

September 12, 2017  
7:00 P.M.

The Town of Pink Hill held its monthly board meeting on Tuesday, September 12, 2017 at 7:00 p.m. in the town hall board room. Present for the meeting were Mayor Carol Sykes, Commissioners Mike Hill, James Quinn, and Penny Murphy, Town Attorney George Jenkins, Public Works Director Timmy Kennedy, Chief Joey Thigpen, Town Clerk Kimberly Mitchell, and Fire Chief Tony Heath.

Visitors present for the meeting were Susan Myers, Rodney Scott, Yvonne Deatherage, David Harris, Jayne Zesiger, Al Rachide, Daniel White, Turner White, Amber Heath, Bill Turner, Ben Knight, and Jennifer Scott.

Mayor Sykes thanked everyone for coming to the board meeting. She said we have some new visitors here tonight and we are glad to see you. Mayor Sykes called the September meeting to order and asked Commissioner Hill if he would lead everyone in the pledge of allegiance. Commissioner Hill then led everyone in the pledge of allegiance. Mayor Sykes asked do I have a motion to approve the agenda and amendments. Commissioner Hill made a motion to amend the agenda and strike #5 from the agenda and approve the rest of the agenda. Mayor Sykes said striking #5 was about the CDBG grant so we have already discussed that, so do I have a second. Commissioner Quinn seconded the motion. Mayor Sykes asked if there were any comments, if not, all in favor say "Aye" and the motion carried unanimously. Mayor Sykes asked for a motion to approve the consent agenda with the regular board meeting minutes from August 8, 2017. Commissioner Hill made a motion to approve the consent agenda and the last August 8, 2017 board minutes. Commissioner Murphy seconded the motion. Mayor Sykes said okay we have a second is there any discussion, if not, all in favor say "Aye" and the motion carried unanimously.

The first item on the agenda was the annual settlement of property taxes for FY 2016-2017. Mayor Sykes asked the board to turn over to page 6 and it tells us here that the percentage collected for this fiscal year was almost 96 percent which is pretty good. She said the county does our tax collecting so they do a pretty good job. Kim said you need a motion to approve that resolution. Mayor Sykes said this resolution is accepting the annual statement of the Lenoir County Tax Collector and it says the town commissioners acknowledge with appreciation the diligent efforts of the tax collector that has resulted in 95.99 percent collection for the fiscal year 2016-2017. Commissioner Hill made a motion to approve the tax resolution. Mayor Sykes said do I have a second. Commissioner Quinn seconded the motion. Mayor Sykes said we have a second, is there any comments, if not, the motion carried unanimously.

The next item on the agenda was final update on B.F. Grady Sewer Interlocal Agreement. George explained that it is his understanding that Duplin County has returned the proposed interlocal agreement that was sent to them on August 17, 2017. It has 19 paragraphs in the agreement and included in those are the cost terms and the cost terms basically provide that B.F. Grady will be charged the same fees for the treatment of its wastewater as the Lenoir County Schools are charged. That includes what we have designated in that agreement as a monthly user fee of currently \$1,053 per month and then additional monthly charges at a rate based on the

amount produced. So it is \$9.00 per 1,000 gallons for the first 10,000 gallons per day and then \$10.00 per 1,000 gallons for gallons 10,001 through 18,000 gallons per day and the penalty of \$1.00 per 1,000 gallons per day of everything over 18,000. He said and it is my understanding that 18,000 gallons per day was the amount for which they received a permit. That was their permitted amount. Kim said everybody has a copy of this in their agenda packet of the actually signed only agreement by both parties. Mayor Sykes asked have they started school yet and Kim replied yes they have started. Mayor Sykes said that is for informational purposes George, I don't need to have a motion do I because it has already been signed? George replied no, it has already been signed. You approved it in August. Mayor Sykes replied okay.

The next item on the agenda was System Development Fees/Impact Fees/User Fees. George said one of the issues that they raised was what we were calling our \$1,053 fee. Now I think Mike and I had discussed we couldn't call it an impact fee. George asked Commissioner Hill wasn't that the first thing that we eliminated and he replied yes. We used some other terms on it and people at the School of Government who have opinions just like any of the rest of us do said in their opinion that could only be used for upgrading the system. I would suggest to you that you need to change the fee schedule to change that out of town fee to a... Kim said we call it availability fee, we need to change it to user fee. George said change it away from availability fee and I would suggest something along the lines of monthly flat rate user fee. Commissioner Hill said and also the upfront money could not be charged as an impact fee, it had to be a connection fee. George replied right and that was the \$25,000 that they were charged as was Moss Hill and the new Pink Hill School and South Lenoir School. Commissioner Hill said and Kim told him a while ago that Mike Aldridge has asked her to send him an invoice for that so they can pay. George asked for the \$25,000? Commissioner Hill replied yes. Kim stated it got sent to him today. Kim stated this packet here in your agenda. This is what the guy from the League was talking about the other day. George asked is that Session Law 138 and Kim replied I think so. Commissioner Hill stated there was a lawsuit developed in the Town of Carthage and Carthage won every level until they got to the Supreme Court. Mayor Sykes asked because of the name of... is that what it was all about? Commissioner Hill stated he was told yesterday why but would rather not say because it kind of makes it look bad on the court.

Mayor Sykes asked what were we going to change it to, I need a motion? Commissioner Hill made a motion to change the availability fee to a monthly flat user fee. Mayor Sykes asked do I have a second. She asked do you understand what he is saying. Commissioner Hill said wait a minute we're supposed to put in here about the 1,000 gallon rate. George replied yes. Commissioner Hill said plus the 1,000 gallon rate. Mayor Sykes said is that on our other copy. George said what you are talking about would be a separate line above that but that would not, I think you need to make clear in your motion that it does not change the first 10,000 gallon rate and the 10,000 to 20,000 and don't have a 20,000 to 30,000 rate not for B.F. Grady. Commissioner Hill said the user fee starts at 0 gallons. Kim said the user fee is before the first drop of water is used at all. Commissioner Hill said 1 gallon to 1,000 gallons, I mean it goes to 10,000, 10,000 to 25,000, 25,000 to 50,000, and 50,000 and above. Kim said that is our monthly rate. George said I think your motion needs to say that that hasn't changed, that the name of the monthly per gallon fees. Commissioner Hill said look back at what I said to start with. Kim reread the motion that Commissioner Hill had made earlier which was motion to change availability fee to monthly user fee. Commissioner Hill said flat user fee, put that flat in there.

Kim said monthly flat user fee? Commissioner Hill replied yes. Kim said okay. Commissioner Hill said the 1,000 gallon rate will stay the same.

Mayor Sykes asked was that not on the rate schedule that you sent them, the 1,000?

Commissioner Hill and George replied yes. George said the only thing we are changing is just taking one word out and replacing it with four words. Taking out the word availability... Mayor Sykes said I understand the 1,000 gallons, I thought it was already on our rate schedule.

Commissioner Hill said it is. Kim said so we are not really doing anything with that. George said I am just saying out of an abundance of caution let's put in the motion that the... Kim said the 1,000 gallon rate does not change. Mayor Sykes said okay do I have a second.

Commissioner Quinn seconded. Mayor Sykes said okay any discussion, all in favor of the change say "Aye" and it carried unanimously.

Kim asked isn't there a study that has got to be done or an analysis that has got to be done by July 1, 2018. Mayor Sykes said that is what he said the other day. Kim said that is this packet here and maybe that is what you guys take this home. Commissioner Hill said no this doesn't come in effect until then. Mayor Sykes replied he said we need to do it. Kim said October 1<sup>st</sup> is when the new law comes into effect for the availability fee/user fee. This here the system development fee that they are talking about, I think we probably need to let you guys take this home, look over it, and then at next month's meeting discuss it more in detail to get more familiar with it. Commissioner Hill said it says a professional, it doesn't say it couldn't be a CPA or an engineer as long as they, like a CPA deals in finances and that is what Daniel got out of it in Raleigh that we could use either a CPA or engineer. George said the statute itself says that it has to be prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems. George said can he suggest that Kim give each of you a copy of the session law that was passed. I have done some highlighting on it, you are more than welcome to ignore my highlighting. Kim asked do we need to put this on next month's meeting. Commissioner Hill replied yes. Mayor Sykes asked isn't he going to send you something else. Kim said this is what he sent. Mayor Sykes replied okay. Commissioner Hill said we use Amanda Murphy and also Connie is a CPA and who with engineering have we talked to. Mayor Sykes said the Wooten Company. Commissioner Hill said the Wooten Company or Stroud either one. Mayor Sykes said well why don't we just keep the Wooten Company if that's okay, I mean they have done it and they know the decision on everything. She said it would be her recommendation to let them look at it since they have been with us when all these lines were put down. Commissioner Hill said we might want to kind of look at. Mayor Sykes said I mean do we have to decide that tonight. Commissioner Hill said no we don't have to decide that tonight but talk to each one of them because we don't want to pay a lot of money for something that is going to eat up what little bit we get from them. Kim said so do you want to make a motion that we discuss this at the next meeting then. George said a motion to table. Commissioner Hill made a motion to table. Mayor Sykes asked for a second. Commissioner Murphy seconded the motion. George stated it was not debatable. Mayor Sykes said I'm not going to debate it, I think you told me four times and I remembered it tonight. George said just vote. Mayor Sykes said may I have a vote please. All in favor say Aye it carried unanimously.

The next item on the agenda was mixed drink on ballot. Mayor Sykes said well I hate to tell y'all but we can't do it. We don't enough people in Pink Hill. You have to have a population of so many and we don't have the population so that is dead in the water. So we don't even have to discuss it, sorry about that. She said but we did pass the brunch bill. Someone asked how many people do you have to have? George said you have to have registered voters in excess of 500 and Pink Hill has 232.

Police Updates was next on the agenda. Chief Thigpen said since our last meeting on August 8, 2017 we have had a total of 57 calls. We have had 4 alarm activations, 3 assist Duplin County Sheriff's office, 1 assault, 7 assist Lenoir County EMS, 8 assist Lenoir County Sheriff's office, 5 assist motorist, 2 assist Lenoir County Probation, 4 damaged property, 4 disturbances, 2 shoplifting, 2 suspicious persons, 5 suspicious vehicles, 1 trespassing, 5 unlock vehicles, 2 warning citations, 2 collisions, and 12 miscellaneous calls. Mayor Sykes said you have kind of been busy, thank you. Chief Thigpen said everything else has been going good, the car is doing okay. He said that Bryan Zesiger just went for and had his radar recertification completed. Everything else is going good. Mayor Sykes and the board thanked Chief Thigpen.

The next item on the agenda was Fire Department Report. Fire Chief Heath said since our last meeting we have had 13 EMS assignments, 3 automatic fire alarms, 1 brush fire, 3 structure fires, and 1 service call that was due to some storm damage on Watering Pond Road. He said since our last meeting we have also had a Rescue Grant that opened up that we will be applying for. Of course some new rescue equipment and EMS equipment. We will also be finalizing the paperwork for our 50/50 fire grant since we have all the equipment in hand now.

Fire Chief Heath stated they are making preparations to start our annual spook house fundraiser. It opens up the end of this month and runs through the entire month of October on the weekends. He said on September 30, 2017 there is a fundraiser for the battered and abused women in Lenoir County and I have enlisted about 8 or 10 of our firemen to go walk a mile in their shoes. So we are going to walk a mile in red high heeled shoes. He said so anybody that is available that can come out and participate and see the events that is taking place that day, we would love to have you. Commissioner Hill asked if Timmy was one of them. Fire Chief Heath said Timmy is one of them. Mayor Sykes said she thought that was a great idea and thank you.

The next item on the agenda was Water/Sewer Report. Timmy said mostly business as usual. We went through all the preparations of making sure all the generators were gassed up and running and all that. He said we are thankful that the hurricane took a westward turn and didn't come to us. Timmy said other than that he doesn't have anything going on.

Timmy said he is having a little trouble with his sewer pumps. He said he has been in contact with Pearson Pumps and going to work on that in the coming month.

Mayor Sykes asked Timmy if he had noticed the hole at Woodrow Sumner's old station there in the corner, I mean it is where the asphalt, I mean there is a hole about that big and the asphalt is just... Timmy said we repaired a couple of more that were north of that one. I haven't been to that one yet and I know I haven't noticed it. Mayor Sykes said and there is one on the other side across from the ABC Store. It is not as bad and it has been repaired it looks like but there is one

over there also. Commissioner Hill asked if it was on Highway 11. Mayor Sykes said she was thinking it is DOT. Timmy said there is 4 foot cement tile. Mayor Sykes said she thinks it is DOT because Highway 11 is... Commissioner Hill said it is them storm drains. Timmy said it is probably in their right of way but because of where it is at, it is going to end up being ours. Commissioner Hill said he would call and find out. Mayor Sykes said she would too. Timmy said he had called about another hole which was Carol Drive right at the intersection of Highway 11 and Carol Drive, right at H & H and there is a sinkhole right there. It is the storm drain that runs through there, storm tile and we have patched it already twice. Mayor Sykes asked if it was ours. He said he talked with Robbie Smith with DOT and he said it is ours because of where it is at. Timmy said I don't agree with that answer. Commissioner Hill said tell him to call me the next time to see if I am in town or anywhere near. Timmy said it needs some more asphalt on it right now. He said it is a four foot tile right there, cement tile. Timmy said he says there is not tile there but I have had it uncovered so I know it is there and it is not ours and we didn't put it in. Kim said we might have to go to someone higher up at DOT. Mayor Sykes said yes, I would suggest that. Mayor Sykes said John Rouse, I would talk to him. Timmy said is it Len White on this end of the county, is that right. Kim said that is who it used to be but it is John Rouse now. Kim said I have got Len's number. Timmy said he has talked to Lyn before on another issue. He said he will talk to Lyn on both of those. Commissioner Hill said it is their storm drain, take the water off of Hwy. 11, both of them. Mayor Sykes and the board thanked Timmy and his guys.

Budget Amendments if needed was next on the agenda. Kim said it is in your packet and it is for the election. She said I talked to Dana and she said that \$3000 would be a good amount so we are amending it. Commissioner Hill made a motion to approve the \$3000 for the general election. Commissioner Murphy seconded the motion. Mayor Sykes asked if there was any discussion, if not all in favor say "Aye" and the motion carried unanimously.

The next item on the agenda was Remarks by Town Attorney. George said he did not have any comments after having given good news about the sewer line. Mayor Sykes said okay.

The next item on the agenda was Comments by the Board. Mayor Sykes asked if any of the board members had anything to say. Commissioner Hill said I have got something to say. He said he appreciated all the work Kim and George did on this Duplin County thing and I appreciate the board sticking together and telling them what we wanted and not backing down and glad everybody worked together and got this done.

Commissioner Hill said he wanted to ask Kim about the Christmas party for the employees. Mayor Sykes said she can't believe it is that time of the year again, and my birthday is coming up. Kim said I think October is normally when we kind of decide but if you want to go ahead and discuss it tonight or y'all be thinking about it. Commissioner Hill said just think about and price some places and then we will pick in October. Kim replied okay.

Mayor Sykes said I don't know if y'all probably, you should have gotten a little booklet thing from the league. Anyway September 20<sup>th</sup> through the 22<sup>nd</sup> in Greenville is going to be this year's conference and usually the conference is in Charlotte, or Ashville, or somewhere like that where you have to spend the night. I wish some of us would go. Kim have you decided if you can go or not? Anyway it is something that we can get some more details on governing.

Commissioner Hill stated he will be gone and Mayor Sykes said okay, you sure will want you. Mayor Sykes said if you want to look into it, it is in your packet. If you decide you want to go, we can go and come back the same day. We don't have to leave on the 20<sup>th</sup> but just look at it and let Kim know if you might be interested in going for a couple of days. I mean we will just drive there and back so. It is very informative especially if you have never been to one. We have to register if we go. Kim said I think you can register on that Wednesday. Mayor Sykes said well just look at it and see. If we can go one day, that would be fine.

The next item on the agenda was Public Comment Period if needed. Kim said this is coming over from last month's meeting. Ben Knight was one and he and Andrew Odom and Dr. Little but Andrew is not here and neither is Dr. Little so Ben Knight has signed up.

Ben Knight said he wanted to thank the board for the opportunity and asked how long he had to speak, three minutes. He said as he was driving up to this meeting tonight I got an email from the executive producer of the show and it was the rough cut of what we call it before the final cut before it is sent to PBS to view and make comments on. Since I was not going to the office and I was heading home I thought well I will just do it then and I all of sudden remembered I can't download that episode because I do not have the infrastructure. So that was a good segue into what I wanted to talk about today which is a little bit of a recap of all the meetings that we had and talked about working on broadband for this community. We met with the former Lieutenant Governor, we met with John Bell, and we met with representatives of agencies in rural broadband and broadband development across the state. I think the one thing that is most important that came from all of these meetings was the general enthusiasm and excitement that a community like Pink Hill was demonstrating and the leadership to take this into our own hands. And so I thought more on this subject and if it would be like 40 years ago before all the county roads here were paved or 80 years ago before we had electricity. Having an opportunity to create that infrastructure on our own and control our own destiny, and our own future, and our own economic development and to help really with I think at this point an infrastructure essential to a quality of life and opportunity. And so what I wanted to say today was as the board as the leaders of the community that this is a matter that I think should not be dropped and I think sitting down and getting people to the table to talk about how we could move forward with this project is vital. He said not just for my own selfish purposes in being able to actually do work in my house when my \$95 a month internet bill doesn't even provide me the service that I need to download a video which ironically brings a lot people to this county to spend money and to see what is available here. I strongly encourage you to take some more time to iron this out and to find a solution to move forward, okay.

Mayor Sykes asked y'all don't have a tower out in the grain bin? Mr. Knight said yes, we are working on that. Mayor Sykes said so how far out would that go, I mean or is that just for you all. Mr. Knight said I mean right now that would be a test run for us. I mean as I said selfishly we could probably at this point accomplish that for ourselves. Mayor Sykes said I mean I was just wondering. Mr. Knight said it doesn't necessary help the community at large or any of the other things that I think are important. Mayor Sykes said she wanted to make one thing very, very clear. It has just been told that I don't want and that is not true. We want the broadband to come here but we want to be paid more because I think that it being on our tank and we have to pay for that tank. I just think, and I have called other towns and when I said \$10,000 it is not

high according to other towns that I called. Mr. Knight said well I am not disagreeing with that. I don't think the dollar amount is worth not talking and figuring out a way, but I will use this as an example; when I opened the Boiler Room the rent was supposed to be a certain number and I said no way, nobody pays that in downtown Kinston. So he said okay well what do you want to pay and I said this and they said no way. We have spent all this money in here and I need at least a 10 year return on that. The 10 year return is fair. I said okay that is fair but how do we do this. Most retailer restaurant rentals have a monthly rent and a percentage of revenue or income. That is an opportunity. There is a bunch of different ways to cut the carpet on this and I think it just takes time to figure out the right way, and if we are not sitting down and talking about it and moving forward, we are not going to get it done. I think as far as what we have put on the table as a community and the people we have gotten involved and the excitement. The example that could be set for other communities around the state to make this happen in and of itself is a worthwhile cause. Mr. Knight asked was it \$10,000 monthly or yearly, I don't remember. The board replied yearly. Mr. Knight said \$10,000 for a year is not even a third of the median income in the county for one family. It is not even a full time job. It is not enough money to put this down and not make it work and I think that a place to stand on this would be we would like to move in a direction where we could get \$10,000 a year for this. Okay we have an upstart business and we want to give them opportunity to see what they doing. Maybe the first two years we do this and then if the business grows to X, we will ask for this. There is just a lot of different ways to look at this as an opportunity to facilitate growth. You know when Spirit Aerosystems or Sanderson moved to Kinston they would not have moved if the city didn't say carte blanche. We are going to build a road, we are going to build your sewers, we are going to run all this stuff so you can do that so you can bring jobs to the community. It could happen. Mayor Sykes said it didn't but Ben we are not Kinston, I mean we have 500 people here and that is all we have here. We are not Kinston and we are not opening a restaurant. I don't see how we can compare that to a restaurant and I want it to happen, believe me I want it to happen. Mr. Knight said it is not about comparing those two or saying we are not Kinston. It is about using the example of how do you get something done as a township to foster economic growth. If you want it, then you would figure out a way to find an economic solution that makes sense for you and your needs and what you want. But I just don't think you have intention that we put on this issue and the amount of enthusiasm and quite frankly the responsibility I feel or any of the people who participated in this feel about getting this done as a result of all the work we have put in so far. Is it acceptable to just let it lie? Mayor Sykes said well I certainly am willing to come back to the table, this board is, but we need to talk about it and I want it to happen and but there was so many rumors out there that think oh Carol doesn't want it. That is positively, absolutely untrue. I have never said that. I have always said I want it. I do want it, but I think we have got to come to a figure. That is the problem right there, is coming to a figure we can both deal with.

Commissioner Murphy asked if she could say something. She said you made a very good point, something I agree with completely the idea that everybody and everybody being the operative word sitting down to discuss what needs to be done and the decisions that need to be made whether than one person talking to this one person and taking that back. And I have said on at least two occasions that that is what I want to do, to sit down with everybody involved not one person and that way folks know what I said and I know what you said and that's the only way to work it out and that has yet to be done. Mayor Sykes said because every time something like this happens well you said something when you really didn't say it, Penny said something and she

really didn't say it and you know it just goes haywire. I absolutely agree with her. We are going to have to sit down together in a special meeting or whatever kind of meeting we can have. I think we need to sit down together and discuss it.

Ben Knight said I think it is such an important opportunity that you may need a mediator. I mean those cost a couple of hundred bucks. Get a mediator, someone who can handle the negotiations and you know help with how that happens, I don't know. I just think this is an incredible opportunity for a town like Pink Hill and I think it is in our best interest to figure out a way to make it work. Mayor Sykes said I agree and I hope we can, I really, really do and please go out and say Carol does want it. She said I am kidding. Mr. Knight said there is enough talk about what I do and what we do with our restaurant that I really don't put much stock in all that other little stuff so. People write reviews so I get plenty of that as I said and I hear you on that. Mayor Sykes and the board thanked him for coming.

The next item was Closed Session if needed. There was no need for a closed session at this time. Commissioner Hill made a motion to adjourn the meeting. Commissioner Quinn seconded the motion. Mayor Sykes asked if there was any discussion if not, motion carried unanimously. With there being no further business to be discussed the meeting was adjourned. Mayor Sykes thanked everyone for coming and we will do something again to try to make it happen, and I am speaking to myself too about being broad banded minded.

After the meeting was adjourned the Mayor and Board of Commissioners talked with Al Rachide, Susan Myers, Rodney Scott and the public that was present about everyone meeting on September 25, 2017 at 6:30 p.m. at the Community Center to discuss broadband. Everyone was in agreeance with this time and date.