

Town of Pink Hill
Board Meeting
December 13, 2022

Minutes

The Town of Pink Hill Board meeting was held on December 13, 2022 at 7:00 p.m. in the police bay. Present for this meeting were Mayor Yvonne Deatherage, Commissioner Penny Murphy, Commissioner James Quinn, Commissioner Pete Fantini, Town Attorney George Jenkins, Town Clerk Lisa McGee, Fire Chief Brett Smith, Deputy Fire Chief Morgan Heath, Police Chief Michael Hoffman, Public Works Supervisor Timmy Kennedy, and Public Works Assistant Phillip Swinson.

Mayor Yvonne Deatherage said I would like to call this meeting to order at 7:00 pm and welcomed everyone to the December 13, 2022 meeting. I would like for you to stand and join in the pledge of allegiance. Everyone stood and said the pledge of allegiance.

Town clerk, Lisa McGee, called out each board members name for the roll call. Present were: Mayor Yvonne Deatherage, Commissioner Penny Murphy, Commissioner James Quinn, Commissioner Pete Fantini, Attorney George Jenkins and Town Clerk Lisa McGee.

The town board was reminded of the Conflict of Interest by Mayor Yvonne Deatherage.

Community Remarks were given by Mayor Deatherage. Christmas on the Hill and the lighting of the tree was enjoyed by all in attendance. The Pink Hill Christmas Parade went well and was well attended. Timmy Kennedy, Congratulations on your granddaughter Molly Kate. Mayor Deatherage welcomed Lisa McGee, as the new Town Clerk. Officer Johnny Weaver's wife Jessica's Dad Mr. Timothy Pike, Director of Jones County Emergency Management died unexpectedly. The service was today. Please keep the family in your prayers.

Michael Hoffman, Chief of Police, made a statement addressing everyone: "Cut off all mobile devices as the meeting is being recorded. Please refrain from speaking unless you have the floor. Any outburst could be the cause for you being ask to leave the meeting. Be it noted that our meetings are being recorded. Let's conduct ourselves in a professional manner. Thank you for hearing me, Chief Hoffman.

Mayor Deatherage asked the Town Clerk, Lisa McGee to stand, hold the Holy Bible, raise her right hand and take the Oath of Office. Town Clerk, Lisa McGee held

the Holy Bible in her left hand and raised her right hand. The Oath of Office which states the following:

“I, Lisa Kaye McGee, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United State, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Clerk so help me God.”

(North Carolina constitution, Article VI, Section 7).

Signed by Lisa Kaye McGee, Town Clerk and Yvonne S Deatherage, Mayor on December 13, 2022. Mayor Yvonne Deatherage sealed the Oath.

Mayor, Deatherage, asked the Board of Commissioners to review the November 1, 2022 minutes that was supplied by Attorney George Jenkins. Attorney George Jenkins took the minutes due to no Town Clerk in November 2022. Mayor Deatherage also ask the Board of Commissioners to look over the minutes of the two (2) closed sessions held on November 7, 2022 and November 10, 2022. After the Board of Commissioners reviewed the minutes, a motion was made by Commissioner Murphy, to approve the Board Minutes for November 1, November 7, and November 10, 2022. Commissioner Quinn seconded the motion. The minutes were approved unanimously.

Reports of Department Heads are included in your binders:

Timmy Kennedy, Public Works Supervisor

Tony Heath, Fire Department Chief

Mike Hoffman, Police Chief

Brewer Park:

There are several community groups Mayor Deatherage is talking with about helping update the park. For the safety of our children, the town is putting up a sign that's been ordered for Brewer Park that says, it is temporarily closed until renovations are complete. She's hoping renovations will be completed by Spring of 2023.

The sign serves two purposes

(1) it prevents children from being injured on broken equipment.

(2) if someone is loitering, it gives law enforcement a reason to stop and question them.

Old Business:

During the November meeting, there was a discussion about bringing a Splash Pad Park to Pink Hill. Mayor Deatherage said this took place before I became Mayor. To better understand the facts surrounding this issue, I asked the county manager to provide me with a letter outlining the position of the county regarding this potential project. I am now going to read the relevant portion of that letter:

The letter from Lenoir County's County Manager, Michael James was read by Mayor Deatherage. The letter is in the binder.

Since receiving this letter, I have begun researching the feasibility of such a project for Pink Hill, including the cost to build and maintain such a facility and other related issues that could impact the town. Once I have gathered all the relevant data for such a project, I will put it back on the agenda for discussion.

Certificate of Satisfaction of Hart Deed of Trust: Attorney George Jenkins ask the Board of Commissioners to look over the Deed of Trust. Attorney George Jenkins said that this deed of Trust was part of the Agriculture Program that provided an automatic forgiveness of the loan. But the Harts had misplaced their Promissory Note, the Town did not have their copy of the Promissory Note and the Wooten Company could not locate their copy of the Promissory Note and the Attorney's copy burned in the Attorney G. Jenkins office fire in July 7, 2014.

The Wooten Company told Attorney George Jenkins although they cannot find the Promissory Note, based on the age of the home, the Hart's are entitled to have their Deed of Trust satisfied because at the very most they would have had to own it for eight (8) years and they have.

It is Attorney Jenkins opinion that they are entitled to have the document satisfied and cancelled of record. I have also provided you with a copy of Certificate of Satisfaction and if you would vote to instruct the mayor to sign that and instruct the clerk to attest to the mayor's signature and get it notarized and returned to me, (Attorney George Jenkins), I will get it recorded in the Register of Deeds Office. This would cancel this lien of trust forever.

Mayor Deatherage asked for a motion. Commissioner James Quinn made a motion to cancel the of the Deed of Trust. Mayor Deatherage asked for a second. It was seconded by Commissioner Penny Murphy.

Attorney George Jenkins said he would answer any questions they may have.

Commissioner Fantini asked, "so the lien against it has been honored"? Attorney George Jenkins stated, that's a good word, honored. It has been honored; it has not been paid. This loan, by the Department of Agriculture from time to time will have loans for certain target areas where they lend an amount of money and require that it be paid back in five (5) years or eight (8) years or whatever. It's easier to talk about five (5) years. For example, If you sell the property after have owning it for one (1) year, you have to pay 80% of the loan back, four (4) years' worth. If you sell the property two (2) years after you get the money you pay back 60% and the amount that you pay back goes down. If you own it for five (5) years, in this particular case eight (8) years, the amount that you

are require to pay back is zero (0). But it's still on record as a lien against the title. Just like when you all bought your homes, you have a mortgage from the bank, that's a lien on the title. To get that lien off we have to do a Certificate of Satisfaction. So, to answer your question Mr. Fantini, the word you used is most appropriate, it hasn't been paid off, it's been satisfied and complied with. The gentleman at the Wooten Company told my paralegal that he thinks there are others out there. So, as we find them, I will come to you with the same kind of documentation.

There was no more discussion and the motion passed unanimously.

It was signed by Mayor Yvonne Deatherage and Town Clerk Lisa McGee. It was Notarized by Tammy Elliot. It was returned to Attorney George Jenkins, to be filed at the Lenoir County Register of Deeds Office.

New Business:

1. Budget & Finance Report:

The papers in your packet are through October 31st. The CPA is showing the town is over budget on their spending. Each department needs to purchase only what is absolutely needed. When the CPA has November and December reconciled, I will call a special closed session meeting to discuss and readjust the budget. There was no discussion by the Board of Commissioners.

The papers included in the binder are as follows:

Budget & Finance Report

2. Pink Hill Library Roof:

Before the town can do the work inside the library where funds have been allocated, the roof has to be repaired. The town has received two proposals-one for the repair and another for replacement.

One for the repair of the roof is \$1,060.00 versus a new roof for \$61,155.00.

We don't have the budget to replace the roof. We do have the funds to repair the inside of the library but, we can't proceed inside until the roof has been repaired.

The repaired proposal of \$1,060.00 will be withdrawn after 30 days, which will be at the end of the business day, December 14th which is tomorrow.

Do I have a motion to do the repairs on the library's roof for \$1,060.00?

A motion to repair the roof to Pink Hill Library Roof was made by Commissioner Penny Murphy to repair the roof on the Library for \$1060.00 and seconded by Commissioner James Quinn.

Commissioner Pete Fantini asked if we had asked anybody else to do the repairs or to give a bid. Mayor Deatherage said it was put out for bids and this is what Timmy

received. They came back and like I said the \$1060.00 goes through tomorrow, December 14, 2022. We gave 30 days for these prices, because the prices keep going up. The mayor recommended to repair the roof so we can fix the inside.

The vote was taken and the motion carried unanimously.

3. **Public Comment Policy Update:**

Mayor Deatherage brought the Public Comment Policy Update before the Board of Commissioners.

The original public comment policy is in the binder and the Policy update is as follows: A document with the changed sections 3 a, c, k, & l with the changes made in bold.

3. Policy

a. Anyone desiring to address the council must sign up with the Town Clerk **beginning 30 minutes before and ending 10 minutes before** the Commission Meeting. The request should be in writing and on a form provided by the Town Clerk. The form shall, as a minimum, provide the requestors name, address, and a short description of the topic on which he/she would like to speak.

c. The Public Comment portion of the agenda will be placed **at the beginning** of the agenda.

k. **Commissioners may only ask questions to clarify a point and shall address the question to the chair and not directly to the speaker.** The time used by a commissioner to ask a question, or the response to the question, will not be counted against the citizens' 3-minute time allotment.

l. **Commissioners shall not answer questions posed by the speaker. The chair will determine the need to follow up on items brought up during the public comment period and will either follow up with the speaker or direct the item to the appropriate department for follow-up.**

Mayor Yvonne Deatherage said this comment policy will move the public comment section to the beginning of the meeting. She also stated it really has not changed other than that, this just clarifies what is already in the document.

The thought of having the public comment portion at the beginning, there are some people who can sit in a meeting like this and get anxious by the end of the meeting. They are just very nervous or whatever, and others if they start at the beginning, they will probably leave because they want to get home to do other things. So by moving it to the beginning of the meeting we are trying to make it easier for the residents.

Commissioner Pete Fantini, stated, so a commissioner can only ask questions to clarify a point and shall address the questions to the chair and not directly to the speaker. Mayor, Yvonne Deatherage, said, that is what is in the policy document right now that but is not the way the board has been proceeding in the last nine (9) months to a year. I am just asking for the wording change for clarification.

Commissioner Pete Fantini, stated if there is a speaker, and they are addressing something to the board of commissioners at the town board commissioners meeting, we don't have the ability to ask them a question?

Mayor Deatherage stated you can clarify the question or what they are saying, but that is all we are doing is clarifying. We cannot have a discussion back and forth. We are to take what they bring to the board, and then the board is to get together and discuss it. We will better be able to give them correct answers. We cannot just answer their questions at that moment. This is what already exists in the policy, we are just clarifying it, making it a little easier to read and understand.

The mayor asks for a motion for the proposed policy change? Commissioner James Quinn made a motion to make the changes and it was seconded by Commissioner Penny Murphy.

The motion was carried with a vote of 2 to 1.

Fantini was the vote against.

4. **Online Bill Pay:**

I discussed adding online bill pay to the website with the representative from the bank. This will help with people that live out of state but are paying a water bill for a family member to the Town of Pink Hill.

The fee schedule is the same as the in-person swipe in the town hall, which would be 1% with a typical transaction. This fee is much lower than other providers and keeps everything in one place if we have an issue. We need a gateway through the authorize.net service to accept payment on the website. The monthly fee to implement this will be approximately \$25 month.

The user will input their information on the website, process the card, and the merchant will deposit the funds the next day into the bank account. The benefits of online payment to the customer are obvious as a convenience that allows them to pay at any time of day or night on their schedule and location. It is a constant customer request and one I would like to implement immediately. The benefit to the town is that it will reduce the time the clerk has to spend taking payments on the phone and in person.

We currently do not charge a fee to the customer for in-person or on-the-phone payments. I think we should continue that policy online since the fee is the same, and not having an employee assisting the customer represents a cost saving to the town in terms of labor costs. Also, there are certain restrictions and limitations regarding the charging of convenience fees under state law, and so we avoid any issue with that, which is probably why we do not charge a fee now.

Once I have approval, the bank can implement it this week, and we can have it live by the middle of next week.

Do I have a motion to implement online bill pay to the website based on the schedule above and to do so with a policy of not charging a convenience fee to the customer?

Commissioner Pete Fantini made a motion and seconded by Commissioner Penny Murphy. The motion carried unanimously.

5. Conflict of Interest Policy:

Policies included in binder:

Conflict of Interest Policy for Lenoir County

Conflict of Interest Policy for Town of Pink Hill

Mayor Deatherage stated you have in front of you a policy entitled Pink Hill Conflict of Interest Policy for Pink Hill and Conflict of Interest for Lenoir County.

She asked for a motion to accept this policy that is the exact policy the Lenoir County Board of Commissioners use at their board meetings.

Commissioner James Quinn made a motion and seconded by Commissioner Murphy. There was no discussion. The motion carried unanimously.

6. Security Camera Proposal:

Commissioner Pete Fantini, stated he had a proposal that he emailed to the commissioners and the mayor, and I have a bunch of them right here for anyone who would like them. In lieu of what happened at one of our parks in town that happens to be a county park with a young boy. I believe that security cameras at our parks would do our families justice for safety. I didn't just come at it whole heartily, I got a proposal for it, however, I emailed them and the response I got was: we don't have the money in our budget. I was also pulled in the back and told that it was county property, so we will have to go through county commissioners for that as well, however, being as Brewer Park is being closed right now, we have time to raise the money, as I was directed that I should do fundraising on my own to get the money for these cameras. So that's what I'll do, get money for these cameras. The issue is we're still going need internet, and there's three (3) companies that can provide it; Century Link, Spectrum and ECB. And we all need to look at that for the future reference. So, I will not present my security cameras as of now, and I will go do some more fundraising on my own, to make this happen. I will talk to the county commissioners as well. So, I have nothing more to say on that.

7. Seat Appointments:

Mayor Deatherage stated as the new Mayor, I have the opportunity to appoint titles to the commissioners.

I'm going to switch up the fire and street to Commissioner Penny Murphy being the Fire Commissioner and Commissioner Pete Fantini being the Street Commissioner. Due to the importance of the water department to the town, I'm going to appoint Commissioner James Quinn Water Commissioner and I'll have oversight over the police department as Mayor.

8. Remarks by the Town Attorney:

Attorney George Jenkins, stated that what he needed to say he had already said. It was about the Certificate of Satisfaction of Hart Deed of Trust.

9. Comments by the Board:

Commissioner Pete Fantini: first off let me say that the Christmas on the Hill and Polar Express were an absolute hit this town, all the businesses and everyone involved, and I will say that unfortunately it was not pushed for some reason by the town as the Christmas parade was. Which the Christmas Parade was great and always has been, it was amazing this year as well. Unfortunately, I don't think the recognition was there, because the town didn't believe it was their event. So, it didn't get pushed or recognized, and that to me is a little bit dishearten, because I think it was a great event for everybody. Commissioner Fantini also stated that he would like to start our meetings with a prayer. Commissioner Fantini also discussed the Splash Park he would no longer ask for help from the town. Commissioner Fantini stated that projects are not just his they are ours (the Town of Pink Hill) and I would hope that you would promote all projects and that Security Camera only benefit the Town that's our project not just Pete Fantini's. Commissioner Fantini stated that we should all work together for the betterment of Pink Hill. We all need to be a team.

Mayor Yvonne Deatherage asked if there any more comments. There were no comments from the other commissioners.

There were no public comments.

There was no need for a closed session.

The meeting was adjourned.