got no pension payments refund upon termination/separation.

Ms. Tatum proposed the following language for pension payments refund requirements:

No pension payments refund shall be paid to members with less than ten (10) years of credible service.

Members whose age, combined with a 10 year fire fighting service record, meets or exceeds the legal retirement age as stipulated by Social Security, are eligible for full pension payments refund. Example: Current Social Security retirement age is 65 years. A member who is 55 years old and has 10 years of fighting service would qualify for full pension payments refund. If at any time, Social Security raises the retirement age, then, the policy in effect at the time of the member’s retirement request would apply.

Medical Disability: Members with at least 10 years of service may retire on medical disability of any kind, shall receive full pension payments refund. Medical disability does not have to be related to firefighting.

Relocation Due to Job Transfer or Military Service: Members who have 10 years of service and relocate due to job transfer or military service are eligible for full pension payments refund. If member relocates within the State of North Carolina, member has the option of joining another department and continuing personal payments into the pension plan.

Separation/Termination for Other Causes: Member who meet the 10 year creditable service requirement, but separate/terminate with less than 20 years of creditable service shall be paid 5% of the pension payments refund for every year of service.

Pension benefits shall be defined as the total pension plan payments paid by the Town of Fairmont as of the date of separation. Members separating with less than ten years, regardless of reason, shall receive no pension payments refund.

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Commissioner Grantham made a motion to accept the revised Fairmont Firemen's Pension Fund payments refund requirements. Commissioner Townsend seconded the motion and it passed unanimously.

### **Announcements**

Town offices will be closed on Thursday, November 25 and Friday, November 26 in observance of Thanksgiving.

The Town of Pembroke will host the Robeson County Municipal Association on Tuesday, November 23, 2004 at 7:00 p.m. The meeting will be held at Sheff's Seafood. The speaker will be Senator David Weinstein.

The Fairmont Christmas Festival will be held on Sunday, December 5 from 4:00 to 5:30 p.m. in front of Town Hall. Mayor Gaddy will light the Christmas tree at 5:30 p.m. in the park.

Visit from Santa, sponsored by the Fairmont City Fire Department, will be Friday, December 24, starting at 5:00 p.m. Parents are encouraged to bring wrapped gifts to the Fire Department by December 20 so they can be distributed back to the children on Christmas Eve.

The American Indian Mothers association has honored Mayor Gaddy as "Mayor of the Year." They will honor him at a dinner on Friday, November 19 at Porter Plaza in Pembroke.

### **Citizen Appearance**

#### **James Lennon – TAC Americas question**

Mr. James Lennon asked the board what they planned to do about the TAC Americas Utility Performance Contracting proposal. The board replied that they were not interested.

#### **Nina Johnson – Scholarship Announcement**

Ms. Nina Johnson announced that the Rosenwald Alumni Association will be awarding scholarships to six Fairmont High School students on Saturday, November 27 from 3-5 p.m. at the Rosenwald Elementary School E.R. Gause Auditorium.

Doris Locklear – Certificates of Appreciation

Ms. Doris Locklear presented Certificates of Appreciation to Sgt. Patrick Reed, Officer Jonathan Evans and Telecommunicator Vera Deese for their assistance in locating a missing person.

**Closed Session – Personnel**

Commissioner Sealey made a motion to go into closed session at 7:30 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel as permitted under General Statute 143-318.11(a)(6). Commissioner Townsend seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information and personnel, Commissioner Sealey made a motion to come out of closed session at 8:23 p.m. Commissioner Grantham seconded the motion and it passed unanimously.

**Administrative Matters**

Employee Christmas Bonuses

Ms. Tatum requested permission to issue Christmas Bonuses for the town employees based on 2% of their annual salary. Bonuses were not budgeted; however, the town has remained within its spending plan and staff does not foresee any large expenditures which might cause financial strain. The bonuses will cost approximately \$15,431.82. The town has rented the Premium Wear Building which will generate approximately \$12,488 in unexpected revenue. In addition, the town has already received \$3,900 in ABC Revenue, which was also unexpected. Commissioner Kemp made a motion to issue Christmas Bonuses to the employees based on 2% of their annual salary. Commissioner Grantham seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 8:25 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Board Retreat – November 30, 2004**

The Fairmont Board of Commissioners held a board retreat on Tuesday, November 30, 2004 at 6:00 p.m. in the conference room at Gaston Sealey Warehouse with Mayor Nedward Gaddy presiding. Commissioners present included Mary Bruce Grantham, J.J. McCree, Charles Townsend, Charles Kemp, Antonio Currie and Wade Sealey. Staff members present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Police Chief Sam Hunt, Public Works Director Ronnie Seals and Finance Director Linda Vause. Robesonian reporter Scott Witten was also present.

Mayor Gaddy called the meeting to order at 6:05 p.m. and Commissioner Charles Townsend gave the invocation. Mayor Gaddy announced the purpose of this meeting is to discuss the proposed Community Activities Committee, changes in the animal and game room ordinances, as well as any commissioner concerns and staff issues that may come up. This is an information gathering meeting only and no action will be taken.

### Community Building/Community Activities Committee

Ms. Tatum explained to the board that the town lost points on the PARTF grant for the Community Building because there was not enough community involvement such as letters of support from churches and civic organizations. The town is getting ready to reapply for the \$250,000 PARTF grant but we are going to lose more points because we no longer have a recreation director. The town also lost points on the grant because we did not list enough indoor recreational activities. USDA Rural Development is giving the town until June 30, 2005 to obtain additional funding for the Community Building or we will lose the \$125,000 grant and \$300,000 loan. The town will have to budget for a recreation director and department in order to gain points on the PARTF grant. The town also has to have a list of planned indoor recreational activities. Commissioner Grantham was concerned that the town will not be able to meet the upkeep expenses of the Community Building once it is built.

Ms. Tatum felt the proposed Community Activities Committee would be a good resource for planning activities for the Community Building. A suggestion was made to add a representative from Community Watch to the committee. The board will make a decision on the committee during the December board meeting.

### RBEG Loan

Ms. Tatum informed the board that USDA Rural Development has given the town permission to use the RBEG loan money originally awarded to Fatbacks for another business in another location.

Leash Law

Ms. Tatum explained to the board that the town needs to add a leash law section to the animal ordinance. The town previously had a leash law but it was inadvertently omitted when the animal ordinance was recently revised. The purpose of the leash law is to protect the citizens. The commissioners were concerned that a leash law would mean dogs would have to be on a leash at all times. Ms. Tatum explained that a dog could be in its own yard with no leash but not in a neighboring yard. Several neighbors would have to call and complain about a dog not being on his leash before the town would take action.

Request from John Jackson to be on next board agenda

Former Town Commissioner John Jackson sent a letter to the Mayor asking to be on the agenda for the next board meeting. Mr. Jackson wants to discuss “slander, communicating threats, intimidation, blackmail, micro-management, and CDBG Program with Commissioner Charles Kemp and others.” Town Attorney Robert Price said the items Mr. Jackson wants to discuss are not appropriate for a board meeting and the board does not have to honor his request to be on the agenda.

With no further business, Commissioner Sealey, seconded by Commissioner Townsend, made a motion to adjourn the meeting at 7:40 p.m.

Jennifer H. Larson, Town Clerk

## **Regular Meeting – December 21, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, December 21, 2004 at 6:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Acting Police Chief Alex Monroe. Others present included Sam Hunt, Scott Witten, Mickey Williamson, Patricia Sealey, John Jackson, Huel Faulk, Terry Evans, Alex Collins and several other concerned citizens.

Mayor Gaddy called the meeting to order. Commissioner Charles Townsend gave the invocation.

### Approval of Agenda

Interim Town Manager Katrina Tatum asked the board to add industry to closed session. Commissioner Kemp asked to add a budget concern and Commissioner McCree asked to add discussion on water bills and drainage. Commissioner Kemp made a motion to approve the agenda for tonight's meeting with requested additions. Commissioner McCree seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Grantham made a motion to approve the minutes for the regular meeting on November 16, 2004, and the board retreat on November 30, 2004. Commissioner Sealey seconded the motion and it passed unanimously.

### Administrative Matters

#### Community Activities Committee – Charles Kemp

Commissioner Kemp would like to establish the Community Activities Committee as discussed at the last retreat. A ten member committee was discussed with the make-up as follows: one recommendation from each Commissioner and the Mayor, one Chamber of Commerce member, one Community Watch member and the Recreation Director (if the position is reinstated). Commissioner Kemp is willing to chair the committee until they choose their own chairman. Commissioner Grantham emphasized that this committee can take no action on its own and only makes recommendations to the Board of Commissioners. Commissioner Sealey made a motion to approve the make-up of the Community Activities Committee. Commissioner Grantham seconded the motion and it passed unanimously. Commissioner Kemp asked the board members to have their committee names by the January board meeting.

Animal Ordinance Amendment - Leash Law

Ms. Tatum reminded the board that the leash law amendment to the animal ordinance was tabled last month to give the board a chance to discuss issues related to the proposed changes. Commissioner Grantham made a motion to amend the animal ordinance to include “Section 3-30 - Leash Requirement.” Commissioner Sealey seconded the motion and it passed with a vote of four to two with the vote as follows:

For: Grantham, Sealey, Kemp, Currie

Against: McCree, Townsend

A copy of the ordinance amendment is hereby incorporated by reference and made a part of these minutes.

Recreation Department/PARTF Grant for the Community Building

Ms. Tatum informed the board that a decision must be made concerning the January PARTF grant submission for the Community Building. There is a possibility that the town could receive \$450,000 in grant money. This money would enable the town to build the building without any additional funds from the community. In order to apply for the grant, the town must have a full time Recreation Director. Ms. Tatum asked the board to make a decision concerning the grant submission as well as authorizing a budget change to rehire the Recreation Director.

Commissioner Grantham realizes the town needs a Recreation Director but is concerned about meeting expenses once the Community Building is built. Commissioner McCree wanted to know how much we would have to budget for the Community Building and the Recreation Department. Ms. Tatum said the annual payments on the Community Building loan would be approximately \$28,000 a year, the Recreation Director salary \$13,000 and the Recreation Department budget \$10,000. Commissioner McCree stated if the town has saved \$50,000 in budget cuts we need to look at reducing the water bills. Ms. Tatum replied that recreation comes out of the general fund not the water fund and that the two funds cannot be mixed. The majority of the funds to pay for the Community Building and Recreation Department will come from the money currently allocated for the Shell Building loan. The Shell Building will be paid off in July 2005. The increased property valuations from the count reevaluation should also increase the general fund revenue.

Commissioner McCree asked about the Town Manager position. He was concerned about what would happen if something happened to Ms. Tatum since she does the work of two positions. Commissioner McCree could not understand how the town can budget for a Recreation Director and department when there is no money to budget for a Town Manager. Ms. Tatum explained that all the board has to do is budget for a Recreation Director in order to apply for the grant. If the town does not get the grant then the

position does not have to be filled. Mayor Gaddy had reservations about signing paperwork with the position vacant.

Ms. Tatum suggested holding a special meeting to discuss the grant further. No action was taken on this issue.

#### Capital Improvement Plan - Wastewater

Ms. Tatum reminded the board that the town is not in compliance with the North Carolina Division of Water Quality's mandate that we have a Capital Improvement Plan. Ms. Tatum has asked Hobbs, Upchurch and Associates to compose a detailed plan. In the interim, town staff has drawn up a plan to comply with the mandate. Ms. Tatum asked the board to adopt this plan until a more detailed plan can be developed. Commissioner Grantham was very impressed with the plan that Ms. Tatum and the town staff devised. Commissioner Grantham made a motion to adopt the interim Capital Improvement Plan for the Town of Fairmont. Commissioner Currie seconded the motion and it passed unanimously. A copy of the plan is hereby incorporated by reference and made a part of these minutes.

#### Commissioner Kemp – Statement on County Property Reevaluation

Commissioner Kemp was shocked when he received the Robeson County property reevaluation statement for his property. After hearing comments from other county residents, he realizes there are a lot of people who feel their reevaluations are too high. He encouraged everyone who feels their reevaluation is too high to appeal, which is what he has done. On the town level, Commissioner Kemp asked Ms. Tatum and Finance Director Linda Vause to look at revenue sources for the Fiscal Year 2005-2006 which can provide adequate services for the operation of our town but also keep in mind setting a tax rate which our citizens can accept and pay.

#### Water Bill adjustments

Commissioner McCree was concerned about the high water bills customers received in November. The water meters were ready early in October because of the Farmers Festival and they were read late in November due to technical problems. Customers were billed in November for 42 days of usage compared to the normal 28 to 30 days. Commissioner McCree would like for the minimum water users to be given a credit due to the extra long billing cycle. Ms. Tatum said staff was working on figuring an average amount to credit the minimum water users. Mrs. Vause said the credit would be given on the January water bills.

Drainage – Pine and Holly Streets

Commissioner McCree asked about the drainage work to be done on Pine and Holly Streets. Ms. Tatum replied that estimates for the work have already been received. Public Works Director Ronnie Seals said the work should begin after Christmas.

**Announcements**

Town offices will close at noon on Wednesday, December 22 and will be closed December 23, 24, and 27 in observance of Christmas. Town offices will also be closed on Friday, December 31 in observance of New Year's Day and Monday, January 17 in observance of Martin Luther King, Jr. Day.

The Fairmont Chamber of Commerce will meet on Monday, January 10 at 6:30 p.m. in the Fire Hall.

Curves for women is coming to Angie's Touch of Class on Main Street beginning January 17. Grand opening plans to be announced.

Town employees will have a Christmas pizza party on December 22 at noon.

Ms. Tatum announced that former Finance Director Helen Lockley passed away on Monday, December 20. She was an employee with the town for 27 years. A memorial service will be held on Thursday, December 23 at 4:00 p.m. at the chapel of Floyd Funeral Home. A moment of silence was held in memory of her.

**Citizen Appearance**

John Jackson

John Jackson said he cannot accept five minutes to speak when he was called a "fool" in the paper.

Terry Evans – Community Building

Terry Evans said he gave \$100 toward the Community Building project and if the town does not build the building he would like his money back.

**Closed Session – Personnel and Industry**

Commissioner Sealey made a motion to go into closed session at 6:55 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel and industry as permitted under

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General Statute 143-318.11(a)(4,6). Commissioner Townsend seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information, industry and personnel, Commissioner Sealey made a motion to come out of closed session at 7:51 p.m. Commissioner Currie seconded the motion and it passed unanimously.

Police Chief Sam Hunt resignation, appointment of Alex Monroe as Acting Police Chief  
Hiring freeze on Police Department lifted

Ms. Tatum announced that Sam Hunt has resigned as Police Chief. She has appointed Sergeant Alex Monroe as Acting Police Chief. Commissioner Grantham made a motion to lift the hiring freeze on the Police Department so Ms. Tatum can revamp the department. Commissioner Sealey seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 7:52 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Special Meeting – January 18, 2004**

The Fairmont Board of Commissioners held a special meeting on Tuesday, January 18, 2005 at 5:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Acting Police Chief Alex Monroe. There were about 50 citizens present.

Mayor Gaddy called the meeting to order and announced that the purpose of the meeting was to discuss applying for a North Carolina PARTF grant for the Community Building. Reverend Charles McDowell gave the invocation.

Interim Town Manager Katrina Tatum informed the board that a decision must be made concerning the January PARTF grant submission for the Community Building. There is a possibility that the town could receive \$450,000 in grant money, which would enable the town to build the building without any additional funds from the community. In order to apply for the grant, the town must have a full time Recreation Director who would not be hired until the building is constructed. She reminded the board that the town was not obligated to keep the grant if approved.

Commissioner McCree had several concerns including the current problems in the police department, no employee raises in four years, no money in the budget for a permanent town manager and the utility bills were raised to cover the debt of the sewer plant. He did not see how the town could afford to take on additional debt at this time.

Mr. Bobby McMillan spoke on behalf of the citizens present. He said the citizens were tired of being oppressed by the high water bills and \$15 late fees. He asked the board to show some compassion for all the citizens who are unemployed and asked them to consider eliminating or reducing the \$15 late fee. He added that the community building is not a necessity and we do not need it until we have a wholesome community.

Mr. John Jackson agreed with Mr. McMillan and wanted to know why the town couldn't use the money that is now going toward the Shell Building and use it to give the water customers a rebate. Ms. Tatum replied that she is looking into the legality of doing utility rebates but emphasized that the general fund and water fund cannot be mixed.

Commissioner Grantham sympathized with the citizens' concern over the high utility bills but emphasized that the current utility rates are necessary in order to apply for state grants to replace the old sewer lines that are in danger of collapsing.

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Reverend McDowell suggested lowering the late fee from \$15 to \$5. Ms. Tatum replied that the town used to have 100-175 people on the cut-off list every month. Since the \$15 late fee has been implemented, the cut-off list now averages 25 people since most of the citizens are paying their bill on time.

Mayor Gaddy brought the focus of the meeting back to the Community Building and applying for the PARTF grant. Commissioner Kemp made a motion to apply for the PARTF grant for the Community Building. Commissioner Sealey seconded the motion. The vote went as follows:

For:	Kemp, Sealey, Grantham
Against:	Currie, McCree, Townsend

Since it was a tie vote, Mayor Gaddy had to break the tie. He voted against applying for the PARTF grant so the motion failed, 4-3.

There being no further business, the meeting adjourned at 5:58 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Regular Meeting – January 18, 2004**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, January 18, 2005 at 6:00 p.m. in the Fairmont Fire Hall with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Acting Police Chief Alex Monroe. There were about 200 citizens present.

Mayor Gaddy called the meeting to order. Commissioner Wade Sealey gave the invocation.

### Approval of Agenda

Commissioner Grantham made a motion to approve the agenda for tonight's meeting. Commissioner Currie seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Sealey made a motion to approve the minutes for the regular meeting on December 21, 2004. Commissioner Currie seconded the motion and it passed unanimously.

### Special Presentation – Charles Kemp

Commissioner Charles Kemp presented certificates of appreciation to the fire department personnel who participated in "Santa Visits the Kids" on Christmas Eve. He presented certificates to Fire Chief James Thompson, Leon Jacobs, Junie Gibson, Tommy Hall, Vernell Freeman, Rita Davis, Brice Altman and Daniel Arnette.

### Administrative Matters

#### 2003-2004 Audit presented by John Masters of S. Preston Douglas & Associates

Mr. John Masters of S. Preston Douglas & Associates presented the audit for the fiscal year ended June 30, 2004. Mr. Masters explained to the board that this is the first year Fairmont has had to follow the new GASB 34 accounting standards. The town has remained steady in its collection of property taxes and the water and sewer revenues have increased. The payroll expenses have decreased due to employee layoffs and costs being contained. The General Fund fund balance is still continuing to erode but the undesignated portion of the fund balance is improving but still not at the 8% that the Local Government Commission likes it to be. Mr. Masters feels the town is in better shape than they were the previous year and commended the town staff for doing a good job at increasing revenue and containing expenses.

2003-2004 Audit continued

Commissioner Grantham made a motion to accept the 2003-2004 as presented. Commissioner Sealey seconded the motion and it passed unanimously.

Community Activities Committee

Ms. Tatum asked the board to render their recommendations for the Community Activities Committee. Commissioner Kemp named John Morgan. Commissioner Grantham named Angie Lovin. Commissioner Sealey named Steve Floyd. Mayor Gaddy and Commissioners McCree, Townsend and Currie did not have their names at this time.

Fire Hall Rent Increase

The town currently charges \$50 for the rental and \$50 deposit for the use of the Fire Hall. Many times expenses exceed this amount due to damage. Ms Tatum requested that the fire hall rent be increased to \$100 and that a security deposit increase of \$200 be approved. After discussion, Commissioner Townsend made a motion to increase the Fire Hall security deposit to \$200 and the rental to \$100. Commissioner Currie seconded the motion and it passed unanimously.

Resolution/Interlocal Agreement Flood Management

The Robeson County Building Inspections Office has served as the town's Flood Management Agent for many years. Recently, the National Flood Insurance Program (NFIP) issued new requirements for Flood Prevention Ordinances which ultimately required changes in the language used in the interlocal agreements that were in effect. Since the new language was added the NFIP required that the agreement renewals be brought before the board. The new language primarily requires that the town request a flood zone determination prior to the issuance of any building permits. The effect will probably cause some delay in the issuance of zoning permits. Commissioner Grantham made a motion to adopt the Resolution accepting the Flood Management Interlocal Agreement between Robeson County and the Town of Fairmont. Commissioner McCree seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

Sewer Contract for Boardman, Fair Bluff and Cerro Gordo

Cerro Gordo, Boardman and Fair Bluff have asked the town to change its typical water/sewer contract to add the following:

- A provision to allow them first choice in the purchase of capacity over and beyond their contracted capacity.
- A provision to allow them to break the 40 year contract in the event that they construct their own plant or are able to tie on to another plant. Ms. Tatum is requesting that this provision not go into effect for 10 years.
- A provision that restricts increase without first increasing the town residents. This provision is basically requested to prevent any new manager from unfairly increasing their rates to balance deficits.

Commissioner Grantham made a motion to accept the requested changes in the sewer contracts for Boardman, Fair Bluff and Cerro Gordo. Commissioner Townsend seconded the motion. Commissioner Sealey asked if the provision to allow them to break their contract be extended from 10 years to 15 years. Ms. Tatum replied that the board could make that change. Commissioners Grantham and Townsend withdrew their original motion. Commissioner Sealey made a new motion to approve the requested changes in the sewer contract for Boardman, Fair Bluff and Cerro Gordo with the exception that they not be allowed to break their contract with the town for 15 years. Commissioner Kemp seconded the motion and it passed unanimously.

#### Proposed Agenda workshop

Mayor Gaddy asked the Board to consider having agenda workshops. He feels these workshops are needed to avoid lengthy board meetings because it will allow the board to ask pertinent questions concerning the agenda items prior to voting on them. No action was taken but the staff was asked to come up with proposed dates and times for holding the agenda workshops.

#### Golf Course Road Annexation

Ms. Tatum announced that the N.C. Court of Appeals ruled in the town's favor on the Golf Course Road Annexation lawsuit. She said the annexation would become effective on January 31, 2005. Town staff is working on getting correct addresses for the property owners so trash cans can be given to them and Progress Energy has been contacted about providing street lighting.

#### Announcements

The Towns of Proctorville and Orrum will host the next RCMA meeting with the date and time to be announced.

Ms. Tatum announced that Rev. Charles McDowell's ministry is featured in the current edition of Jet magazine.

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Commissioner Grantham announced that Fairmont native Sam McMillan will have his folk artwork displayed in the Folk Art division of the Smithsonian museum in Washington, D.C.

Ms. Tatum announced that the application closing date for the Police Chief position is February 4 and the closing date for the Public Works maintenance position is February 15.

### **Citizen Appearance**

#### **Terry Evans – Community Building**

Mr. Terry Evans asked if the town was going to build the Community Building. Mayor Gaddy replied that the building was not going to be built at this time. Mr. Evans asked for his contribution back.

### **Closed Session – Personnel**

Commissioner Grantham made a motion to go into closed session at 7:00 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel as permitted under General Statute 143-318.11(a)(6). Commissioner Sealey seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, Key McKee, Pocahontas Thompson and Jenny Larson were in attendance during closed session.

After the discussion of privileged information and personnel, Commissioner Sealey made a motion to come out of closed session at 8:06 p.m. Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy announced that a special meeting will be held on Tuesday, February 8, 2005 at 6:00 p.m. in the Fairmont Fire Hall to hear from the Concerned Citizens of Fairmont.

There being no further business, the meeting adjourned at 8:15 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Regular Meeting – February 15, 2005**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, February 15, 2005 at 6:00 p.m. in the Fairmont Fire Hall with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Acting Police Chief Alex Monroe. There were about 150 citizens present including Key McKee, Peggy Spencer and Bobby McMillan.

Mayor Gaddy called the meeting to order. Reverend Wendell Thompson gave the invocation.

### Approval of Agenda

Commissioner McCree made a motion to approve the agenda for tonight's meeting with the additions of decrease in water/sewer rates, employee raises and closed session – industry. Commissioner Currie seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Grantham made a motion to approve the minutes for the special and regular meetings on January 18, 2005. Commissioner Sealey seconded the motion and it passed unanimously.

Mayor Gaddy read a letter to the citizens. This letter is hereby incorporated by reference and made a part of these minutes.

### Administrative Matters

#### Resolution Designating Official in connection with Mosquito Control

The North Carolina Department of Environment and Natural Resources, Division of Environmental Health provides assistance to local jurisdictions for Mosquito Control under the State Aid for Mosquito Control grant. The amount of funds received is dictated by the town's application and justification for assistance. The last grant was in the amount of \$6,000. Since the town's expenses in this area generally run in excess of \$14,000, the grant greatly decreases out of pocket expenses. All applications must be accompanied by a resolution which designates a town official to sign off on all paperwork. The designating official is typically the Town Manager or the Mayor. Ms. Tatum asked the board to appoint her as the designating official with the Mosquito Control Grant. Commissioner Grantham made a motion to adopt the resolution naming Interim Town Manager Katrina Tatum as the designating official with the Mosquito Control Grant. Commissioner Currie seconded the motion and it passed unanimously. This resolution is hereby adopted by reference and made a part of these minutes.

Community Activities Committee – list of names

Commissioner Currie nominated Rev. Wendell Thompson and Commissioner Townsend nominated Robert Walters to the Community Activities Committee. Commissioner Grantham made a motion to approve the additional names for the Community Activities Committee. Commissioner Sealey seconded the motion and it passed unanimously.

Privilege License Fee – Video Poker Machines

Mr. Teddy Norton, owner of video equipment has asked that the town allow a prorated payment of the Video Machine Privilege License fee. He would like for video poker machine owners to be allowed to pay a monthly prorated fee, rather than a total payment fee. As it stands, the board has approved a fee of \$5,000 per year, payable at the time of application. This request would cover Video Poker Machines only, with a justification that the amount of the fee is much larger than the typical fee. Commissioner Grantham asked if prorating the Video Poker Machine privilege license would cause extra work on the employees and Ms. Tatum replied that it would. Commissioner Townsend made a motion that all privilege license fees be paid in full at the time of application and when due annually. Commissioner Kemp seconded the motion and it passed unanimously.

Extension of Option to Purchase – Premium Wear Building

This matter was moved until after closed session at Ms. Tatum's request.

Fairmont Civitan Club – request for Recreation Director

The Fairmont Civitan Club wrote a letter to the board asking them to consider funding the Recreation Director's position to help with the administrative duties of the Dixie Youth baseball program as well as other recreation programs. Commissioner Grantham agreed that the town needs a recreation director to coordinate activities. She suggested funding the position from now until July 1 and then the board can look at the budget to see if it can be reinstated for a whole year. Commissioner Grantham made a motion to honor the Fairmont Civitan Club's request to fund the Recreation Director's position during ball season. Commissioner Sealey seconded the motion. Commissioner Townsend suggested the board decide on a salary figure before hiring someone to fill the position. Commissioner McCree recommended discussing the position during closed session so the decision was tabled.

Water/Sewer Rates – Commissioner Charles Kemp

Mr. Kemp made a proposal to lower the water and sewer rates. He suggested lowering the water base rate to \$18.45 and the sewer base rate to \$21.44 reducing the minimum utility bill by \$4.06. Commissioner Kemp's plan was to drop the rates enough to give our citizens a break but still be fiscally responsible.

Utility Bill Decrease – Commissioner Antonio Currie

Commissioner Currie proposed lowering the water and sewer base rates by \$1.75 each and the sanitation fee by \$2.00 for a total bill reduction of \$5.50 making the new minimum bill \$54.98. He also proposed lowering the late fee from \$15 to \$10. The reductions would represent a \$45,000 reduction in revenues in the water and sewer fund and a \$26,568 reduction in general fund revenues over the course of a fiscal year. Commissioner Currie proposed that the changes go into effect immediately. Mayor Gaddy reminded the board that the staff had asked for the rate increase to stay the same for two years to allow the town time to recover financially. Ms. Tatum added that at least an entire year of the increase would be helpful in determining the town's financial situation.

Commissioner Currie made a motion to reduce the water and sewer base rates by \$1.75 each and the sanitation fee by \$2.00 for a total bill reduction of \$5.50 and reducing the late fee from \$15 to \$10 to be effective with the next billing cycle in March. Commissioner McCree seconded the motion and it passed unanimously.

Public Safety and Water, Sewer, Sanitation concerns presented by Ms. Peggy Spencer

Ms. Peggy Spencer of 600 Gertrude Street, had some concerns about public safety as well as water, sewer and sanitation. Ms. Spencer was concerned that the town does not have enough police officers to adequately protect the citizens. She also suggested that the officers bring in more revenue by writing citations and enforcing the law.

Ms. Spencer was also concerned about the cooperation between the town and the rural fire departments. She was concerned about the town renting the fire hall and using it as a community center instead of letting the fire departments use it for their training and recertification classes. She doesn't think the rental revenue is worth risking citizen safety. Ms. Spencer asked if the town fire department has up to date equipment. Ms. Tatum replied that the no new equipment has been purchased in ten years but the town is trying hard to bring the department up to standard.

Ms. Spencer thanked the board for reducing the utility bill but added that it needs to be lowered more. She feels there is something wrong when senior citizens have to pay more for their water than for food. Ms. Spencer thanked the board for letting her speak.

Employee Pay Raises – Commissioner J.J. McCree

Commissioner McCree was concerned about the town employees because they have not had a raise in four years and the 401K for general employees was cut from 5% to 1%. Commissioner McCree made a motion to give a 5% across the board raise for all employees and returning the general employees 401K back to 5%, with the effective date of July 1, 2005 unless either the Shell Building or the Premium Wear building is sold first. Commissioner Kemp seconded the motion and it passed unanimously.

**Citizen Appearance**

Bobby McMillan

Mr. Bobby McMillan thanked the board for responding to the concerns of citizens by reducing the water bills. He also praised Interim Town Manager Katrina Tatum for being a good manager and for helping the town recover during its financial crisis.

Jerry Ammons

Mr. Jerry Ammons of the Fairmont Civitan Club, asked the board to consider funding the recreation director's position. The Civitans put on the Dixie Youth Baseball program each year at a cost of \$25,000 to \$35,000 a year. The Civitans volunteer their time at the games but they need someone to help with all the paperwork related to the ball program.

Key McKee

Mr. Key McKee has looked at the town's records and financial statements for the past couple of years and has realized that rumors have made things appear to be getting worse when in reality, Ms. Tatum has done a wonderful job during a critical financial time in the town's history. Mr. McKee requested that the board start the process of hiring a permanent town manager as early as June 1 or before. Mr. McKee feels there needs to be unity in Fairmont and hiring a permanent manager with outside ideas could not hurt.

John Jackson

Mr. John Jackson was troubled by the fact the board took time to listen to Ms. Spencer's concerns but would not put him on the agenda when he requested to be heard but instead discussed his request at a board retreat. He is also disappointed in the Robesonian newspaper for not giving him equal time when they published Commissioner Kemp saying he would "take the gloves off" if attacked by Mr. Jackson. Commissioner Kemp responded that he is not going to sit and be attacked by any citizens on things that are not the truth.

**Announcements**

The February RCMA meeting will be hosted by St. Pauls on Thursday, February 24, 2005 at 7:00 p.m. at the R.E. Hooks Community Building.

Communities in Schools will have Fairmont native, Sam McMillan, as the guest speaker for their fundraiser on Tuesday, March 8, 2005. The fundraiser will be at 7:00 p.m. at the home of Dr. and Mrs. Richard Pellegrini.

Ms. Tatum announced that the town has been awarded a \$40,000 CIP grant to help develop a Capital Improvements Plan and do a feasibility study to help improve our water and sewer lines.

Mayor Gaddy stated that it has been rumored that he is dating Ms. Tatum. He informed the citizens that he is not and has never dated Ms. Tatum and that if anyone knows somebody he might be interested in to let him know.

**Closed Session – Personnel and Industry**

Commissioner Sealey made a motion to go into closed session at 7:30 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss industry and personnel as permitted under General Statute 143-318.11(a)(4,6). Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information and personnel, Commissioner Sealey made a motion to come out of closed session at 9:00 p.m. Commissioner Grantham seconded the motion and it passed unanimously.

**Extension of Option to Purchase – Premium Wear Building**

Ms. Tatum announced that the board has decided to table the extension of the option to purchase the Premium Wear Building for a few days to give the board time for further discussion.

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Fairmont Civitan Club – request for Recreation Director

Commissioner Grantham made a motion to budget \$4,000 for the Recreation Director position to satisfy the recreation needs from now until the end of the fiscal year, June 30, 2005. Commissioner Sealey seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 9:05 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Special Board Meeting – February 22, 2005**

The Fairmont Board of Commissioners held a special board meeting on Tuesday, February 22, 2005 at 6:00 p.m. in the Council Chambers for the purpose of going into closed session to discuss industry and personnel. Mayor Nedward Gaddy was present along with Commissioners Mary Bruce Grantham, Charles Townsend and Wade Sealey. Commissioner Currie arrived at 6:08 p.m. and Commissioner J.J. McCree arrived at 6:15 p.m. Staff present included Interim Town Manager Katrina Tatum, Town Clerk Jenny Larson, Finance Director Linda Vause, Public Works Director Ronnie Seals and Interim Police Chief Alex Monroe. Town Attorney Robert Price arrived at 6:10 p.m. Robesonian reporter Scott Witten was also in attendance.

Mayor Gaddy called the meeting to order and Commissioner Charles Townsend gave the invocation.

Commissioner Grantham made a motion to go into closed session at 6:03 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss industry and personnel as permitted under General Statute 143-318.11(a)(4,6). Commissioner Sealey seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information, industry and personnel, Commissioner Sealey made a motion to come out of closed session at 7:00 p.m. Commissioner Kemp seconded the motion and it passed unanimously.

Mayor Gaddy announced that industry and personnel were discussed but that no action was taken.

With no further business, Commissioner Grantham made a motion to adjourn the meeting at 7:01 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Regular Meeting – March 15, 2005**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, March 15, 2005 at 6:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, Interim Police Chief Alex Monroe, Fire Chief James Thompson, Recreation Director Mickey Williamson, Roy Grant, Terri Gail Hunt and Ronnie Johnson. There were about 50 citizens present including Jimmy Byrne, Daphne Byrne, Anne Marks, Bill Marks, Lynn Taylor, John Jackson, Peggy Spencer, Butch Lennon, Shirley Price, Terry Evans, Reverend and Mrs. Leonard Bergman, William McFarland, Roxanna Schaeffer, Patricia Sealey, Gaines Grantham, Martin Collins, Alex Collins, Ron McLaughlin and Bobby McMillan.

Mayor Gaddy called the meeting to order. Reverend Leonard Bergman gave the invocation.

### Approval of Agenda

Commissioner Grantham made a motion to approve the agenda for tonight's meeting with the additions of Rotary Club anniversary clock, general discussion of characteristics of hiring a town manager and a response by Ms. Tatum to a letter written by Mr. Jimmy Byrne. Commissioner Sealey seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Grantham made a motion to approve the minutes for the regular meetings on February 15, 2005 and the special meeting on February 22, 2005. Commissioner Sealey seconded the motion and it passed unanimously.

Mayor Gaddy apologized for appearing to be negative in past meetings. With the attorney and clerk's help, Mayor Gaddy plans to follow procedure to the point from now on.

### Administrative Matters

#### Introduction of new employees – Roy Grant, Terri Hunt and Ronnie Johnson

Interim Town Manager Katrina Tatum introduced three new employees: Police Officer Roy Grant, Dispatcher Terri Gail Hunt and Equipment Operator II Ronnie Johnson.

Fairmont Rotary Club - Clock Dedication

Mr. Gaines Grantham announced that the Fairmont Rotary Club is celebrating two very important anniversary dates, its 75<sup>th</sup> Anniversary and the Rotary International Centennial. To this end, in more than 31,000 communities worldwide, Rotary Clubs are organizing Centennial Community Projects that celebrate Rotary while fulfilling an important need in their area.

The Fairmont Rotary Club has decided to donate a two faced pedestal clock at a cost of \$6,500. The Rotary Club is asking that the town assist in the selection of a location and agree to absorb the cost of installing and constructing a base for the clock. Ms. Tatum does not expect the cost of installation to exceed \$1,000. The three possible locations for the clock are the depot, the park and town hall. Ms. Tatum reported that the park and depot have electrical problems and the best location for the clock would be in front of town hall. Commissioner Grantham made a motion to accept the clock from the Rotary Club and for the town to construct a base and install the clock in front of town hall. Commissioner Sealey seconded the motion and it passed unanimously.

USDA Presentation – Ron McLaughlin

Mr. Ron McLaughlin presented a brief overview of some of the housing programs offered by USDA. The 502 Housing Program provides a 6% loan with 30 years financing for residents with good credit. With the Guaranteed Housing Program, the loan money comes from a bank but USDA guarantees to pay 90% of the money back to the bank if a resident defaults on the loan. In the 504 program, a resident can borrow up to \$20,000 at 1% interest over 20 years to repair their home. In this program, both the resident and home must qualify to receive the money. There is also a grant for \$7,500 that doesn't have to be paid back as long as the resident lives in the house for three years after it is repaired. If they move or die before the three years is up, the money must be paid back.

Spring 2005 “Litter Sweep” Roadside Cleanup

In keeping with traditional cleanup services provided to residents twice per year, Ms. Tatum asked the board to designate April 18-29 as the Fairmont Spring Cleanup period. During this period residents may place any item except roof shingles on the perimeter of their property for pickup without charge. She encouraged all residents to take this opportunity to cleanup around their properties. During all other times of the year except the spring and fall cleanup weeks there is a charge for pickup of non-household garbage. Commissioner Grantham made a motion to designate April 18 – 29 as Spring Cleanup weeks. Commissioner McCree seconded the motion and it passed unanimously.

Request to Rent Land – Ray Allen Bartley

Ms. Tatum informed the board that Mr. Ray Allen Bartley has requested to rent the land adjacent to 409 South Main, the building formerly rented by South Robeson Rescue. Mr. Bartley would like to place a storage unit to store rental equipment, carpet and office supplies. The town allowed South Robeson Rescue to store their boat and other equipment in the space free of charge. However, Mr. Bartley's business is a for-profit concern and as such should be charged a fee. Ms. Tatum recommended a rental fee of \$200. If approved, the length of the storage container will be held to the envelope of the adjacent building. Commissioner Townsend made a motion to rent the land adjacent to 409 South Main to Mr. Ray Allen Bartley for \$200 a month. Commissioner Sealey seconded the motion and it passed unanimously.

Property offered to Town – Underwood property, Stephens Street

During the summer, when the town sent notices to individuals who had failed to maintain their lots, Mr. and Mrs. Underwood approached Ms. Tatum with an offer to donate the property located on Stephens Street to the town. The Underwood property is a small undeveloped/wooded residential lot located next to the property owned by the late Shirley Eaton. Ms. Tatum and Public Works Director Ronnie Seals have looked at this lot and see no value in the town accepting it. There would be a loss of taxes in the amount of \$69 per year.

While anyone can formally request that the town accept real property as a donation, it is not recommended that it be accepted simply to relieve the owner of a tax burden or maintenance responsibility. The property recently accepted by the town was recommended for acceptance because the properties were beneficial to the town and the town had a specific use for the property.

Commissioner Grantham made a motion to refuse accepting the Underwood property on Stephens Street. Commissioner Currie seconded the motion and the motion passed with the following votes:

For:	Commissioners Grantham, Currie, Townsend, McCree, Sealey
Against:	Commissioner Kemp

Town Manager advertisement and hiring timetable – Commissioner Kemp

Commissioner Kemp presented a packet to the board regarding the advertising and hiring timetable for the Town Manger position. Commissioner Kemp read the following comments on hiring a town manager:

“One year ago this board advertised for a town manager for 26 days (March 7 & 10 in Robesonian) and once each in the N.C. League newsletter and Southern City magazine. This search resulted in 13 applicants, 9 of which requested interviews with 3 actually being interviewed in early June. After this process we, as a board, chose not to fund a manager’s position in the interest of the financial situation we found ourselves in last June.

That was then-this is now!!!! We need to move forward on the hiring of a manager. Last month I proposed an amended manager ad and a timetable, which would allow for complete fairness in the hiring process but my proposal was tabled until more study was done on what qualifications other communities in our population range were doing.

In our own town’s case we currently have written qualifications for the manager’s position and have had since the board unanimously approved a pay and position classification plan prepared and presented by Bob Crowder of the N.C. League of Municipalities in June of 2001. You will find the qualifications on page one of the packet I gave you. In speaking with Mr. Crowder recently by phone, he stated that although the former manager, Mr. Ben Hill, did not meet these qualifications it was proper for him to serve in this capacity in view of the fact he was hired prior to the adoption of these qualifications but subsequent holders of this position would have to meet these qualifications if the policy was to be followed. You will see policy guidelines explaining this on page two of the packet I gave you.

I have done my own research relating to other communities’ manager guidelines which you will find on pages three and four of the packet and have taken care to mark the community, its population, and the qualifications required in each. All 13 speak for themselves.

On the final page of the packet I have placed the same identical sheet I offered you all last month. On the upper left is the exact ad as it was run in the above stated spots last March. On the upper right is the proposed ad with 3 amendments: 1) a closer distance to I-95, 2) a reference of our new sewer plant, and 3) the exactly worded qualifications as they appear in our current policy manual. Below that is the proposed hiring timetable which will result in a methodical and well done search for candidates and ample time for this board to choose the most qualified person.”

Mr. Kemp’s revised ad for the Town Manager position:

Town Manager – Fairmont, pop. 2,600. Located 10 miles south of Lumberton in Robeson County, 5 miles from I-95, 70 minutes from Myrtle Beach. Council/Manager government. 30 FT employees (including 12 FT sworn police officers), VFD, \$49M tax levy, \$1.5M budget, new water/sewer plant. Mgr. directs & supervises all depts., offices & agencies of town through dept. heads: may also serve as codes & planning

director. Qualifications: 4 yr. BA/BS degree, min. of 3 yrs exp. as a manager. Preferably a degree in business or MPA. Experience in local government administration or considerable experience in financial administration desired. Salary & benefits package commensurate with qualifications and experience. Send cover letter, resume, 3 references, salary requests & salary history to: Robert E. Price, Town Attorney, P.O. Box 369, Rowland, NC 28383. Closing date 5/16/05 at 5 p.m. EOE

Mr. Kemp's timetable for hiring a new town manager is as follows:

3/16 – 5-16 Manager ad to appear in the Robesonian, Fayetteville Observer, News & Observer, Charlotte Observer, N.C. League Newsletter, ICMA Newsletter and Southern City Magazine Classifieds.

5/17/05 Regular Town Board meeting. Determine number of total applicants and set meeting to narrow down list.

Early June Conduct interviews of final manager applicants.

6/30/05 Select Manager.

7/1/05 Town Manager begins work.

Commissioner Kemp made a motion that the town begin the hiring process according to the proposed timetable starting Wednesday March 16th with Town Attorney Robert Price placing the ads in the sources mentioned in the timetable and that the revised ad be the one used to attract potential manager applicants. Commissioner Sealey seconded the motion.

Commissioner Currie asked Commissioner Kemp why after 28 years on the board he felt it was necessary to look for a manager with certain qualifications since that had not been done in the past. Commissioner Kemp replied that when Commissioner McCree first came on board he had questions about personnel and their salaries. Commissioner Kemp said that it was because of these questions that the NCLM was hired to do the pay study and classification plan. The classification plan states what the job requirements are for each position and he wanted to make sure they were followed correctly. Commissioner McCree did not remember it happening that way and he had nothing to do with requesting the pay study. Commissioner McCree reminded Commissioner Kemp that the board censored him by requiring him to bring information requests to the board for approval. Commissioner McCree also wanted to hear Town Attorney Robert Price's advice before making a decision on advertising for the town manager position.

Before a vote was taken, Town Attorney Robert Price reported on his research into the town manager job classification. The first thing he pointed out is that the class code is a very well written document except unfortunately on the very point that the town needs some guidance. Under qualifications of the town manager and under every other position the format is education and experience and the requirements for both are stated. However, the last statement is “or any equivalent combination of training and experience that provides the required knowledge, skills and abilities.” The problem is that little phrase falls under the paragraph labeled experience. Clearly, the author did not mean training to be equivalent to experience and that paragraph only speaks to experience. Mr. Price feels there should have been a third paragraph to include that statement as a qualification of the first two paragraphs. Therefore, the education requirement is graduation from an accredited college or university with a bachelor’s degree, etc. The experience requirement is experience of an increasingly responsible nature in municipal administration, preferably experience in local government management and then the caveat to both of those is the qualification or exception of any equivalent combination of education, training and experience that provides the required knowledge skills and abilities. Mr. Price argued that the town has not violated this code in placing Linda Vause as its Finance Director because the code makes it clear that the education requirement is not an absolute. It is more in terms of a preference because that third statement tells you the equivalent is going to be accepted. Mr. Price did a lot of research on town manager ads running at the time of our last search and recent publications from the League. He found a mixed bag of what towns were requiring. For instance, Maiden and Raeford said a bachelor or master’s degree in public or business administration desired not required. The Town of Coats did require a bachelor’s degree. Lenoir asked for a master’s degree and a minimum of 5 years progressively responsible experience in local government management or equivalent combination. Riverbend preferred an individual with at least a bachelor degree in public administration or related field plus 2-3 years experience as a town manager or assistant manager. North Topsail Beach preferred should have public or business administration degree with 5 plus years in local government management and the only other one listed was Nags Head which required a bachelor’s degree. Mr. Price said it was not black and white that a manager has a certain number years of experience or that level of a degree. That equivalent combination has to be there. He did pick up that towns look very much for experience, more if not at least the same as training. The other thing to look at is the classification code is just a guideline according to its own terms. The document which implemented the code is itself a guideline as opposed to the code provisions. It is a personnel resolution and in that resolution there are some terms that are helpful to understanding what is really expected here. Under Section 9 – Appointments the phrase “if the town would continue any perceived historical discriminatory employment practices by automatically promoting or transferring the current employee without consideration of other applicants” suggests that the town might actually promote someone to a position without taking outside applications and the implication is that there is nothing wrong with that unless by doing so the town would continue any perceived historical discriminatory employment practices. The town’s acting document states that you do not have to advertise vacant

positions. However, Mr. Price said it would be really very close to improper not to advertise the position and that it needs to be advertised. The town needs the citizens to know that the board has looked for the best qualified person to have this job. Mr. Price did take issue with the idea that the revised ad require that a person have a degree because that is not what the personnel classification documents call for. He feels that “should have, desired or preferred” is better wording than “must have” to avoid legal trouble.

Commissioner Kemp thanked Mr. Price for his report and in the spirit of fairness is willing to change the wording to “preferably” to help move the process along. He asked Mr. Price about the hiring timetable. Mr. Price agreed that the hiring timetable Commissioner Kemp designed is very reasonable. Commissioner Kemp amended his motion to include just the proposed hiring timetable with Commissioner Sealey seconding the motion which passed unanimously. Mayor Gaddy asked Mr. Price to rewrite the town manager ad in his own words and to use his discretion as to what sources to place the ad in.

### **Announcements**

The March RCMA meeting will be hosted by Robeson County with the date and time to be announced.

### **Citizen Appearance**

#### **Bobby McMillan**

Mr. McMillan owns property in Fairmont but does not live in town. He is concerned that there are a lot of things dividing the town and there is not full cohesion on the board. Mr. McMillan commended Commissioner Grantham for speaking in fairness on behalf of the town. He also suggested that the board hire Ms. Tatum permanently as town manager because of her job performance. Mr. McMillan also suggested a boycott of the Robesonian for their misleading reporting.

#### **Terry Evans**

Mr. Terry Evans wanted to apologize to Ms. Tatum for blowing her \$15,000 raise out of proportion. He didn't realize she was doing the work of two people.

#### **Jimmy Byrne – letter to Mayor and Board of Commissioners**

The following is the letter Mr. Jimmy Byrne wrote to Mayor Gaddy and the Board of Commissioners:

“I am very concerned about the way things are progressing in the town of Fairmont. I have been giving it a great deal of thought and I have decided to share my thinking with the council in this letter. I only ask that you give the things I am presenting some careful consideration and then make up your own mind.

For the past three or four years our town has been in turmoil over the way our city is being managed. If you will think about it for a moment it is all centered around the city managers we have had in the past. For whatever reason we have placed people into a position in which they had no training, education or experience to handle the job. This has caused the council to make some decisions that were not in the best interest of the community and in some cases rather bad decisions.

Council members are volunteers who offer their time and energy to public service. They are not expected to have the expertise in public administration that a professional manager is expected to have. Their responsibility among other things is to take the advice and counsel of a skilled manager and act on it in a responsible manner. It is the responsibility of the manager to research and bring alternatives to the board for its consideration.

Regrettably, the current turmoil over the hiring of a city manager has been misrepresented by both the citizens and the council. After giving the matter a great deal of thought, I am of the opinion the controversy has wrongly centered itself around Mrs. Tatum rather than the position itself

The citizens concerns stem from the personality of Mrs. Tatum which can be quite abrasive. Some citizens have felt this so strongly they want her dismissed outright and have signed petitions saying just that. Others, who were confronted with water and sewer rates they could not afford, blame her for their distress and want her out.

In my conversations with council members I am given the impression by some that they feel she has done an outstanding job inasmuch as she got the town almost out of a financial crisis almost overnight. While this may be true the method was not the best alternative. Other members tout the long hours she is willing to give the job.

My purpose here is to neither agree nor disagree with the citizens or the council. I want you to reflect on some past decisions that have been made by past managers who were also not qualified.

First I want to say that Ben Hill was not qualified to be city manager and should have never held that position. While he was a nice person and well liked by the citizens, he did not have the credentials to hold the position. It is necessary at this point for me to explain why I defended his job a couple of years ago when the council was considering dismissing him. I was not defending his qualifications as a city manager, but rather his qualifications to operate a new sewer plant. You will recall some of the

council members were in favor of his dismissal based on their thought it was a time for a change. I agree it was time to change to a qualified manager, but there was no thought toward that end at I the time. I felt the huge investment we had in the new sewer plant needed him then more than ever. You will recall I had no further defense when the council fired him for other reasons which have yet to be substantiated. I feel sure the council acted in the best interest of the town in their decision.

I now want to call to your attention some of the decisions that have been made in the past that in my opinion were not in the best interest of the town and were made on the advice of the city manager at that time. I can make these assessments of their advice based on my education and experience. I hold a Masters Degree in Administration from the University of North Carolina at Chapel Hill and more than fifteen years as Senior Executive Vice President and Chief Administrative Officer for Southern National Bank, one of the largest corporations in North Carolina.

The following are examples of bad decisions made as a result of improper research of the then city manager. These examples are based on my understanding of the events either via my own involvement or the explanation given to me by council members. Any discrepancies are not intentional.

1. Eight or so years ago the council made the decision to incorporate certain properties into the city limits of Fairmont. One of these properties being those on golf course road. A group of citizens led by Mr. Bill Hayes filed suit against the town to stop the annexation. Due to my friendship with Mr. Hayes, the Mayor asked me to talk to Mr. Hayes and encourage him to drop the suit. At the time Mr. Hayes was on a fishing trip to the outer banks of North Carolina for several weeks. I drove out there at my expense and time to discourage him from pursuing the suit. He was adamant in his determination to pursue the case based on the fact the annexation process was flawed.

I returned to Fairmont and met with my good friend Willie Webster, a past mayor, and discussed the matter with him. He and I agreed the city should drop the annexation procedure and file a new one at a later date. He and I met with the city manager and the mayor and gave them a complete update. The city manager, Mr. Ben Hill stated that it would be too expensive to start over. To my knowledge he never presented the alternative to the council. A trained manager would have done so. I will let you be the judge of the cost of this decision.

2. The state advised the city that a new sewer plant was necessary due to the failure of our old plant not functioning properly. Our city manager pursued this vigorously advising the council that it was a mandate and pursued getting grants to accomplish its construction. Little advice was given to the council as to how the debt was to be paid. A trained city manager would have pursued other towns to agree to join this venture prior to construction. The state would have assisted in this sign up prior to mandating such a huge debt.

3. A number of years ago a shell building was erected on Leesville Road in partnership with the county. The location was ill advised, but I have no knowledge as to whether the city manager at that time agreed or disagreed. I do know that last year the county offered to take over the building to be used as a dog pound for the county. It is my understanding that the offer was refused based on the fact that the noise from the impounding of dogs would be disruptive to the East Side Park community. It is my understanding that the option was never brought to the council.

It was the responsibility of the manager to investigate the state of the art dog pounds to see if that would be an issue. It is my understanding that this was not done. Once again this is an error caused by the lack of investigation that cost the tax payers thousands of dollars.

4. According to city records, the state has been writing the town for a number of years regarding its financial solvency. Apparently this was not brought to the attention of the council by its manager. Only when the condition worsened to a point that the state was mandating a solution did the manager take the issue to the council. This is poor administration. It should also be noted here that prior to the city hiring untrained managers, the city was in excellent financial condition due to competent management.

5. Several years ago I made a presentation to the city manager and the council with an offer from Fairmont Development Corp. to take over the defunct Fairmont Knitting Mill building and to refurbish and make it available to a tax paying industry. No taxes had been paid in over 13 years and each year over ten has to be written off. FDC offered to pay the taxes if the city would then give the money back as a grant to Fairmont Development to use in cleaning up the contamination and refurbishing the building. The manager's lack of business understanding took no interest in recommending it to the board and thusly the offer was turned down. No taxes will ever be paid past or present. I handled the bank loan to the owner and knew that he had skipped the country and was never coming back and if he did he had so many judgments against him there would be no chance for Fairmont to collect. An experienced county manager agreed to present the offer to the County Commissioners. Once again thousands of dollars lost as a result of poor management.

6. The Bonaventure project was brought to the council by the city manager and the assistant city manager without proper investigation into the solvency or the credibility of the people involved. Once again an example of incompetent management.

7. More recently the interim city manager highly recommended the sale of the N7 building without proper research on the buyers. She even recommended that the city give the buyers grant money acquired by the city for another project without any credit evaluation. Only through a conversation that Wade Sealey and I had did Mr. Sealey request the city attorney to research the credit worthiness of the buyers. A trained city manager would have done a credit check prior to any presentation to the council.

8. Our interim manager recently allowed the council to vote down the grants for a much needed community building. This was done prematurely without looking into other grants that were being sought through the state. I had been appointed by the mayor to head a movement to build the community building. I was never consulted and was not even allowed to make the city aware that there were other grants in the making. I was recently told by a city council member that the interim manager did not make the council aware that they were also giving up a \$100,000 free grant from the tobacco program and a state grant in the making.

9. In the search for a city manager, the council was not made aware of its own code that spells out the educational, training and experience required for the job. It is the responsibility of the manager to enforce the codes and to make the council aware of them in making decisions. Recent research reveals that the code requirements in Fairmont's code is recommended by the Council of Government and is used throughout the state by both small and large cities.

These are just a few examples of poor management that has existed in Fairmont during recent years. It doesn't take a rocket scientist to figure out that a city government is no better than the leadership it gets from its manager. Being a council member is an awesome responsibility and a perilous one without the leadership of a competent well trained manager. The taxpayers deserve the best and so does the council.

I ask you to give this your best business judgment and leave emotions and the influence of others out of the equation. Cast your lot in favor of what you feel is in the best fiscal interest of Fairmont.”

Commissioner McCree informed Mr. Byrne that his five minutes was up before he finished reading his letter to the board. Mr. Byrne's letter is included in its entirety because Ms. Tatum responded to it later in the meeting.

### John Jackson

Mr. John Jackson started to read a prepared statement but Town Attorney Robert Price interrupted and said that it sounded like a personal attack and was not appropriate for public discussion. Mr. Jackson then wanted to know why he was never considered as acting town manager when he was Code Enforcement Officer since the board can hire and promote from within.

Lynn Taylor

Mrs. Lynn Taylor was disappointed with the animosity in the crowd. She would like everyone to work together. She prayed for the Lord's guidance to help the town move in the right direction and asked for everyone to put their differences aside. She was so upset that she left after she finished speaking.

Peggy Spencer

Ms. Peggy Spencer stated that Webster's Dictionary defines a citizen as an inhabitant or resident of a town not just merely a taxpayer. She wondered why Mr. Bobby McMillian doesn't have to follow the procedure to be on the agenda instead of being allowed to speak during citizen's appearance since he lives in Lumberton. Mr. McMillian replied that he has a "summer home" in Fairmont on Griffin Street. Ms. Spencer retorted that she was speaking to the Mayor.

Alex Collins

Mr. Alex Collins asked about the status of bringing other towns onto our sewer system. Ms. Tatum replied that we are moving forward with final contracts to hook on Fair Bluff, Cerro Gordo and Boardman.

Katrina Tatum – response to Jimmy Byrne's letter

The following is Interim Town Manager Katrina Tatum's response to Jimmy Byrne's letter to the Mayor:

"First, before I respond to the letter Mr. Jimmy Byrne wrote to the Mayor stating his concern for the management of the town over the last three years, I would like to point out a few facts. Over that last few months, I have been labeled, badgered, misquoted and generally taken through the ringer, when all I have done was try to help the town recover from a downward spiral. I have been accused of being brash, harsh, too blunt and not very friendly. I guess that the truth does lie somewhere in the middle because in order to make a difference you must take drastic steps that may or may not be pleasing to some, but by many, many others, I was not viewed in this manner. It has been said that I need a degree in order to do the work required of a town manager. No one has mentioned or asked what my background is. I do not have a degree, but I do have over 26 years in municipal management. I served in several management positions while at the DC Department of Housing and Community Development and advanced very rapidly do to my expertise. My operating budget generally well exceeded the town's budget. I was Vice Chairman of the Loan Committee, Chief Acquisitions Officer, Acting Chief of the Urban Renewal Division, my unit was applauded for its cost savings abilities, among other things. But I guess that isn't enough.

I recently had a conversation with Mr. Leamon Brice, a manager who holds a BA and MA in Business Administration and the town's manager from 1983-1990. He made the comment that there were indicators that the town was experiencing financial difficulty when he was the manager. That prompted me to check to see what he might be talking about. From 1986-1990 Mr. Brice was forced to expend \$354,187.36 of the town's reserves in order to operate the town. With no major projects to speak of, someone should have been aware that a problem was surfacing. Under the leadership of this experienced and well educated manager, the town began experiencing financial trouble. Then I checked the next manager, Mr. Scot Dadson, who possessed a BA in Business Administration. During his tenure, the town was forced to expend \$869,565 out of the town's savings just to cover operating expenses. No major projects to speak of occurred during this period. I have a great deal of respect for both these gentlemen, they are fine managers and well respected among their colleges. Many times, if the council doesn't support the recommendations of a manager, he or she is forced to do the best he can and sometimes that just isn't good enough. During the period of operation under the late Mrs. Lockley and Mr. Hill, approximately \$3,516,288 of reserve dollars were expended just to operate the town. In all fairness to these two managers, a number of very large projects occurred under their leadership, which caused heavy expenditures; back to back CDBG projects, SOC sanctions, Environmental Issues, the Shell Building (orchestrated and carried out by two experienced and degreed managers), the Sewer Plant, a failing water/sewer system, failing infrastructure, loss of state revenues and boards who repeatedly refused to increase user fees even though the lost revenue needed to be replaced. One quite interesting point is that at one point the board actually lowered the fees, while all indicators suggested that it was a mistake to do so. Helen and Ben inherited a lot of things that were very difficult to recover from. But let me remind you that under my leadership the downward spiral, however painful to swallow, has resulted in an upward trend of improvement. I would like to read a quote from the book Leadership on the Line, by Ronald A. Heifetz and Marty Linsky, "...real leadership-the kind that surfaces conflict, challenges long-held beliefs, and demands new ways of doing things-causes pain. And when people feel threatened, they take aim at the person pushing for the change. As a result, leaders often get hurt both personally and professionally". The recent letter from Mr. Byrne is just one example of this. The following is a rebuttal to the misrepresentations of the letter:

I will attempt to avoid slandering anyone's reputation, as mine was, but it is interesting that Mr. Byrne boasts about the fact that he holds a Masters Degree in Administration and more that fifteen years of as Senior Executive Vice President and Chief Administrative Officer in one of the largest corporations in North Carolina, yet I will demonstrate that for some reason, such a qualified person neglected to really check out the facts prior to writing such a damaging letter.

Mr. Byrne criticized the Manager, Ben Hill regarding the sewer plant and how a trained city manager would have pursued other towns to agree to joint his venture prior to construction. Mr. Byrne must not be aware that this was done. I was the administrator of the grant that facilitated the feasibility analysis for the plant. However, the other towns could not make a binding commitment until the plant was built and they actually had been approved for the grants necessary to tie them on. Unfortunately, some of the towns ran into approval issues and were not funded until recently. These logistics placed the circumstances out of his control.

He spoke of the Shell Building and how ill advised the erection of the building was stating that he had no knowledge of whether the city manager at that time agreed or disagreed. The fact is that the two experienced and degreed managers orchestrated and consummated the deal with the shell building. Further, he emphatically stated that he knew for a fact that the county offered to take over the building to be used at a dog pound and that the town refused the deal because the people of East Side Park felt that the noise would be disruptive. The truth is that no formal offer to take the shell building ever came from the county. The shell building was one of more than a dozen sites under consideration for the dog pound and because of a legal issue, the county did not have time to seriously consider any site that involved a community process. Mr. Byrne also stated that the manager, who at the time was Ben Hill, did not investigate what type of facility would be built. In defense of Mr. Hill, according to E.B Turner, County Commissioner, the county had not even developed plans for the site at the time the Shell building was being considered.

He also stated that it was poor administration on my part that I did not take the issue of the town's financial situation to the council until the state mandated a solution. Again Mr. Byrne is mistaken. The issue of the town's financial situation was repeatedly brought to the council and the council did nothing, perhaps because they didn't understand the serious nature of the situation. It was not until the board prior to the existing board, the board in which Mr. John Jackson was a member, that the board actually listened and put their leadership on the line to make hard decisions, that change was eventually accomplished.

The offer Mr. Byrne says that the Fairmont Development Corp. made to buy the Fairmont Knitting Mill building, but due to the manager's (Ben Hill) lack of business interest, took no interest in recommending it to the board is another distortion that Mr. Byrne demonstrates in his letter. What actually happened was that the County decided that it would not be feasible. The Mayor, Commissioners Grantham and McCree, the manager and myself attended the meeting where this was discussed. Again Mr. Byrne, your comments were a serious misrepresentation of the facts. Not just the manager, but Mayor Gaddy and two council members attempted to go forward with your offer. The deal was stopped at the county level, not the city.

The Bonaventure project was said to have been brought to the town by Ben Hill and myself without checking out the solvency of the developer. The truth is that developer was checked out and not just by Ben, the North Carolina Department of Crime Control and Public Safety, the Washington, DC Housing Assistance Council and the Robeson County Enterprise Community Officer all checked the developer out. Durham Regional Finance Center was the lead agency running the housing counseling centers around the state for the Hurricane Fran and Floyd projects. They didn't begin to show signs of financial difficulty until three years into the project. No one could have predicted their demise.

Mr. Byrne criticized the fact that I recommended the sale of the N7 building without proper research to determine the credit worthiness of the buyers. The fact is that the company I was recommending to purchase the building was not the one selected by the board. I had already researched this other company to buy the building, but the board wanted to sale as soon as possible and at the urgings of Greg Cummings, the County Industrial and Economic Development Director, the company that made the first offer was the company selected. So you see Mr. Byrne, it wasn't me who recommended the company. The board chose to sell the building to the company and I had to deal the company they chose to sell to. I worked with the company because the board had already agreed to sell and when I ran a Federal Debarment search, I found nothing. What is interesting thought is that in 1991, the town agreed to loan the same company \$366,606, which would have been an unsecured loan that the town would have stood to lose. Apparently, at that time no one checked them out and that was under the leadership of a degreed manager. What is even more interesting is that the degreed manager failed to request a debarment based on circumstances that arose with that loan. According to Mr. Byrne, a trained city manager would have checked the credit worthiness. Mr. Kemp was on the board at the time and actually seconded the motion to deal with this company under the name of Innovative Fabrics. I find it interesting that no one disclosed information vital to this transaction to me, although Mr. Kemp surely had knowledge of what happened. Further in my own defense, one thing that wasn't stated by Mr. Byrne was that under my proposal, the town would have lost nothing. \$200,000 of the \$300,000 was coming back to the town as purchase money, and the other \$100,000 was being paid directly to a roofer. The company would have had a note, true, but in the event of default, the building would have been returned to town's ownership.

Lastly, I am very anxious to respond to Mr. Byrne's last comments about me with regard to the community building. First let me say that under Mr. Byrne's direction and that of the Community Building Committee, thousands of dollars were expended and lost because of the many changes that were made to the building plans. I wonder why Mr. Byrne never realized that numerous changes would result in extraordinary engineering costs. Mr. Byrne inferred that I did nothing to support the development of the Community Building project. He stated that I did not make the council aware that they were also giving up a \$100,000 free grant from the tobacco program and a state grant in

the making. I wonder why Mr. Byrne failed to adequately research his information prior to attempting to criticize me. I was the one who wrote the tobacco program grant that got the town \$100,000 and it was not lost because I have already arranged for the money to be used for the purpose for which it was intended, education. This money has already funded a computer center and several classes designed to improve the educational status of displaced factory and tobacco workers. As for the state grant in the making, it was also I who began developing this grant with the help of David Hartigan. I developed the recreation plan necessary to apply for this grant. I also brought the grant before the board twice to try to get it approved.

Lastly, Mr. Byrne indicates that he got some of his information from a city council member. I have to wonder which council member was so devastatingly misinformed about town events and operational issues.

Up until now, I have been silent and have allowed many people to misrepresent my intentions. I do have proof of the facts reflected in this letter. If any one would like to see the records, most of what has been said is in the town or county minutes.”

Mr. Jimmy Byrne thanked Ms. Tatum for her enlightening response. He feels now that the problem is the council itself and that can be corrected at election time. Mr. Alex Collins thanked Ms. Tatum for giving the citizens more information in one night than the board has offered in the last five years.

#### Reverend Leonard Bergman

Reverend Leonard Bergman agreed that he had heard more tonight than at other meetings. He feels one of the main problems is the personalities of everyone involved. He thinks the town is tearing itself apart and getting nowhere. He hopes the town can work hard at peacemaking and forgiveness. Since the town seems to be getting back on its feet financially, he hopes the town can also get back on its feet again as a community where people care about and help each other and want the best for everybody.

#### Closed Session – Personnel and Industry

Commissioner Grantham made a motion to go into closed session at 8:00 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss industry and personnel as permitted under General Statute 143-318.11(a)(4,6). Commissioner Sealey seconded the motion and it passed unanimously.

Page 17 – Regular Meeting, March 15, 2005

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

After the discussion of privileged information and personnel, Commissioner Sealey made a motion to come out of closed session at 8:15 p.m. Commissioner McCree seconded the motion and it passed unanimously. Mayor Gaddy announced that personnel and industry were discussed but no decisions were made.

There being no further business, the meeting adjourned at 8:15 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Regular Meeting – April 19, 2005**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, April 19, 2005 at 6:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, Interim Police Chief Alex Monroe, Sgt. Danny Parker and Recreation Director Mickey Williamson.

Several citizens were present including Reverend and Mrs. Leonard Bergman, John Jackson, Patricia Sealey, Eric Collins, Terry Evans, Scott Witten, Huel Faulk, Bobby Walters, Robert Walters, and William McFarland.

Mayor Gaddy called the meeting to order. Reverend Leonard Bergman gave the invocation.

### Approval of Agenda

Commissioner Kemp asked to add Farmers Festival parade to the agenda. Commissioner Sealey made a motion to approve the agenda for tonight's meeting with the addition of Farmers Festival parade. Commissioner Townsend seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner McCree asked to make some changes to the March 15th minutes including comments he made in response to Commissioner Kemp and Peggy Spencer's comments during citizen appearance. Commissioner Grantham made a motion to table the minutes for the regular meeting on March 15, 2005 until the requested language could be added. Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy asked that citizens who want to be on the agenda to put their requests in four working days before the meeting so the staff can work on answering their questions. The citizen's appearance portion of the meeting will remain the same. Ms. Tatum added that a taxpayer can make comments during citizen's appearance whether they currently live in town or not.

**Administrative Matters**

Time Warner Cable update – Eric Collins.

Mr. Eric Collins gave the board an update on Time Warner Cable’s services. Time Warner has invested millions of dollars in upgrading to fiber optics for a more reliable system. The company provides high speed internet connections and plans to launch a digital telephone system in the near future. Time Warner Cable is in a competitive market with satellite systems Directv and Dish Network. Customer service is key to keeping customers happy and if a customer calls for service in the morning, sixty percent of them will have their problems fixed the same day. Mr. Collins stated that Time Warner serves 550 customers in the Fairmont area. For years, Fairmont has had authority to regulate basic cable rates, which are currently \$9.80. The FCC ruled in March that Time Warner Cable met all the qualifications to release them from the local rate regulations since 15% of the households are subscribing to Directv or Dish Network. Basic rates for areas without regulations is \$9.82. A consultant group representing local governments against the deregulation has Fairmont listed as a client. Ms. Tatum could find no record of the board approving being a part of this claim so Mayor Gaddy instructed that a letter be written to remove Fairmont’s name from the list of clients.

Set the second week of May as date to advertise delinquent property taxes for 2004.

Commissioner Grantham made a motion to advertise the delinquent 2004 property taxes the second week of May. Commissioner McCree seconded the motion and it passed unanimously.

Declaration of Surplus Property – Resolution to sell by private negotiation

Ms. Tatum informed the board that the town has purchased vehicles to replace those needing to be retired due to rising maintenance costs. The town is attempting to purchase vehicles of all one make in order to cut down on future maintenance costs and to allow use of the older vehicles that need retirement for replacement parts.

Ms. Tatum asked the board to declare the following vehicles surplus:

	Fair Market Value
1. Vehicle #89 – 1989 Dodge Van – VIN #3092	\$500.00
2. Vehicle #7 – Chevy S-10 – VIN #4422	\$600.00
3. Vehicle #43 – Chevy Truck C-10 – VIN #1291	\$750.00
4. Vehicle #42 – Chevy Truck S-20 – VIN #7517	\$800.00
5. Vehicle #4 – Chevy Truck C-10 – VIN #1425	\$1,000.00

Ms. Tatum also asked permission to post the vehicles for sale, in public places, at fair market value. Hopefully, the town will at least get what the vehicles are worth. If no one places an offer, then the town will auction the vehicles as has been done in the past and sell the vehicles for no less than \$500 each.

Commissioner Grantham made a motion to declare five vehicles as surplus property and to adopt a resolution authorizing the Town Manager to dispose of the surplus motor vehicles at fair market value and not less than \$500 per vehicle by private negotiation and sale in conformance with the provisions of N.C. General Statutes 160A-27. Commissioner Townsend seconded the motion and it passed unanimously.

Set Tuesday, May 3, 2005 at 6:00 as date for budget workshop to discuss goals for the next fiscal year.

Ms. Tatum asked the board to schedule a Budget Workshop for Tuesday, May 3, 2005 at 6:00 p.m. in the Council Chambers. The purpose of this workshop is to let the staff and board share their goals and objectives for the next fiscal year. This will give the staff an idea of what to budget for. The town is still trying to keep a close eye on the budget and the most necessary needs will be budgeted for first.

Commissioner Kemp made a motion to set a budget workshop for Tuesday, May 3, 2005 at 6:00 p.m. in the Council Chambers. Commissioner Sealey seconded the motion and it passed unanimously.

USDA loan – water tower.

In light of the reduction in water/sewer rates, Ms. Tatum proposed that the town secure a loan of approximately \$207,000 through USDA to make the necessary improvements to the Marion Stage Water Tower. The improvements on the water tower will not take place until early next fiscal year. USDA can lock in an interest rate of 4.5% if the town declares its intent to borrow the funds. Ms. Tatum recommended that the town borrow approximately \$207,000 over a period of seven years to achieve approximately twenty (20) years of economic life on the improvements made. The payments will be approximately \$30,000 +/- per year, which will allow the town to begin to rebuild our water/sewer reserves at a more rapid pace and still make much needed capital improvements. The town has reserved \$60,000 for the first of three payments. Koonce Noble & Associates will do the engineering oversight on the project.

Commissioner Grantham made a motion to apply for a USDA loan of \$207,000 to make the necessary improvements to the Marion Stage Water Tower at a rate of 4.5% to be paid back over seven years. Commissioner Townsend seconded the motion and it passed unanimously.

Expenditure amendments.

Ms. Tatum informed the board that the public buildings have been suffering from extreme deferred maintenance for quite some time. She has been getting piecemeal work done to try to safeguard the integrity of these assets. All of the public buildings are in need of improvements. The town is also in need of a backhoe. The current one is of inferior quality, light in weight and not expected to last very long. It is imperative that the town begin to rebuild what it already has to prevent replacement, which is much more costly. Ms. Tatum proposed the following:

Water/Sewer Fund: Since the \$60,000 budgeted for improvements on the Marion State Road Water Tower will now be made during fiscal year 2005-2006, Ms. Tatum recommended that the money be used for the following.

a. Use approximately \$25,000 for improvements needed at the Arts Products Building; carpet and roof and shelter repairs and the Old Ice House Building; exterior repairs and door repairs and replacement. No budget amendment will be needed to accomplish this effort.

b. Use approximately \$22,000 to make the first payment of three payments on a quality backhoe. Ms. Tatum will be recommending that the second and third payments of \$22,000 each be made during fiscal year 2005-2006 with Powell Bill Funds and water/sewer funds. No budget amendment will be needed to accomplish this effort.

c. Ms. Tatum proposed that the remaining \$13,000 +/- be re-budgeted to create a water/sewer capital improvements line for fiscal year 2005-2006. This change will require a budget amendment.

The work will be done immediately unless there are objections from the Board.

General Fund: In light of the recent sale of the Premium Wear Building, Ms. Tatum proposed the following with the \$185,000 +/- in proceeds:

a. Use approximately \$35,000 to make improvements to the Municipal Building for Court Room, entrance area, elevator and replacement windows. This work will be done immediately if there are no objections from the board.

b. Budget the remaining \$150,000 in a Capital Improvements line for Public Buildings, Recreation, Code Enforcement and Fire needs.

Both items under this proposal will require a budget amendment prior to the end of the fiscal year. No motion was required from the board on these expenditure proposals.

Solicitation of Contractor.

For the last two to three years, Ms. Tatum has found that certain contractors are both more dependable, lower in cost, and more accommodating to the town than others. The town has bid out work and have consistently awarded to the lowest contractors, which has been found to be the same contractors over and over. For this reason, Ms. Tatum asked to be allowed to automatically contract with the following individuals or companies for town work less than \$5,000 needed in the designated areas:

Surveying:	Johnny Nobles and Associates
Masonry:	Red Renfrow
Carpentry:	Kenneth Callahan
Roofing:	Britt and Britt Roofers
Heating and Air:	Thompson's Electric
Plumbing and Electric:	Ray Lupo

The work formerly done by all the individuals or companies listed above has been expeditious and the final products have been very good in quality.

Commissioner Townsend wanted to give equal opportunity to all contractors and suggested that any town work be bided out unless it was for emergency or routine maintenance. After discussion, Commissioner Townsend made a motion not to bid out emergency or routine maintenance work for the town unless the cost exceeds \$5,000. Commissioner Kemp seconded the motion and it passed unanimously.

Farmers Festival Parade

Commissioner Kemp volunteered to be Parade Chairman for the Fairmont Farmers Festival again this year. He added that he has received commitments from County Commissioners Hubert Sealey and Tom Taylor for donations again this year.

**Announcements**

Opening Day for Dixie Youth Baseball will be Saturday, April 23 at 11:30 at the Little League ball field.

RCC will host an open house on Sunday, April 24 from 2 – 4 p.m. to celebrate the opening of their new continuing education building at the COMTECH Center in Pembroke.

The Community Activities Committee will have their first meeting on Tuesday, April 26 at 7:00 p.m. in the Council Chambers.

Page 6 – Regular Meeting, April 19, 2005

The April RCMA meeting will be hosted by Red Springs on Thursday, April 28, 2005 at 7:00 p.m. at Flora McDonald Academy. The guest speaker will be Ellis Hankins, Executive Director of the North Carolina League of Municipalities.

Grand Opening of the BioAg Center is Monday, May 2 at 10:30 a.m. in the A. D. Lewis Auditorium at Robeson Community College.

### **Citizen Appearance**

#### **John Jackson**

Mr. John Jackson reminded the board that they are a policy making body and not micro-managers. He encouraged the board to treat the town employees with respect and not attack them during board meetings.

### **Closed Session – Personnel and Industry**

Commissioner Sealey made a motion to go into closed session at 7:18 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statue 143-318.10(e) and to discuss industry and personnel as permitted under General Statute 143-318.11(a)(4,6). Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

Commissioner Sealey made a motion to come out of closed session at 7:26 p.m. Commissioner Townsend seconded the motion and it passed unanimously. Ms. Tatum announced that the board discussed a possible claim under the attorney-client privilege as permitted under General Statute 143-318.11(a)(3). Personnel was also discussed but no action was taken.

There being no further business, Commissioner Sealey, seconded by Commissioner McCree, motioned to adjourn the meeting at 7:28 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Special Meeting – May 3, 2005**

The Fairmont Board of Commissioners held a special meeting on Tuesday, May 3, 2005 at 6:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Antonio Currie, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Commissioner Currie arrived at 6:37 p.m. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Tax Collector Rebecca Andrews, Public Works Director Ronnie Seals, and Recreation Director Mickey Williamson. Huel Faulk and Scott Witten were also present.

Mayor Gaddy called the meeting to order at 6:05 p.m. Commissioner Charles Townsend gave the invocation. Mayor Gaddy stated the purpose of the meeting was to have a budget workshop on Fiscal Year 2005-2006 and gather input from the commissioners.

### **Budget Workshop – Fiscal Year 2005-2006**

Ms. Tatum gave the board an overview of what has to be looked at when budgeting for Fiscal Year 2005-2006.

Revenue: Projections for the current year appear to be slightly overestimated in the areas of personal tax revenue, which is estimated to fall short by approximately \$6,500 and zoning fees, which is expected to be about \$350 less than projected. In terms of predicting incoming revenue for next year, the board must consider the reduction in sanitation rates, which is estimated to reduce the general fund by about \$30,000+/- . The rental income and the sale of fixed assets dollars should not be counted on for the incoming year as well. Water and sewer revenues will drop by approximately \$54,000 due to the rate reduction. Tax Collector Rebecca Andrews is to be applauded for attaining a 100% tax collection rate for FY 2004-2005 with an additional \$7,500-\$10,000 in revenue projected to be collected by the end of June. The state has not made a decision on extending the 1/2 cent sales tax. There is even talk that it will be given to the counties to assist them with the rising cost of Medicaid. If that happens, the town will not be able to count on approximately \$90,000 in revenue afforded by the sales tax. There is only one new source of revenue, the annexation property taxes, which have to be coupled with a 50% reduction in water/sewer/sanitation out-of-town fees and the cost of other services. The income for the annexation and the recent revaluation are estimated conservatively at \$75,000. The cost of new sewer lines for two residences in the Golf Course annexation left out when the lines were originally run is alone projected at approximately \$60,000-\$65,000.

Expenditures: Expenditures will be greater during the upcoming year because the unexpected increase in the cost of gasoline will affect most goods and services. The town is also facing a major expenditure for the Marion Stage Road Water Tower and the Leesville Road sewer collapse. Currently there are no projections on how much repairing the sewer collapse will cost.

Personnel: The board must consider that any personnel changes will also affect the budget. With no new sources of income that can be utilized, the board must determine where the income to fund the new Police Chief and the Town Manager's position will come from. In addition, the town must consider increasing the number of police officers to service the annexed area. With current projections, a revenue source will be needed to fund the new positions. The Recreation Director's position is also not included in the upcoming budget.

Commissioner McCree asked how much it would cost to fund two additional police officers. Ms. Tatum replied that salary and benefits for two officers would be around \$80,000. She added that the Town Manager's position would also be \$80,000 with \$60,000 for the salary and \$20,000 for benefits. The Police Chief's salary is already in the budget but will need to be increased by at least \$15,000. Commissioner McCree wondered why the Town Manager position was advertised when the town does not have the money budgeted for it.

Commissioner Kemp asked if the town had received projected property tax values from the county. Ms. Tatum replied that the county has not finalized the revaluation and the town is conservatively estimating an increase of 10% in property values. Ms. Tatum recommends leaving the tax rate at 69 cents per hundred dollar valuation since the figures are unclear and collections drop off after a revaluation. Commissioner Kemp would like to look at lowering the tax rate if possible. Ms. Tatum suggested keeping the current tax rate for another year until the county finalizes all the revaluations to prevent the town from getting into financial trouble.

Mayor Gaddy advised the board to do some serious studying on the budget and get fully involved in the budget process and not leave it up to the staff to do alone.

### **Closed Session – Personnel and Attorney-Client Privilege**

Commissioner Sealey made a motion to go into closed session at 6:55 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statue 143-318.10(e) and to discuss attorney-client privilege and personnel as permitted under General Statute 143-318.11(a)(3,6). Commissioner McCree seconded the motion and it passed unanimously.

Page 3 – Special Meeting, May 3, 2005

Mayor Gaddy, Commissioners Townsend, Currie, McCree, Sealey, Grantham, and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

Commissioner Sealey made a motion to come out of closed session at 7:04 p.m. Commissioner Townsend seconded the motion and it passed unanimously. Mayor Gaddy announced that no action was taken.

There being no further business, Commissioner Kemp motioned to adjourn the meeting at 7:05 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Regular Meeting – May 17, 2005**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, May 17, 2005 at 6:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Wade Sealey, Mary Bruce Grantham, and Charles Townsend. Commissioner Antonio Currie was absent. Staff present included Town Attorney Robert Price, Town Clerk Jenny Larson, Public Works Director Ronnie Seals, Interim Police Chief Alex Monroe, Water Collections Clerk Joyce Thompson and Recreation Director Mickey Williamson. Interim Town Manager Katrina Tatum was absent due to illness.

Several citizens were present including Annie Durant, Terry Evans, Reverend and Mrs. Leonard Bergman, Peggy Spencer, Patricia Sealey, Scott Witten, Huel Faulk, Charlie Ray Hunt and several members of the Fairmont Rural Fire Department.

Mayor Gaddy called the meeting to order. Reverend Leonard Bergman gave the invocation.

### Approval of Agenda

Commissioner Kemp asked to add the Community Activities Committee report and the interview process for the Town Manager's position to the agenda. Commissioner Sealey made a motion to approve the agenda for tonight's meeting with the addition of Community Activities Committee report and the interview process for the Town Manager's position. Commissioner Townsend seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner McCree made a motion to approve the minutes for the regular meeting on March 15, 2005, the regular meeting on April 19, 2005 and the special board meeting on May 3, 2005. Commissioner Grantham seconded the motion and it passed unanimously.

### Administrative Matters

#### Action Audits, LLC – opposition to revoke local regulatory authority with cablevision.

Mr. Robert F. Sepe with Action Audits, LLC was scheduled to appear before the board to discuss the opposition to Time Warner Cable's petition to revoke local regulatory authority. Mr. Sepe was not in attendance, so Mayor Gaddy suggested writing a letter to the FCC for advice on what action to take since the town is caught in the middle.

Resolution to declare backhoe and dump truck as surplus property using the sale method.

The Fleet Manager has indicated that it is not feasible to repair the following vehicles and/or equipment:

1987 F-700 Ford 2-Ton Dump Truck- Bad Engine

1989 JCB 1500 Two-Wheeled Drive Backhoe - Rubber Tired - Poor quality, frequent breakdowns

Commissioner Sealey made a motion to declare the dump truck and backhoe as surplus property and to adopt a resolution authorizing the Town Manager to dispose of the surplus property using an auction house such as Lloyd Meekins. Commissioner McCree seconded the motion and it passed unanimously.

Resolution asking NCDOT to release Ames Acres Drive to Town.

Commissioner Grantham made a motion to request that the North Carolina Department of Transportation release Ames Acres Drive (SR #2323, length approximately 1,153 paved feet) from the NCDOT street system for assumption by the Town for perpetual maintenance effective May 31, 2005. Commissioner Kemp seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

Set Tuesday, June 7 as date for Budget Workshop and Tuesday, June 21 as date for the Budget Public Hearing.

Commissioner Kemp made a motion to set Tuesday, June 7 at 6:00 p.m. in the council chambers for a Budget Workshop and to set Tuesday, June 21 at 6:00 p.m. in the council chambers for the Budget Public Hearing on Fiscal Year 2005-2006. Commissioner Sealey seconded the motion and it passed unanimously.

Fairmont Rural Fire Department's request to purchase land.

Mr. Charlie Ray Hunt, Chief of the Fairmont Rural Fire Department, thanked the board for letting them be on the agenda. They asked the board to table their request for the land located at Center and Mulberry Streets. They are currently waiting on USDA Rural Development to finish a report and would like to reschedule until the next regular board meeting so a representative from USDA Rural Development can also be present.

Community Activities Committee

Commissioner McCree had understood that the Community Activities Committee was to be made up of appointees from the board. Commissioner Kemp reminded the board that the original plan included representatives from the Chamber of Commerce and Community Watch in addition to those appointed by the board. Commissioner McCree would like to add a representative from the Rosenwald Alumni Association and asked that it be added to the June agenda. Commissioner Grantham remarked that any organization that wishes to be represented on the committee should be allowed to do so.

Mrs. Annie Durant, the president of the Community Activities Committee, thanked the board for having the foresight to create the committee. Mrs. Durant stated that the committee has met twice and elected officers. The committee members are as follows: Annie Durant, President, John Morgan, Vice-President, Angie Lovin, Secretary, Steve Floyd, Treasurer, Huel Faulk, Mickey Williamson, Rev. Wendell Thompson, Robert Walters, Jr., Fred Hill and Barbara Currie. Mrs. Durant announced the first event planned by the committee, “A Day in the Park” to be held on July 9 at the Fairmont Community Park. There will be senior bingo, games for the children, karaoke, ice cream and a concession stand. The committee is also working on short and long range plans and is currently sending out letters asking individuals and businesses for funds to help them get started.

Interview process for the Town Manager’s position

Commissioner Kemp announced that the deadline for receiving Town Manager applications has passed. He suggested that the board select who they want to interview and set a timetable for interviewing. Commissioner Kemp thanked Town Attorney Robert Price for his focus and time spent on the application process. Mr. Price stated that there were a total of 59 applications including 9 that he passed out to the board tonight. Commissioner Townsend asked if the interviews could wait until after the budget public hearing. Commissioner McCree wanted more time to look over the additional applications. Commissioner Kemp gave the names of two applicants he would like to interview: Ronald Lee Matthews of Troy and Sharon Garner of Stoneville. No decision was made on the interviewing process.

**Announcements**

The May RCMA meeting will be hosted by Rowland on Thursday, May 26, 2005 at 7:00 p.m. at the Soffe building. Representative Garland E. Pierce will be the guest speaker.

**Citizen Appearance**

Huel Faulk – question about recreation

Mr. Huel Faulk questioned how the \$4,000 budgeted for recreation has been spent. Commissioner Grantham said the money was for recreational needs from now to end of the fiscal year in June. Commissioner Kemp added that part of the money was to pay a recreation director through baseball season.

**Closed Session – Attorney-Client Privilege and Personnel**

Commissioner McCree made a motion to go into closed session at 6:45 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss attorney-client privilege and personnel as permitted under General Statute 143-318.11(a)(3,6). Commissioner Townsend seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, McCree, Sealey, Grantham, and Kemp, Robert Price, and Jenny Larson were in attendance during closed session.

Commissioner Kemp made a motion to come out of closed session at 6:55 p.m. Commissioner Sealey seconded the motion and it passed unanimously. Mayor Gaddy announced that no action was taken.

Commissioner Kemp asked if the interview process for the Town Manager's position could be finalized at the June 7<sup>th</sup> budget workshop. Town Attorney Robert Price answered that the interview process could be added to that agenda.

There being no further business, Commissioner Sealey, seconded by Commissioner Townsend, motioned to adjourn the meeting at 6:58 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Special Meeting – June 7, 2005**

The Fairmont Board of Commissioners held a special meeting on Tuesday, June 7, 2005 at 6:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were Charles Kemp, J.J. McCree, Wade Sealey, Mary Bruce Grantham, Antonio Currie and Charles Townsend. Staff present included Interim Town Manager Katrina Tatum, Town Attorney Robert Price, Town Clerk Jenny Larson, Finance Director Linda Vause, Public Works Director Ronnie Seals, Tax Collector Rebecca Andrews, Interim Police Chief Alex Monroe, Water Collections Clerk Joyce Thompson, Fire Chief James Thompson, Mechanic Alan Leggett and new Police Chief Robert Hassell.

Several citizens were present including Terry Evans, Scott Witten, James Lennon, Jane Frison, Steve Baldwin and Bobby Walters.

Mayor Gaddy called the meeting to order. Commissioner Charles Townsend gave the invocation.

### Approval of Agenda

Interim Town Manager asked the board to add the introduction of new Police Chief Robert Hassell and Action Audits to the agenda. Commissioner Grantham made a motion to approve the agenda for tonight's meeting with the addition of the introduction of new Police Chief Robert Hassell and Action Audits. Commissioner McCree seconded the motion and it passed unanimously.

### Introduction of New Police Chief Robert Hassell

Ms. Tatum introduced the new Police Chief Robert Hassell. He is from Kinston and has been married for 13 years and has two children. He has worked for the City of Kinston for 10 years and is a certified police officer and firefighter. Mr. Hassell is looking forward to working with the board and the citizens of Fairmont. He begins work on Friday, June 17.

### Closed Session – Attorney-Client Privilege and Personnel

Commissioner Sealey made a motion to go into closed session at 6:15 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel as permitted under General Statute 143-318.11(a)(6). Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Townsend, McCree, Sealey, Grantham, Currie and Kemp, Katrina Tatum, Robert Price, and Jenny Larson were in attendance during closed session.

Commissioner Kemp made a motion to come out of closed session at 6:30 p.m. Commissioner Sealey seconded the motion and it passed unanimously. Mayor Gaddy announced that no action was taken.

### **Administrative Matters**

#### Approval of new Public Safety Director position.

Ms. Tatum proposed that a new position be created, which would combine the Police Chief and Fire Chief positions. This change would provide more effective service in both departments. Ms. Tatum has discussed this proposed change with current Public Works, Fire and Police staff members, and many of them have indicated that they would be willing to retrain or cross train for volunteer firefighting under new direction. Ms. Tatum requested that the starting salary for this position be set at \$50,264. Mr. Hassell has agreed to take both positions under the proposed job description.

Mayor Gaddy asked the board to table the decision on creating a Public Safety Director position until more research can be done. Ms. Tatum explained to the board that the position did not have to be permanent and that the town can revert back to separate police and fire chiefs at any time. Commissioner Sealey made a motion to table the decision on creating a Public Safety Director position. Commissioner Currie seconded the motion and it passed unanimously.

#### Resolution asking NCDOT to release North Main Street to Town.

Commissioner Grantham made a motion to request that the North Carolina Department of Transportation release part of North Main Street, SR #2436, from Highway 41 to the city limits at Lewis Street, length approximately 3,367 paved feet (0.64 miles) from the NCDOT street system for assumption by the Town for perpetual maintenance effective June 30, 2005. Commissioner McCree seconded the motion and it passed unanimously. A copy of this resolution is hereby incorporated by reference and made a part of these minutes.

#### Interlocal Sewer Agreement – approval of language change.

The Columbus County Board of Commissioners has requested a change of language in the Interlocal Sewer Agreement with Fairmont, Boardman, Fair Bluff, Cerro Gordo and Columbus County. All entities agreed to develop a “governing board” to resolve any disputes among the participating jurisdictions. Columbus County would like to change the name to the “Advisory Board.” Commissioner Grantham made a motion to approve the language change from “governing board” to “advisory board” on the Interlocal Sewer Agreement with Fairmont, Boardman, Fair Bluff, Cerro Gordo and Columbus County. Commissioner Sealey seconded the motion and it passed unanimously.

Reduce Privilege License fee for video poker machines to \$1,000.

The board discussed reducing the privilege license fee for video poker machines from \$5,000 per machine to \$1,000 per machine but decided to leave the fee at \$5,000 so no action was taken.

Discuss and finalize schedule for interviewing Town Manager applicants.

Town Attorney Robert Price advised the board to finalize the budget before moving forward with interviewing Town Manager applicants.

Budget Workshop – Fiscal Year 2005-2006

Ms. Tatum gave the board an overview of the 2005-2006 proposed budget. Due to cuts in revenues previously approved by the board and the rising costs of fuel and commercial services, the town is again experiencing deficits. Staff has shifted salaries and cut most of the improvements outlined in the approved Capital Improvements Plan, with the exception of the Marion Stage Road Water Tower Improvements. As a result, there is a projected deficit of \$126,525 in the General Fund and no projected deficit in the Water/Sewer Fund. The following is a brief summary of significant changes:

Revenue Sources:

**Tax Revenue:** The tax revenue was projected considering a 28% increase in property valuation changes with a collection rate of 92%, at the current tax rate of .69 per hundred.

**Sanitation:** Sanitation revenue is projected at a substantially reduced amount due to approved reductions in user fees.

**Grants:** Grant revenue is based on the amount(s) awarded.

All other revenue sources were projected in accordance with the NC League of Municipalities' projections and previous year performance.

Expenditures:

For the most part, expenditures are based on services provided and improvements required. There have been no significant changes in the categories of Powell Bill, Governing Body, Clerk, Elections, Finance, Tax Listing, Legal, Public Buildings, Dispatch, Fire, and Library. Any significant increases in Streets, Water, Sewer and Sanitation reflect increases necessitated by the Golf Course Road annexation. The requested amount for South Robeson Rescue has been increased to allow for the higher cost of fuel. Due to budget restraints, the new police officer position requested during the last budget workshop was eliminated. Instead, a part-time position is reflected in the current budget recommendation.

The following expenditures total \$127,869. If these items were cut from the budget, it would eliminate the general fund deficit.

Manager: The costs projected for the manager's position are based on typical expenses generated in the position. The manager's office never had a computer, therefore M/R equipment provides for a computer for manager's use. The total cost under this category is \$88,721.

Planning, Codes & Zoning: The changes incorporated in this category are based upon requests made by the commissioners over the last year for code enforcement needs. The sum of \$4,300 is requested for codification of the Town Ordinances. \$20,000 is requested for demolition under Nuisance Abatement.

Parks and Recreation: The costs in this category reflect the addition of a director's position. The total cost under this category is \$13,848.

Non-Departmental: The sum of \$1,000 has been requested to supplement the Farmer's Festival activities.

Commissioner Townsend made a motion to accept the budget cuts suggested above. Commissioner Currie seconded the motion. After discussion on the cuts, Commissioners Townsend and Currie withdrew their motion and second. The board decided they needed more time to study the budget and tabled it until Thursday, June 16 at 6:00 p.m. and also agreed to bring back up the Public Safety Director position. They instructed Ms. Tatum to redo the proposed budget without the manager's salary, codification, nuisance abatement and recreation at a tax rate of .64 cents per hundred dollar valuation. (Clerk's note: The budget workshop was rescheduled for Wednesday, June 15 at 7:00 p.m.)

Town Attorney Robert Price informed the board that if the manager's position was removed from the budget that he would notify the applicants that the board has stopped the process of looking for a new Town Manager.

#### Action Audits, LLC

Mr. Price advised the board to let Action Audits, LLC continue to represent the town on the issue of cable rate regulation. Their services are at no cost to the town. The more towns they represent, the stronger their argument.

There being no further business, Commissioner Sealey motioned to adjourn the meeting at 8:07 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Special Meeting – June 15, 2005**

The Fairmont Board of Commissioners held a special meeting on Wednesday, June 15, 2005 at 7:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were J.J. McCree, Wade Sealey, Mary Bruce Grantham, Antonio Currie and Charles Townsend. Commissioner Charles Kemp was absent. Staff present included Interim Town Manager Katrina Tatum, Town Clerk Jenny Larson, Finance Director Linda Vause, and Public Works Director Ronnie Seals. Scott Witten and Mr. and Mrs. Charles Frison were also present.

Mayor Gaddy called the meeting to order. Commissioner Charles Townsend gave the invocation.

### **Administrative Matters**

#### **Approval of new Public Safety Director position.**

Ms. Tatum proposed that a new position be created, which would combine the Police Chief and Fire Chief positions. This change would provide more effective service in both departments. New Police Chief Robert Hassell has agreed to take both positions under the proposed job description. Commissioner Grantham made a motion to create the Public Safety Director position, which combines the Police and Fire Chief positions. Commissioner McCree seconded the motion and it passed unanimously. A copy of the new Public Safety Director job description is hereby incorporated by reference and made a part of these minutes.

#### **Budget Workshop – Fiscal Year 2005-2006**

Ms. Tatum explained that Commissioner Kemp had a prior commitment and could not attend tonight's meeting. He presented his budget suggestions to her and they include \$7,000 for a Recreation Director at a salary of \$125 a week, keeping the budget as presented but with a 64 cent tax rate and not allowing police officers who live more than six miles from town to drive their car home.

Commissioner Sealey agreed that the tax rate needed to be cut to 64 cents to give our citizens a break. He feels with figuring a property valuation increase of 28% and leaving the tax rate at 69 cents that many citizens cannot and will not pay their taxes.

Mayor Gaddy warned against cutting the tax rate. Back in 1996, the board almost cut the tax rate by two cents and if they had the town would be in worse financial shape than it is now. Mayor Gaddy explained that the town is facing needed repairs and increasing expenses like the rising cost of fuel and that cutting the tax rate by five cents would put the town in financial trouble. Commissioner Currie agreed that the tax rate should be left at 69 cents.

Page 2 – Special Meeting, June 15, 2005

Ms. Tatum went over the proposed 2005-2006 budget. It includes a 2 ½ % cost of living increase for all town employees. It eliminates the Town Manager position, the Recreation Director position, codification of ordinances and demolition of houses. If the tax rate is left at 69 cents, the General Fund deficit will be approximately \$47,357, which is not a bad fund balance.

There being no further business, Commissioner Sealey motioned to adjourn the meeting, seconded by Commissioner McCree at 7:48 p.m.

Jennifer H. Larson, CMC  
Town Clerk

## **Regular Meeting – June 21, 2005**

The Fairmont Board of Commissioners held their regular meeting on Tuesday, June 21, 2005 at 6:00 p.m. in the Fairmont Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were J. J. McCree, Wade Sealey, Charles Kemp, Antonio Currie, Charles Townsend, and Mary Bruce Grantham. Staff present included Katrina Tatum, Interim Manager, Town Attorney Robert Price, Public Works Director Ronnie Seals, Recreation Director Mickey Williamson, Tax Collector Rebecca Andrews, Water Collections Clerk Joyce Thompson and Linda Vause, Deputy Clerk/Finance Director.

Several citizens were present including Terry Evans, Patricia Sealey, Rudy Williams, Key McKee, Charlie Ray Hunt, Leon Jacobs, Annie Durant, Scott Witten, John Jackson, Jimmy Gilchrist, Huel Faulk and several others.

Mayor Gaddy called the meeting to order. Commissioner Charles Townsend gave the invocation.

### Approval of Agenda

Ms. Katrina Tatum requested that an Interlocal Agreement with NC Interlocal Risk Management Agency for our workers compensation insurance be added to the agenda. Commissioner Mary Bruce Grantham made a motion to approve the agenda with the addition by Ms. Tatum. Commissioner McCree seconded the motion and it passed unanimously.

### Approval of Minutes

Commissioner Grantham made a motion to approve the minutes for the regular meeting on May 17, 2005, and the special board meeting on June 7, 2005. Commissioner Townsend seconded the motion and it passed unanimously.

### Public Hearing – Fiscal Year 2005-2006 Budget

Commissioner Grantham made a motion to go into Public Hearing at 6:05 pm to discuss the Fiscal Year 2005-2006 Budget. Commissioner Charles Kemp seconded the motion and it passed unanimously.

Commissioner Sealey expressed his desire to lower the tax rate to 64 cents, due to the estimated 28% increase in value. Mr. Sealey wants more cuts done to expenses to reduce the tax rate. He said that old people on set incomes would not be able to pay their taxes. Ms. Tatum replied that most senior citizens qualify for the Homestead Exemption. Mr. Sealey said he felt we could reduce all expenses in the budget by 10%.

Mrs. Grantham stated that during the last re-evaluation, the Robeson County Board of Commissioners cut the increase in values from 28% to 15%.

Commissioner Kemp stated he had worked ten hours studying this budget, three hours with Commissioner Sealey. He stated that in his heart he feels that there are cuts to be made. Commissioner Kemp said he wanted the recreation director included in this budget at a salary of \$7,000.00 per year. Mr. Kemp stated he still thinks there is room for a 64-cent tax rate. He asked Rebecca Andrews, Tax Collector, if it is true that we are very, very high in past due taxes. Mrs. Andrews replied “yes.” Mr. Kemp asked her if she would be collecting more due to the new avenues of collection available to her. Her reply was “I hope so.” Mr. Kemp then gave a statement that is hereby incorporated by reference and made a part of these minutes.

Mayor Gaddy stated that during the last re-evaluation in 1996 we did not have the added expense of a roof on Town Hall and the operation of a new wastewater treatment plant. Mr. Gaddy added that it is election time and reducing the tax rate is a political gimmick. Mr. Gaddy said that the Town had bills and obligations to meet.

Commissioner Kemp said the past due tax list would be larger. He added that two of them were opposed to the 69-cent tax rate. Mr. Gaddy replied that in 1996 Commissioners Frank McCree and Charles Kemp voted against a tax increase, and where would we be now if that had been approved.

The past due taxes were then discussed. The new budget has \$10,000.00 in it for prior tax collection. Mr. Kemp asked Mrs. Andrews how much was owed in prior taxes. She replied, \$77,000.00. Mrs. Andrews added that Swiss Piedmont was approximately \$40,000.00 of the \$77,000.00.

Commissioner J. J. McCree asked what would be the effect if we dropped our tax rate to 64 cents, and Robeson County did an across the board reduction in values. Ms. Tatum replied that we could lose approximately \$100,000.00 in revenues.

Ms. Tatum stated that the City of Lumberton had lowered their tax rate by 5 cents. But in doing so, they increased their sanitation charge by \$5.00 per month. She added that we had experienced increases in most of our expenses, such as fuel. Mr. Kemp asked if there would be an effort to save gas and Ms. Tatum replied “yes.” Mr. Kemp said he feels that the policy of allowing police officers to drive their cars home needs to be revisited. He feels the officers should be allowed to drive them home if they reside within seven miles of the town.

Citizen Terry Evans said that many towns in our area had a higher tax rate. He said that Rowland’s rate is higher even though they are closer to I-95 and receive motel tax revenue. He said that Lumberton is increasing utility fees. He added that the state and county are both having to cut expenses. Mr. Evans said that if we lowered the tax rate, the previous \$5.00 rate reduction for utilities would have to be increased to \$10.00. He said the black community would not be able to pay for their town utility bill. He added that some white citizens on fixed income would also have problems.

Ms. Tatum said that in most areas we have cut expenses. Projected increases were based on actual increases.

Commissioner Kemp said that when tax bills go out in July or August, the large sucking sound we hear will be wallets opening.

Citizen Key McKee asked if the staff had considered what changes will be needed in the next five years, including revenue and expenses for the sewer plant. Ms. Tatum replied that the only revenues we can estimate for new customers tying on to our plant are capacity fees. She said we cannot project customers until they actually tie on. Ms. Tatum also stated that the Town now has its first Capital Improvement Budget.

Mr. McKee asked if the Golf Course Road Annexation was complete. Ms. Tatum replied yes, that all appeals are over.

Commissioner Grantham said that because of the delay in receiving actual values from the county, hard decisions have to be made. She added that hopefully next year there will be relief.

Citizen John Jackson stated he was recording the meeting. He said that Mr. Kemp's statement that he would not support an increase in taxes was due to it being an election year.

Commissioner Townsend made a motion to come out of public hearing at 6:45 pm. Commissioner McCree seconded the motion and it passed unanimously.

### **Administrative Matters**

#### **Adopt 2005-2006 Budget.**

Commissioner Antonio Currie made a motion to adopt the 2005-2006 Budget. Commissioner J. J. McCree seconded the motion and it passed by a four to two vote:

For: Commissioners McCree, Grantham, Townsend and Currie.

Against: Commissioner Kemp and Commissioner Sealey.

A copy of the budget ordinance is hereby incorporated by reference and made a part of these minutes.

Set Tuesday, June 28 as the Date to Adopt the Amended Budget for Fiscal Year 2004-2005.

Commissioner McCree made a motion to set the date of Tuesday, June 28, 2005 and the time of 6:00 pm to adopt the Amended Budget for Fiscal Year 2004-2005. Commissioner Currie seconded the motion and it passed unanimously.

Recommendations for ETJ Planning Board Member.

Ms. Katrina Tatum reported that Mr. James M. Rogers had declined the appointment as a member of the ETJ Planning Board. Ms. Tatum asked the Commissioners to make a recommendation for this position for submission to the Robeson County Board of Commissioners for appointment. Commissioner McCree nominated Betty Love of the East Side Park Community. Commissioner Sealey nominated Jerry Leggett of Highway 130 West. Both commissioners indicated that their nominees were willing to serve. The Mayor called for a vote; which went as follows:

Voting for Betty Love: Commissioners McCree, Townsend and Currie.

Voting for Jerry Leggett: Commissioners Sealey, Kemp and Grantham.

The Mayor cast the tie-breaking vote for Betty Love.

Request for Additional Appointments – Fairmont Community Activities Committee.

Commissioner McCree made a motion that Gosnold Floyd, Jr. be added to the Community Activities Committee to represent Rosenwald Alumni. Commissioner Currie seconded the motion. Commissioner Kemp said that since we had declined to budget for the recreation director, that Mickey Williamson be added to the Community Activities Committee, representing the Civitan Club. Commissioner Mary Bruce Grantham mentioned the various other civic clubs in town, such as the Woman's Club, the Rotary Club, etc. Mrs. Grantham stated that if we were going to have the Committee, we needed to have it as originally organized or to let all of the clubs have a member. She said it could get out of hand if members kept being added. There was discussion about whether or not Mickey Williamson was still a member since his position was eliminated in the 2005-2006 fiscal year budget. Commissioner Townsend made the motion that the Council not accept further Committee members, other than Gosnold Floyd, Jr. and Mickey Williamson, for at least one year so we can see how it goes. The motion was seconded by Commissioner Kemp. Annie Durant, Chairman of the Community Activities Committee, stated this was a working committee and they do not want anyone on the committee that is not willing to work. Mayor Gaddy asked how many members the Committee has. Mrs. Durant replied eleven with the addition of Mr. Floyd. Commissioner Townsend's motion passed unanimously.

Arts Products Building Rental.

Ms. Tatum informed the Council that Robeson County Commissioner Hubert Sealy is asking to rent the office portion of the Arts Products Building for business purposes at a rent of \$200 per month. The square footage of the area requested is 3,649 feet. Rental of this portion of the building would allow the town to offset expenses associated with ownership of the property.

Commissioner Kemp thought it was a good idea. Commissioner McCree made a motion to rent the building to Hubert Sealy for \$200.00 per month. Commissioner Currie seconded the motion. Ms. Tatum asked that the Town have the right to adjust the rent if expenses exceed the rent. Ms. Tatum stated he would be paying his own electric bill, phone bill, etc. Commissioner Sealey said that the renter should be required to maintain his own renter's insurance. The motion passed unanimously.

ASCAP Music License Agreement.

Ms. Tatum explained that the ASCAP music license agreement was developed with the International Municipal Lawyers Association as an alternative to seeking permission to use copyrighted works for public performances. The current annual fee for participation is \$268. She added that in speaking with Attorney Robert Price, she found there were three companies that offer this service. Attorney Price said that unless one company covered every artist we could be infringing on copyright rights if we did not have the coverage with all of the companies. Commissioner Sealey made the motion to table this issue until further research could be done. Commissioner Kemp seconded the motion and it passed unanimously.

Fairmont Rural Fire Department's Request to purchase Land.

The Fairmont Rural Fire Department came before the Board with a request to either buy or swap land their department needs for their new fire station. The land in question was recently donated to the Town by Carol Ann Lewis for Dorothy Floyd. Key McKee stated that the Rural Fire Department needs the Town's land in order for the bays to be accessible from both streets.

Commissioner Grantham was concerned that Mrs. Lewis gave the land to the Town for recreational purposes.

The Mayor asked why they were building in town. He asked why they did not want to be away from town. Mr. McKee stated that the Town of Fairmont is in the center of their district. He said that Robeson County designates the fire districts. They would have to be the one to change the boundaries. He added that even though they are physically separating from the Town's Fire Department, they would continue to have a Mutual Aid

Agreement with each other. He also said that the Town's Department would be invited to training sponsored by the Rural Department.

Commissioner McCree made the motion to table this issue until the meeting of June 28, 2005. Commissioner Grantham seconded the motion and it passed unanimously.

Interlocal Agreement with North Carolina Interlocal Risk Management Agency.

Ms. Tatum stated this agreement was necessary for participation with the NC League's Risk Management Insurance. Ms. Tatum added that our Worker's Compensation insurance premiums have decreased. This is most likely due to safety measures that have been implemented. Commissioner Grantham made a motion to adopt the resolution. Commissioner Sealey seconded the motion and it passed unanimously. This resolution and agreement are hereby incorporated by reference and made a part of these minutes.

**Announcements**

The June RCMA meeting will be hosted by Parkton and Lumber Bridge on Thursday, June 23, 2005 at 7:00 pm. at the Ruritan Club on Green Street in Parkton.

A Day in the Park, sponsored by the Fairmont Community Activities Committee, will be held Saturday, July 9, 2005 at the Fairmont Community Park at 1:00 pm.

Ms. Tatum announced that the Dixie Youth Coach Pitch Tournament will be held at the Civitan Ball Field beginning Friday, June 24 through Wednesday, June 29. The Civitans have requested all board members that can attend the opening ceremony Friday do so. There will be fifteen teams playing, representing Robeson, Hoke, Scotland and Bladen Counties.

**Citizens Appearance**

Jimmy Gilchrist – East Side Park sewer problems

Ms. Lois Carter, representing East Side Park Community, asked that Jimmy Gilchrist be allowed to speak on their behalf. Mr. Gilchrist gave a brief history of the sewer problems in East Side Park. He spoke of their desire to connect to the Fairmont Waste Water Treatment Plant. He said Robeson County had applied for a grant for this project. The only thing standing in their way is the \$70,000.00 match. The Robeson County Commissioners have voted down their request for matching money three times. Ms. Tatum said the town will do all it can to help. However, the town cannot spend taxpayer dollars out of town.

Privilege License – Video Poker Machines

Mr. Lyndon McLellan of L & M Convenient Mart and Grill spoke of his concern for the privilege license for video poker machines. He stated that last year his bill was \$100.00 per machine for a total of \$300.00. This year his bill is \$5,000.00 per machine for a total of \$15,000.00. He said he cannot afford this increase. Mr. McLellan added that he does a lot for the town, such as sponsoring recreational events. Mr. McLellan asked the Board to reconsider the license fee.

Mr. Kemp said he would vote for \$1,000.00 per machine if the funds would go to recreation only. Commissioner Grantham said she did not think it was right to do this. Commissioner McCree asked if this item could be added to tonight's agenda. Attorney Price said it could be added if all members agreed.

Commissioner McCree made the motion to amend the agenda so that the privilege license for video poker machines could be voted on. Commissioner Sealey seconded the motion and it was unanimously approved.

Commissioner McCree then made the motion to reduce the privilege license fee for video poker machines to \$1,000.00 per machine. Commissioner Sealey seconded the motion. Commissioner Kemp made a substitute motion to tag the revenue from the video poker machine license fee to recreation. Commissioner Sealey seconded this motion. The vote went as follows:

Commissioner Kemp's Motion- voting for – Commissioners Kemp and Sealey  
Voting against – Commissioners McCree, Grantham, Currie and Townsend

Commissioner McCree's Motion – voting for – Commissioners McCree, Sealey  
Grantham, Currie and Townsend.  
Voting against – Commissioner Kemp.

Commissioner McCree's motion passed with a vote of 5 to 1.

**Citizen's Appearance Continued**

Huel Faulk – Community Activities Committee and recreation

Mr. Huel Faulk stated "I come in peace." He asked that recreation funds be turned over to the Community Activities Committee, maybe not this year, but perhaps next year. The Mayor asked Mr. Faulk to come to Town Hall to discuss these plans with Ms. Tatum. She will then bring it back to the Board.

**Closed Session – Personnel**

Commissioner Sealey made a motion to go into closed session at 7:50 p.m. to prevent the disclosure of information that is deemed privileged or confidential as determined under General Statute 143-318.10(e) and to discuss personnel as permitted under General Statute 143-318.11(a)(6). Commissioner McCree seconded the motion and it passed unanimously.

Mayor Gaddy, Commissioners Grantham, Sealey, McCree, Currie, Kemp and Townsend, along with Katrina Tatum, Robert Price and Linda Vause were in attendance during closed session.

Commissioner Kemp made a motion to come out of closed session at 8:00 p.m. Commissioner Sealey seconded the motion and it passed unanimously. Mayor Gaddy announced that no action had been taken.

There being no further business, Commissioner McCree, seconded by Commissioner Grantham, motioned to adjourn the meeting at 8:10 p.m.

Linda W. Vause  
Deputy Town Clerk

## **Special Meeting – June 28, 2005**

The Fairmont Board of Commissioners held a special meeting on Tuesday, June 28, 2005 at 6:00 p.m. in the Council Chambers with Mayor Nedward Gaddy presiding. Commissioners present were J. J. McCree, Wade Sealey, Antonio Currie, Charles Kemp and Charles Townsend. Commissioner Mary Bruce Grantham was absent. Staff present included Katrina Tatum, Interim Town Manager, Rebecca Andrews, Tax Collector and Linda Vause, Finance Officer/Deputy Clerk. Others present included Mickey Williamson, John Jackson, Terry Evans, Charlie Ray Hunt, Leon Jacobs and Key McKee.

Mayor Gaddy called the meeting to order and Commissioner Wade Sealey gave the invocation.

### Approval of Agenda

Commissioner J. J. McCree made a motion to approve the agenda. Commissioner Wade Sealey seconded the motion and it passed unanimously.

### Administrative Matters

#### Fairmont Rural Fire Department's Request for Land.

Ms. Katrina Tatum, Interim Manager, reiterated her suggestion that the Town swap land with the Rural Fire Department. Ms. Tatum also said she had spoken with the engineer for the Rural Fire Department and she was very impressed with him. She feels they will have an outstanding building. The land the Rural Fire Department is interested in was previously donated to the town for use as a sports field, located at the corner of Center and Mulberry Streets. The Rural Fire Department is willing to switch equal land for this lot and give the town the opposite corner of the block at Red Cross and Morro Streets. After much discussion by the board about the location of the land, Commissioner Sealey made a motion to swap land as identified. Commissioner Kemp seconded the motion and it passed unanimously. After the vote was taken, Ms. Tatum said she felt the Rural Fire Department should bear all legal and survey expenses with this swap. She would also prefer they use the town attorney and surveyor.

#### Adopt 2004-2005 Amended Budget.

Commissioner Charles Kemp questioned why the staff only budgeted \$10,000.00 collection for prior year taxes for the new year, and the amended budget indicated that \$47,240.00 was collected for 2004-2005. Ms. Tatum said that Mrs. Andrews had been aggressive in collecting prior year taxes and that most of the uncollected prior years' balance was for Swiss Piedmont. Robeson County nor the Town of Fairmont have been able to locate the owners. Neither the county nor the town wants to foreclose due to the environmental concern. Ms. Tatum asked the county tax assessor to give the property a negative value, but he would only lower it. Ms. Tatum asked Mrs. Rebecca Andrews to explain how the foreclosure process will work. Mrs. Andrews said the town attorney will be charging \$100.00 for the first letter sent regarding a foreclosure. Subsequent letters

will be \$25.00 each. Mrs. Andrews said they will be foreclosing on delinquent tax accounts over the amount of \$1,000.00 first. She will continue to try to collect the smaller amounts.

After the discussion had ended, Commissioner McCree made a motion to adopt the Amended 2004-2005 Budget. Commissioner Currie seconded the motion and it passed unanimously. A copy of the amended budget ordinance is hereby incorporated by reference and made a part of these minutes.

Write-Off Uncollected Water Accounts for 2004-2005 in the amount of \$4,718.85.

Ms. Tatum told the board that even though we were requesting the uncollected accounts in the water department be written off, we would still try to collect them as a bad debt. No one listed in the bad debt file can have water service in their name until the account is paid. Also, this year the town is participating in the NC Debt Set-Off Program. We will be garnishing tax refunds when possible.

Commissioner Townsend made a motion to write off uncollected water accounts for 2004-2005 in the amount of \$4,718.85. Commissioner Kemp seconded the motion and it passed unanimously. A list of these uncollected water accounts is hereby incorporated by reference and made a part of these minutes.

Release 1994 Property Taxes in the amount of \$2,879.41.

Commissioner Sealey made a motion to release uncollected 1994 property taxes in the amount of \$2,879.41. Commissioner McCree seconded the motion and it passed unanimously. A list of these uncollected property tax accounts is hereby incorporated by reference and made a part of these minutes.

There being no further business, Commissioner Kemp made a motion, seconded by Commissioner McCree to adjourn the meeting at 6:30 p.m.

Linda W. Vause  
Deputy Town Clerk