

Town of Pink Hill
Board of Commissioner Meeting
September 19, 2023

The Town of Pink Hill Special Budget Approval meeting was held September 19, 2023 at 7:00 pm in the Police Bay. Present at the meeting were: Mayor Yvonne Deatherage, Commissioner Penny Murphy, Commissioner James Quinn, Commissioner Pete Fantini, Town Attorney Will Gray, Jr, Town Clerk Lisa McGee, Police Chief Michael Hoffman and Officer B Zesiger.

Visitors present were: Kevin McGee, Daniel White, Cheri Grady, Melissa Kelly, S. Casias, Casey Rouse, April Houston, Carolyn Whitfield, Kristin Fantini, Joshua Eing, Teresa Horne, Mike Horne, Josh Dunham, Cierra Dunham, Suzie Baker, Michael Whitfield, Jayne Zesiger, Daniel Hines, Joe Baker, Amber Ramsey, Trina Patrick, Jolene Hofman, Tony Esposito, T. Wooten, Richard Goldsby, Freddie Harper, Penny Harper, Paul Foxworth, Antoinette Locust, Theresa Cox, Orndance Guy, Kelsy Ramsey, Sabrina Stallings & James Wesley Stallings.

Mayor Yvonne Deatherage called the meeting to order. Mayor Deatherage asked everyone to join in the pledge of allegiance. Everyone stood and said the pledge of allegiance. Lisa McGee, Town Clerk, gave roll call: Mayor Deatherage, Commissioner Murphy, Commissioner Quinn, Commissioner Fantini, Attorney Will Gray, Jr, Town Clerk Lisa McGee, Chief Hoffman and Officer Zesiger present at the meeting.

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 asked to leave the meeting. Be it noted that our meetings are being recorded. Let’s conduct ourselves in a professional manner. Thank you!

Commissioner Fantini made a motion to disregard Robert’s Rules in case one that is making a public comment has a question we can answer them. Seconded by Commissioner Quinn. Vote was unanimous

Public Comments:

Richard Goldsby:

Richard Goldsby, Assistant Pastor at Smith Chapel Church, spoke on the trash on the back road, because he did not see that on the agenda. He wants to know what are we going to do and when will it be cleaned up. Mr. Goldsby said that he was a part of Community Connections and that the first Sunday of each at 5:00pm they meet at the flag pole at the Town Hall for prayer around the flag pole, and everyone is invited to come out and pray with them.

Conflict-Of-Interest Statement is on agenda - no commissioner has any conflict of interest.

Approval of the agenda:

Commissioner Fantini made a motion to amend the agenda due to 3 people asking to be removed and add 1 person to the agenda. Seconded by Commissioner Quinn. No discussion. Vote was unanimous.

Approval of Minutes:

- Commissioner Murphy made a motion to approve the August 8, 2023 Public Hearing Minutes
- Seconded by Commissioner Quinn
- No discussion
- Vote 3-0
- Motion carries.

Approval of Minutes:

- Commissioner Fantini made a motion to amend the minutes to reflect the August 8, 2023 Minutes because of some many typos and to remove Carolyn Whitfield's comment because Commissioner Fantini said that was her feelings. Mayor Deatherage said this was the first time there had been any typos in the minutes.
- Seconded by Commissioner Quinn
- Commissioner Murphy asked Commissioner Fantini was there anything else wrong with the minutes that needed to be corrected before we vote. Commissioner Fantini said that there should be a time out for the Public Speaking. That it should reflect that they were told that their time is up.
- Vote 3-0
- Motion carries

Approval of the Financial Reports:

- Commissioner Murphy made a motion to approve the Financial Reports
- Seconded by Commissioner Quinn
- No discussion
- Vote 2-1
- Commissioners Murphy & Quinn-Yes and Commissioner Fantini-No
- Motion carries.

Department Reports:

- Reports are in the binders.
 - Water, Fire and Police

Unfinished Business:

3-Way Stop Sign

- Mayor Deatherage gave an update on the stop signs. The stop signs have been ordered and will be installed once they have been delivered. Commissioner Fantini asked do we know who will install the stop signs and Mayor Deatherage said our contractors will install them. Commissioner Fantini asked our water contractors and Mayor Deatherage said our contractors will be installing.

New Business:

April Houston, spoke on RADD. Raising Awareness for the Developmentally Disable located in Kinston, NC. They are housed in Kinston but they cover Lenoir County, Greene County and surrounding areas. She stated the purpose of her coming to the BOC meeting was to let the town know what was available to the citizens of Pink Hill. They cover people with special needs. They are a nonprofit organization. There is no age limit. 98% of the services provided by RADD is free to the public. We offer resources for the families that need it. There are educational workshops that can be done and they can be mobile. If there were a group of people here, teachers at school, medical practice or a group of parents that wants to learn more about a particular topic she could come to Pink Hill and do it here for free. All she needs is a place to go. We are here and we are available. Another thing is Triple P Stepping Stones. Triple P is Positive Parenting Program. And it is for parents with children who have special needs. She stated you could go to the web-site and register. <https://www.raddinc.org/>

Paul Foxworth, spoke on After School and Summer School Programs. They would love to bring their program here to Pink Hill. They have one location in Kinston, NC but would like to come to Pink Hill and serve this area. Achievers Academies of NC, INC mission is to provide summer and afterschool programming for the youth and teens of NC. Their Mission Statement is "We Believe that Every Child or Teen Can Achieve!"

AANCI us a newly formed non-profit committed to the success of students by

1. Supporting them academically
2. Broadening them intellectually
3. Engaging them socially
4. Challenging them physically
5. Stimulating them mentally
6. Enlightening them spiritually

They will partner with school systems, parents, businesses and all lovers of youth and teens to ensure that all students have an opportunity to achieve at their maximum levels. He stated they have activities such as:

- Community Service

- Weekend Excursions
- Zumba/Dance Classes
- Kids Community Choir
- 4H Projects
- Arts & Crafts
- Martial Arts

After School Program runs from September 18 through June 4 Monday – Friday 2:30pm to 6:00pm. You can email them at achieversacademy.rolcc@gmail.com

He left pamphlet's for the counter in the Town Hall.

Carlton Gideon, presented the Fee Schedule, Proposed Text Amendment and the Rezoning Application to the BOC

- Fee Schedule-The Planning Board recommended the BOC to adopt the Fee Schedule. Commissioner Fantini said if we adopt the Fee Schedule to, we have to pay Lenoir County. Carlton explained that you pay one either the town or the county, not both. Attorney Will Gray stated that he spoke with someone at Lenoir County and they said that Lenoir County is only doing Building Permits, they do not do the Planning and Zoning for Pink Hill. Daniel White said regardless if ECC is here next year or not that this is the Planning & Zoning Fees for Pink Hill. But Pink Hill will have to contract someone to do what ECC is doing for Pink Hill.
 - Commissioner Murphy made a motion to adopt the Fee Schedule
 - Seconded by Commissioner Murphy
 - Discussion was already made above
 - Vote 3-0
 - Motion carries
- Proposed Text Amendment-Carlton and Daniel White explained that an Ordinance needed to be adopted to allow Multi-Family dwellings/Duplexes in HC (highway commercial) area. Carlton also stated that any parcels of land within 150 feet of any property asking to be rezoned, you must first notify the surrounding land owners my mail of the public hearing, publish in newspaper for 2 weeks and put a sign on site stating rezoning call this number for information.
 - Commissioner Murphy made a motion to set a date Public Hearing
 - Seconded by Commissioner Quinn
 - Discussion was the date of the Public Hearing. The date was set for Tuesday October 17, 2023 @ 6:30pm in the Police Bay before the BOC meeting.
 - Vote 3-0

- Motion carries
- Re-Zoning Petition-Carlton stated that Douglas Heath submitted a Rezoning Application for 309 N Kinston Blvd. Mr. Heath is requesting a rezoning of Lot B and a portion of Lot A to be rezoned as HC (highway commercial). Requesting to be changed from R10 to HC. Carlton stated that the Planning Board has already reviewed it and is recommending approval of this by the BOC. Attorney Will Gray asked this is the seconded part of what they just approved, correct? Carlton said yes, basically. Attorney Gray said that his recommendation is to approve this too. Commissioner Murphy asked this is just step two to allow them to put duplexes there. Attorney Gray and Carlton both said yes. Carlton also said that the applicant is not bound to put duplexes there that they could put a store there and that would be just fine.
 - Commissioner Fantini made a motion to hold a Public Hearing for the Rezoning Application on October 17, 2023 at 6:30pm
 - Seconded by Commissioner Murphy
 - No discussion
 - Vote 3-0
 - Motion carries

Daniel White, gave a Planning Board update. He stated that he was going to check with the Planning Board Members and reschedule Septembers meeting, and that he would notify everyone once this was done. He also stated that he would update the website as well, and go ahead and do the same thing for October. Daniel talked about the fence issue he said that it was a hazard, he contacted Carlton and Carlton talked to DOT is handling the resolution for that and they will contact the homeowner. Daniel said that the results from the survey will be coming in the next week or so. Daniel stated that there was another zoning application turned in about property lines and he doesn't think it will get approved but just wanted the BOC to know that they were reviewing another zoning application, and when it comes back up, they will have that one for the BOC to decide on.

Mayor Deatherage, presented the Lenoir County Tax Resolution

- Commissioner Quinn made a motion to adopt the Lenoir County Tax Resolution
- Seconded by Commissioner Murphy
- No discussion
- Vote 3-0
- Motion carries
- Town Clerk went around and got the signatures

Attorney Will Gray, discussed the Statewide Mutual Aid Agreement. Attorney Gray stated that this is an agreement where we work together in emergency situations and with funds that there have been a few changes nothing major. One of the main changes is that funds can flow straight to the municipality. Before the municipality just kind of done what the counties done. This gives a lot more freedom and this what the state wants so that the towns are not shackled to the counties. He talked with Lenoir County and they said that they would still help us in any emergency situation.

- Commissioner Fantini made a motion to accept the Statewide Mutual Aid Agreement
- Seconded by Commissioner Quinn
- No discussion
- Vote 3-0
- Motion carries

Commissioner Fantini discussed the communication in and with the town, I've talked about this in the past and I'm emailing and not getting those answers. So, I have nowhere else to ask but here in person.

1. First issue is access to the Town Hall. He said that Mayor Deatherage told him he could not have the code to the coded door, when it is the commissioner's room, to come and make sure certain things are being done properly. On September 4, 2023 I came in to do some work at the town hall, and at 8:45am the clerk left, locked her door, I was in the commissioner's room. The town clerk left the building not to return. At 8:45 am locked the front door, and I don't have a key to town hall which I'm not asking for the key, I'm asking for access. Did not come back the rest of the day. I we left in Town Hall and I'm ok with that. I would say that I am a pretty upstanding person and one of the commissioners so, I can be trusted. But with no word of any sort was I given. If I went through the front door, I would have left town hall open, because it needs to be locked with a key. If I went through the back door, it would have been left open because it needs a key. I was not explained anything. I was not called, I was not talked to again, communication, there is no communication. I should be able to come to town hall and if I want to go in the board room and do some work, I should be allowed to be back there. I was told and I have video of it, it is assumed that no one has ever come in town hall and done any work. No one has done it for 20 to 30 years and the other commissioners don't want to come in here, it's a security. I will tell you that high top-secret clearance, in the United States Military and I don't know about security, but I'm pretty sure that I qualify to be around a whole lot of stuff that's in this town. And I was elected as a commissioner, if I want to review documents and they should be really available. It seems to be that the continually atmosphere is Cloak and Dagger, we're going to shut this out and we are not going to talk about it we are going to things. So, what is the reason that I'm not allowed to get the code? Because that day that you told me that the door was broke, I said ok let's call a lock smith. I even sent

an email saying I know you guys are so busy, I'll call a lock smith. The next day I asked the Town Clerk and she said her husband said to clean it out and it may work. I came again and asked if that was done and it weren't done. And then I asked again and the Town Clerk said that her husband was coming to fix the door. Upon that the door was fixed and I asked for the code again and I was told to speak to the mayor. After speaking with the mayor and asking for the code you (the mayor) said no. it's a law of assumption. When you look up laws of assumption it is or a motivational speaker. There is no law of assumption. It to assume you are going to be better or maybe you're not going to be better; I don't know. Commissioner Fantini asked the mayor; so, what is the reason that an elected town official cannot have the code to the door? Mayor Deatherage said because it was given to the mayor and the clerk to secure the documents in the building. Commissioner Fantini asked the Town Clerk does your office lock. Town Clerk said yes. Commissioner Fantini said it does because when I came in the office you went in your office and locked the door, and I'm in the boardroom. Is there a safe in your office Mayor Deatherage said it is also safety measures too. Commissioner Fantini asked the Town Clerk is there a safe in your office where documents are kept? Town Clerk said yes. Commissioner Fantini said so, unless there is someone there to open her office for the safe, then all of those documents are safe. So, again I ask why can't I have the code to the door? Mayor Deatherage said because when I came here, I was told that it was for the mayor and the town clerk; (mayor looking at Attorney Gray) this is something you were going to address in close session. Commissioner Fantini said it doesn't need to be address in closed session because I have asked you several times and I have never gotten it. Mayor Deatherage said because like I said when I first came here, I was told the it was the mayor and the clerk. I can ask the other two commissioner's if they have ever been given the code to the door. Commissioner Murphy said no. Commissioner Fantini said have you asked. Commissioner Murphy said I have not asked for it because I have no need for it. Commissioner Quinn said no I have not asked for it because I have no need to go back there. Commissioner Fantini said ok, I asked for because this town hall and I'm a town commissioner. The reason can't be that's how it was ... Maor Deatherage said that is how it has been done. Commissioner Fantini said I have a couple more things and I know this is a long meeting but these are important. And if they are not important to you (the mayor) they are important to me and the people that at least elected me in, that answer needs to be address tonight. Attorney Gray said that day the you spoke about, I know I called you, you have been back since, right? Since that day that she left and the door was locked and you were here. Commissioner Fantini said absolutely the next day I came back, September 5th, and I was greeted and brought in. Attorney Gray said I have called and researched ad spent time on this and then asked Commissioner Fantini can you show me anywhere were it shows that you should, have it. Is it statutorily? Commissioner Fantini said so, I say the same thing can you show me anywhere I shouldn't, have it? Mayor Deatherage said I do want to say one thing when Officer Hoffman when I asked him about the code and people

coming in, I asked him and he said that in twenty years no board member has been in. Office Hoffman said no ma'am what I said was it was not regularity ... Mayor Deatherage said but they haven't had it ... Officer Hoffman said Commissioner Fantini has before taking classes. Commissioner Fantini said I have been in there before you came ... Mayor Deatherage said I am just talking about the key code. Commissioner Fantini said even the chief of police saying it is not a regularity. It doesn't matter if it is a regularity. What is the purpose, you say there is nothing that says I can have it and I say there is nothing that says I can't have it. Attorney Gray said as long as they are not keeping you out, I don't see where it is requirement to have the key code. They are allowing you to come in ... Commissioner Fantini said it's the town hall and we are elected officials. I don't know anywhere else that this would happen. Mayor Deatherage said that Mayor Hardy told her that no one is allowed beyond locked doors. They do not just walk through they have to be allowed to come in the offices. And outburst was made and Attorney Gray said to hit the gavel someone was out of turn and he did not know who it was. Commissioner Fantini said how about the day she meets me out front and I asked to come in the back; and you asked me if I have ever been denied, I was denied assets as it's on video. I came in I asked Lisa to let me in she went back and asked the mayor and she said the mayor said no she was back there. Mayor Deatherage said I was in a meeting. Commissioner Fantini said but you weren't in your office. Attorney Gray said let's not argue we are grown people. Commissioner Fantini said that was irrelevant, I was denied assess. Why can't I come back there? Mayor Deatherage said because I was in a meeting. Commissioner Fantini said that doesn't matter why should that matter? Commissioner Fantini asked did you think I was going to come back there and throw a party and ruin your meeting? Mayor Deatherage said no, but I can't have a meeting with other people in the room. Commissioner Fantini asked but, isn't there a door in your office? Mayor Deatherage said she does not use the mayor office for a meeting because everybody and their brother can walk through. That's a walk through, so I use the boardroom. Commissioner Fantini asked if you are using the boardroom would it not be ok if I use this (the mayor's office) office? Mayor Deatherage said that is not what you asked for. Commissioner Fantini said no I asked I come back there I did not ask for anything. Commissioner Fantini said I see not going to get anywhere with that, so I just wanted you know that I asked to come in and was denied. Attorney Gray said I promise you if you will call me, I have pissed Yvonne off more than once over the phone; I will be glad to do it again, I love everybody. Commissioner Fantini said I shouldn't happen.

2. Town Communications: Commissioner Fantini said I asked earlier, contracts. I asked about who is doing contracting in our town. Commissioner Fantini said it is our (the commissioner's) job to know things whether you believe it or not, or want us to believe, it is our jobs. So, I ask again who is the other people contracted other than the 12 listed names that we were given by the independent contractor? Mayor Deatherage said we are contracted with Mark who has his people and he has added people, but he makes the contact on who does what. Commissioner Fantini said ma'am, you are not answering my question. Mayor Deatherage said

and that is the question. Commissioner Fantini said no it's not, so you are telling me, then Mark is in a breach of contract. Mayor Deatherage said no, I'm not saying that he is in a breach of contract. Commissioner Fantini said because in his contract that we signed says that he can not contract anyone on behalf of the client, and we are the client. And they are not allowed to contract anybody. So, the 12 people that they have listed and there are other people working right? Mayor Deatherage said yeah, they have added a couple people. Commissioner Fantini asked who are they? Mayor Deatherage said I don't have any idea. Commissioner Fantini asked don't you think the people should know, because they are going around to peoples homes? Mayor Deatherage said they not going around to people's homes, they are handling water and waste water. Commissioner Fantini said I am asking you who is contracted besides the water company that we hired to do this, who? Commissioner Fantini said you already told me I have it on video, so who is it? Mayor Deatherage said I said Mark and he talks to ... Commissioner Fantini asked and who did Mark sub-contract? Mayor Deatherage said he sub-contracted to Phillip Swinson. Commissioner Fantini said ok. Outburst from audience there it is. Attorney Gray said ok stop. Commissioner Fantini said ok now they are in a breach of contract because they sub contracted with somebody on behalf. Mayor Deatherage said we had a verbal contract. Commissioner Fantini asked who had a verbal contract? Mayor Deatherage said I had a verbal contract with him. Commissioner Fantini asked who? Mayor Deatherage said with Mark. Commissioner Fantini said you can't have a verbal contract with anybody. Mayor Deatherage said we have a town to run and if someone or some people had not caused a problem ... Commissioner Fantini asked who caused a problem? ... Mayor Deatherage said where our town people walked out, Mayor Deatherage said I'm not naming names, I'm just saying people. Commissioner Fantini said well if there is a problem then there needs to be a third-party investigation. Mayor Deatherage said all I am saying is that the work has to get done and it is being done. Commissioner Fantini said we are talking about a gentleman that left here because of hostile work environment and stated that one of the commissioners harassed him to the point that he needed to quit his job. And he is hired back here, but nothing has changed. Oh, I'm sorry Timmy left, so is Timmy the one who was harassing? I am asking the question only because it was stated to me that I (Commissioner Fantini) was the problem and I was the harasser, but I'm still here. Now I wonder why we are back to contracting Phillip Swinson ... Cloak and Dagger ... because you didn't want to say it and that's the part that I'm trying to get to is communication ... You (the mayor) should be communicating that with every one of us. Mayor Deatherage said what I am trying to tell you is there are jobs that need to be done ... Commissioner Fantini said you fall back on there is always an emergency ... Mayor Deatherage said it is an emergency ... Commissioner Fantini said no it's not an emergency, go back to the contacting for the grass cutting. I remember when Cody put in his two-week notice, I sent you an email and it stated on that email maybe we should talk about contracting out the grass. That was over 45 days before you signed a contract with a grass cutter without our (the BOC) knowledge. You went ahead and signed a contract for a one time cut for \$4500.00 to a grass cutting company. Now we needed but the cloak and dagger have got to

stop. Mayor Deatherage asked what are you calling cloak & dagger? Commissioner Fantini said what you are doing behind closed doors. Mayor Deatherage said my job is to keep the town running. Commissioner Fantini said well you are hurting the town. Mayor Deatherage said well if we haven't of had 7 to 9 people leave, we wouldn't be having these situations. Commissioner Fantini said I want to know why they left. Mayor Deatherage said well you can start back before I came so I don't know. Commissioner Fantini said well I'm going to ask for a third-party investigation. Mayor Deatherage said we can do a third-party investigation. Commissioner Fantini said a third-party investigation will get the truth and not just things you love to work on. Attorney Gray said this is getting nowhere. Ok answer this in June we paid out Timmy and Phillip \$32,000.00. Commissioner Fantini asked Town Clerk McGee do you remember me asking that and you said vacation days. Town Clerk McGee said no that's not what all I said. I said any employee that turns in their 2-week notice -full time employees only- gets paid out for any all vacation and comp time hours that they have and that is what I said. Commissioner Fantini said I rounded up their pay and times it by 240 hours and that was only \$11,000.00 so we paid \$20,000.00 more. Town Clerk reminded him that they had comp hours too and that I would have to get up with Connie because I do not do payroll. Mayor Deatherage said these men worked 24/7.

3. Commissioner Fantini said I have one more and this is going to hurt. We read a conflict-of-Interest statement every meeting. When a town official or employee does business with the town any and all parties know that person who is doing the business with this town and so going to get paid should acknowledge that person or their spouse is doing business with this town. In the June 13th meeting Commissioner Murphy presented to the board that our town admin office needed to be painted and we were given two bids (they were quotes not bids). No one told that the town clerk's husband was the one going to paint the office, and I'm not saying that there is anything wrong with that, but what I am saying is during that meeting it should have been announced to us ... Attorney Gray asked Commissioner Fantini if he could see what he had ... and that the spouse of one of our employees was going to monetarily benefit. Attorney Gray said his name is on this. Commissioner Fantini asked I need to know her spouses name? if I known that we could have said ok let's look at it. Commissioner Murphy said don't we always go with the lower one. Town Clerk reminded them that the vote was 3-0 and Commissioner Fantini laughed. Attorney Gray said when can all ask the question "Is it I?" because there is always something that I can do better.

Motion to go into Closed Session:

- Commissioner Murphy made a motion to go into closed session
- Seconded by Commissioner Quinn
- No discussion
- Vote 2-1
- Commissioner Quinn and Murphy – Yes / Commissioner Fantini – No

- Motion carries.

Mayor Yvonne Deatherage, Commissioner Penny Murphy, Commissioner James Quinn, Commissioner Pete Fantini, Town Attorney Will Gray, Jr, Town Clerk Lisa McGee all went into closed session.

Motion to come out of Closed Session:

- Commissioner Quinn made a motion to come out of closed session
- Seconded by Commissioner Murphy
- No discussion
- Vote 3-0
- Motion carries.

Motion to accept ARP Policies:

- Commissioner Quinn made a motion to accept ARP Policies
- Seconded by Commissioner Murphy
- No discussion
- Vote 3-0
- Motion carries

Comments by the Attorney:

- No comments by Attorney

Comments by BOC:

Commissioner Fantini asked how are we going to address the Phillip Swinson contract? I got cut off so are you going to email us and let us know that, that isn't going to happen a more what? Attorney Gray said I cut you off so blame me. Commissioner Fantini said I'm not blaming anybody; I just want that question answered. Commissioner Fantini said I will just email and Mayor Deatherage said email away.

Motion to Adjourn:

- Commissioner Quinn made a motion to Adjourn
- Seconded by Commissioner Murphy
- No discussion
- Vote 3-0
- Motion carries