

**TOWN OF SEAGROVE
MINUTES
REGULAR MEETING
JUNE 30, 2014**

The meeting was called to order at 7:30 p.m. by Mayor Edmonds. Commissioners in attendance were: Pam Allen, Ruby Mullin, Barbara Luther, and Jason Auman. Jodi Sapper was absent.

A. Approval of Minutes and Treasurer's Report

The minutes from the June 3, 2014 Town Meeting were presented for review. After further review, Commissioner Mullin made a motion to accept the minutes with a second made by Commissioner Auman. The motion passed unanimously.

The Treasurer's Report for June was presented for review. After review, a motion to accept the Treasurer's Report was made by Commissioner Mullin with a second made by Mayor Pro-Tem Luther. Motion carried unanimously.

B. Police Report

The police report was presented by Chief Maness. He detailed the number of miles driven (1427), hours worked during June were 240.20. There were 19 field interviews, 4 warrants served, 2 on-view arrests, 1 DWI arrest, 42 traffic citations, 4 written warnings, 52 verbal warnings, 7 pedestrian/motorist assists, 4 officer assists. There was 1 disturbance/fight call, 2 alarm calls, 9 miscellaneous calls, 30 miscellaneous reports and 107 building checks. One traffic stop resulted in 8 Xanax being seized with a value of \$160.00. There were a couple of raids conducted. 4.5 oz. of meth with a value of 550.00 was seized from the house behind Quick Chek on Broad Street. The other raid was the two story house behind Community One Bank where paraphernalia was seized.

C. Committee Reports:

Commissioner Mullin turned the meeting over to Bill Dursa, Chairman of Planning and Zoning Board, who presented a drawing from Fresh Cuts who will need a variance to add four signs to the front of the building. He noted that the square footage of all five signs does not exceed the zoning, but the zoning only allows for one permanent sign and one hanging sign. A motion was made to hold a Public Meeting on July 21st at 7:30 p.m. to discuss the variance for this signage by Commissioner Mullin with a second by Commissioner Auman. Motion passed unanimously.

He also noted that the park is looking messy and the board recommends that the Town have a Park Clean-up day to have the community help in the clean-up efforts. It was decided that the Park Clean-up Day will be Saturday, July 26th at 9:00 a.m. Flyers will be posted at the Post Office, the Quik Chek and other locations around town to advertise this day.

Mayor Pro-Tem Luther informed those in attendance the situation with the Post Office. She encourage all who received their survey letters, to fill them out and turn them in. There will be a meeting on July 10th at 7:00 pm at the Library to get signatures together to make them aware of the interest to keep the Post Office open. Also, July 15th at 1:00 pm, there will be a meeting at the Post Office with a representative from the Postal Service out of Greensboro. She encouraged all who are able to attend both of these meetings.

Clerk Morse made a request to the board to allow her to be able to move money between the departments to close out the end of year budget. Commissioner Mullin made a motion to allow Clerk Morse to move the money between departments. Commissioner Allen seconded. The motion passed unanimously.

Clerk Morse announced that former Mayor Hale had requested that the remainder of the Travel Allowance that was due to him for the end of his term be given to Mayor Pro-Tem Luther because of all the work she did while he was not available during the end of this term.

D. New Business:

Steve Williamson presented information from the Water Board meeting. He stated that the issue with the tanker truck that was discussed last month has been resolved. He had the proper equipment, permission to take the water and paid for what water was taken.

Steve Williamson then introduced Adam Kiker from LKC Engineers. Mayor Edmonds and Mr. Williamson recently met with Mr. Kiker regarding sewer connection to the Southeast corner of 705 which could be connected in with the Rest Area. He and his company put together a map and cost estimate and concept for completing this project and came back and met with Mayor Edmonds, Mr. Williamson and Mr. Allen Hart, a representative from the USDA. The projected budget is approximately \$600,000 total project cost. During this meeting Mr. Hart talked about what role the USDA could have in funding this project. The first step would be to develop a report that follows the USDA guidelines, which is the required in the funding process. This report will take approximately 2 months to complete and includes engineering, financial and looks at different alternatives to the area. LKC's fee for completing this report would be \$9,500.00 which could be reimbursed through any grant or loan that is obtained. It was recommended that the Town not build this project until there is a customer there to use it, but to begin the process and take it to a certain point and then once a customer is in place continue on.

Brian Phillips, Fire Marshall from Moore County was invited by Commissioner Allen to answer any questions anyone had regarding Fire Inspections. He stated that Fire Inspections are mandated by General Statute 153A or 160 for Municipalities or Counties. Inspections are based on a 1 year, 2 year or 3 year cycle based on the hazardous classification. The majority of the businesses in the Town fall into the 2-3

year cycle. Commissioner Mullin questioned why the Town is required to pay for the Fire Inspections. Mr. Phillips stated that someone has to pay for these inspections and the Town can choose as a municipality to pay for them, through a charter or mutual aid agreement, or you can charge the local businesses. There are different ways you can do this, such as including it in the charge for a business license.

A question was brought up about whether or not the Town can still collect for the Business Licenses for the new year and it was determined that as long as the fee is not increased from the previous we are still able to collect for them. Clerk Morse will be sending out invoices to the businesses for their Privilege License for 2014-2015.

Commissioner Mullin then made a motion for the council to go into Executive Closed Session to consult with the Town Attorney to protect the attorney-client privilege. The motion was seconded by Commissioner Allen. The motion passed unanimously and the meeting went into closed session at 8:55 p.m.

At 9:30 p.m. Commissioner Mullin made a motion for the council to go out of Executive Closed session. Commissioner Allen seconded the motion and the motion passed unanimously.

Town Attorney Frank Marley then spoke to explain the issue discussed during the closed session. The issue discussed was fire protection for the Town. He stated that there are some issues about the relationship between the local fire department and the Town and the services provided. Almost three years ago the Attorney and the Town board met with the fire department to discuss concerns regarding the document assumed to be a contract was not valid under North Carolina Law. The document appears to have been cut and pasted from an old document in an old School of Government book for a contract between a county and a town for provision of services. One area of concern in the document states that "The Town agrees to annually levy and collect upon all taxable property lying within the boundaries of Seagrove Rural Volunteer Fire Tax District... Attorney Marley stated that the Town does not have authority to levy upon property that is located outside of its jurisdictional boundary. Therefore, levying the tax on the Seagrove Rural Volunteer Tax District, that includes portions outside of the city limits, is problematic in and of itself.

The next issue is the problem with the Town contracting to tax at a certain rate, because it is the prerogative of the Town to determine what rate to tax at. Even taxes that are designated as Fire Taxes come into the General Fund and contracting to tax a certain percentage and pay it out is problematic under the law. You can say that you will pay a percentage up to a certain cap and by putting a cap on it you have made it a sum certain which is permissible in contracts. The Town cannot pay an undefined amount or percentage out to a contractor, it must be a sum certain amount.

The next issue is that there is not a pre-audit certificate with this document; therefore, by law it is not a valid contract. If this document is not a valid contract, the Town does not have authority to pay money to people without a valid authorization. This also is an

issue. If the contract is not a valid contract then it is the same as not having a contract. The bottom line is, a new current, properly constructed contract needs to be completed and put in place whether it be with the local fire department or another entity.

After a rather lengthy discussion regarding the ramifications of passing the new town budget as is, Commissioner Allen made a motion to pass the 2014 – 2015 town budget. The motion was seconded by Commissioner Auman. The motion passed.

Commissioner Mullin then made a motion to allow Attorney Marley to begin trying to contact the Fire Department by letter requesting their council contact him to attempt to establish a new contract. The motion was seconded by Commissioner Allen. The motion passed unanimously.

There being no other business to address, motion to adjourn was made by Mayor Pro-Tem Luther and seconded by Commissioner Allen. Motion passed unanimously. Meeting adjourned at 10:25 p.m.

TOWN OF SEAGROVE



Roy Edmonds, Mayor

ATTEST: 
Shawn Morse
Town Clerk