

Board of Commissioners Meeting
Work Session - 6:30 PM

Present: Mayor Gladys Dean, Mayor Pro Tem Emmett Morton, Commissioners: Vivian B. Morrison, Ray Oxendine and James McClanathan

Absent: Commissioner McLean

Staff Present: Town Manager Tatum, Town Clerk Roberson, Finance Director Tyndall, Police Chief McDowell and Town Attorney Jessica Locklear (attorney arrived at 7:00 pm)

Mayor Gladys Dean declared a quorum present, gave the welcome and called the March 11, 2008 work session of the Town of Maxton Board of Commissioner to order at 6:50 p.m.

Invocation was given by Mayor Pro Tem Morton.

WORK SESSION

Town Manager Tatum presented the following items:

1. Resolutions – Undesignated Fund Balance – General Fund and Water/Sewer Fund

The North Carolina Local Government Commission recommends that all towns define the limits and purpose of undesignated fund balances, especially for the general fund. I would like to see both funds defined. This sets goals for attainment by department heads and myself and is a useful budgeting tool. During a recent work shop, it showed that towns that have defined undesignated fund balances and targets are more stable in their fiscal positions. Once sound fiscal policies are put in place, staff will be able to manage their budgets more effectively. During the workshop, the state staff indicated that during their survey of the towns that had an undesignated fund balance guide, there was a range of about 30%-50%. The minimum allowed by the Local Government Commission is 8% of total expenditures. The 30% will give you about 3-4 months operating expenses. For now, I would like to start with 30% and aggressively approach a capital improvements schedule since the town's infrastructure is in dire need of enhancement. This will also give me a guide of what can be designated from the fund balance to plan for capital improvements. You may designate any percentage you deem acceptable. Staff is working hard to put everything in its proper place including seeing that employees are paid from the correct fund.

2. Spill Policy and Pump Failure Response Plans

These plans are required by the North Carolina Department of Environment and Natural Resource and are monitored for compliance by the Division of Water Quality. A recent review of our records showed that the Town was in non-compliance for establishing these plans. The purpose of establishing these plans is to protect surface waters in the event of spill or pump failure. Town Manager Tatum stated that the plans are not approved yet but they have more than the minimum. We can amend it if there are any changes.

3. LockOut/TagOut Program

The North Carolina Department of Labor, Consultative Services Bureau, Division of Occupational Safety and Health has performed the initial inspections of our policies and the Police and Town Hall work sites. All items sited for corrective action have been completed. The Lockout/Tagout Program is required to protect our employees from hazardous energy including electrical, mechanical hydraulic, pneumatic, or other energy. The Program is intended to provide the maximum protection to the Town's employees whenever they must isolate machines or equipment from energy sources and to prevent unexpected energization, start-up or release of stored energy that could cause them injury. We did not have the kit so we have purchased one. Books will be developed for the employees. All employees will take training on April 22, 2008.

4. Chemical Hazard Communication Program

This program has been established to meet the requirements of the Hazard Communication Standard (C.R. 1900: 1200) of the N.C. Department of Labor. The purpose of this program and standard is to ensure that employees are made aware of the hazards of chemicals found in their work environment. This information is to be transmitted by means of a written hazard communication program which covers container labeling and other forms of warning, material safety data sheets, and employee education and training programs. The necessary equipment has been ordered.

5. Maxton Enhancement Project – Progress Energy Cost Estimate and Agreement

During a recent meeting with Progress Energy, I was informed that the figures given to the board to date include no utility costs. There are three utilities that must submit these costs, Progress Energy, Embarq, and Time Warner Cable. To update you on the history of this project, the last figure provided by the consultant was in the ball park of \$93,000. The Board approved this project without consideration of the utility costs, which I was just informed would have to be added to the \$93,000. At this point, we have funds that are obligated from other sources and must expend or lose these funds. I am concerned that when this project was approved in 2003-2004, the full extent of the project was not explored. Utility costs should have been added into the construction costs to reflect the complete project liability. This project could effectively cost twice, if not more than what you approved. Progress Energy's costs alone have been estimated to cost between \$34,008.85 to \$40,398.44. Of course Progress Energy's construction scope will be much more costly than the other utilities. I will update you as those costs come in.

I was asked to find out how much each 16 foot post will cost. We are paying more for 12 foot posts now at \$41.52 per month per post than we would for 16 foot posts which are estimated at \$40.71. However, what we pay now for the existing setup is \$467.53. The cost of the setup after the enhancement plans are executed will be \$1090.29.

All Progress Energy estimate sheets are in your work session attachments folder.

Progress Energy has asked that their contract be approved by the Board prior to the start of the project. It is also submitted for your review. You will be asked to approve this contract and the post selection so that we can get a more finite cost from Progress Energy. I will also secure the other utility costs for your review.

6. Charitable Donations

The question of how the Board of Commissioners would make charitable donations rose at a prior meeting concerning schools. The board still has no format or procedure for making such determinations. I suggest that the board establish a discretionary amount for all donations in the upcoming budget and the Mayor has suggested that an ad hoc committee be appointed by the board. If your decision is to appoint such a committee, they must keep in mind that the North Carolina General Statutes regulates these donations under 160A-20.1. Contracts with private entities, which states: A city may contract with and appropriate money to any person, association, or corporation in order to carry out any public purpose that the city is authorized by law to engage in. In other words, funds may be donated as long as some type of public purpose is being served. I also recommend that the board establish a not to exceed amount for each donation. I have contacted other managers, who state that they too ask that their boards establish a specific budget figure that when exhausted ends charitable donations during the affected fiscal year. You may want to include this item in your discussions during the Commissioners Retreat. This will allow the board members time to come up with any recommendations they wish to make.

7. Retreat Dates

The board instructed the Mayor and I to review and recommend possible dates for the Commissioner's Retreat. The dates of April 25th and 26th are recommended with May 2nd and 3rd being alternate dates.

8. Budget Review Dates

The Mayor and I have also reviewed dates for budget review. Three reviews are recommended. Those dates are May 13th, June 10th and June 24th. May 27th is offered as an alternate date for either of the three review dates, keeping in mind that the budget hearing and adoption must be completed by June 30, 2008. The 24th date may also be used to approve the 2007-2008 amended budget. After much discussion it was the consensus of the Board to pick from the dates of March 28th – April 2nd.

9. Resolution – Keep Robeson County Clean and Green

We have received the Litter Sweep Spring 2008 campaign notice from the North Carolina Department of Transportation. Unfortunately, the notice for Robeson County Clean-up Week which is usually sent during this time has not been received. However, if we are going to be a part of this effort we must approve the resolution now. Our intent to participate in the clean-up efforts is usually done by passing a resolution. It is attached for your review. Since the County no longer offers free pickup to the towns during this two week period, we are informing our citizens that they may take their extra pickups to the Robeson County Landfill in St. Pauls on May 3, 2008 free of charge

10. Post and Advertise Delinquent Tax Payers List

Staff has compiled a list of delinquent tax payers as prescribed by law. The governing board must order the posting and advertising of this list once between March 1st and June 30th in accordance with NC General Statute 105-369(a),-369(c). Please keep in mind that prior to posting and advertising the list will change to reflect taxes paid.

11. Personal Protective Equipment and Assessments for Police, Public Works and Water/wastewater Departments

The purpose of the Town's Hazard Assessment and Personal Protective Equipment (PPE) Assessments is to instruct departments on how to perform and document Hazard Assessments

in their work areas in order to identify and control hazards that can be injurious to staff and to provide guidance on appropriate personal protective equipment selections when hazard control is not feasible or satisfactory. The Department of Labor, Division of Occupational Safety and Health requires that these assessments be done and adhered to for the safety of the staff.

12. Board of Commissioners Code of Conduct

Commissioners McLean and Morrison have asked that I provide a working document for discussion concerning a Board of Commissioner’s Code of Conduct for possible adoption by the board. I have reviewed similar documents approved by other North Carolina towns and drafted a working copy for your review. This document is located in the work session attachment folder.

**AGENDA
Regular Meeting
7:30 P.M.**

Welcome - Mayor Gladys Dean

Mayor Gladys Dean welcomed the public and Commissioners. She declared a quorum present and called the March 11, 2008 regular session of the Town of Maxton Board of Commissioner to order at 7:30 p.m.

Present: Mayor Gladys Dean, Mayor Pro Tem Emmett Morton, Commissioners: Vivian B. Morrison, Ray Oxendine and James McClanathan

Absent: Commissioner Sallie McLean

Staff Present: Town Manager Tatum, Town Clerk Roberson, Finance Director Tyndall, Police Chief McDowell and Town Attorney Jessica Locklear (attorney arrived at 7:00 pm)

Invocation was given by Mayor Pro Tem Morton.

AGENDA AMENDMENT: Mayor Pro Tem Morton motioned to add Tree Committee Appointment as item #6 in New Business. Commissioner Oxendine seconded. The vote was unanimous.

APPROVAL OF THE PROPOSED AGENDA – Mayor Pro Tem Morton motioned approval of the proposed agenda. Commissioner Morrison seconded. The vote was unanimous.

CONSENT AGENDA

1. Minutes:
 - Regular Meeting: February 12, 2008
2. Tax Adjustments – March, 2008
3. Post and Advertise Delinquent Tax Payers List
4. Resolution – Keep Robeson County Clean and Green
5. Chemical Hazard Communication Program
6. Spill Policy and Pump Failure Response Plans

- 7. Personal Protective Equipment and Assessments for Police, Public Works and Water/wastewater Departments
- 8. LockOut/TagOut Program

Mayor Pro Tem Morton motioned to approve the Consent Agenda. Commissioner Morrison seconded. The vote was unanimous.

PRESENTATIONS - None

INTRODUCTION OF NEW STAFF - None

PUBLIC HEARING - None

OLD BUSINESS

1. Charitable Contributions

Commissioner Morrison motioned to table Charitable Contributions for discussion during the Commissioner’s Retreat. Mayor Pro Tem Morton seconded. The vote was unanimous.

NEW BUSINESS

1. Resolutions - Undesignated Fund Balance – General Fund and Water/Sewer Fund

Commissioner Morrison motioned approval of Resolution 2008-03-01 Establishing an Undesignated Available Fund Balance Policy for the Town of Maxton General Fund and Resolution 2008-03-02 Establishing an Undesignated Available Fund Balance Policy for the Town of Maxton Water/Sewer Fund. Mayor Pro Tem Morton seconded. The vote was unanimous.

2. Maxton Enhancement Project – Progress Energy Cost Estimate and Agreement

Commissioner Oxendine motioned approval of the Maxton Enhancement Project – Progress Energy Agreement with 4 posts (16 ft. post). Commissioner Morrison seconded. Discussion: Town Manager Tatum stated that we are just approving the agreement and we have asked that they consider another means to try to reduce the cost. The previous Board approved the spending. The vote was 3-Favor: Mayor Pro Tem Morton, Commissioner Morrison and Commissioner Oxendine. 1-Against: Commissioner McClanathan.

3. Retreat Dates

Mayor Pro Tem Morton motioned that the Board tries to set the date for April 28th - May 2nd evenings. Commissioner Oxendine seconded. The vote was unanimous.

4. Budget Review Dates

Mayor Pro Tem Morton motioned to approve May 13th, June 10th and June 24th Budget Review Dates. Commissioner McClanathan seconded. The vote was unanimous.

5. Board of Commissioners Code of Conduct

Mayor Pro Tem Morton motioned to table Board of Commissioners Code of Conduct to be discussed at the retreat. Commissioner McClanathan seconded. The vote was unanimous.

6. Addition to the Agenda – Item #6 Tree Committee Appointment

Commissioner Oxendine motioned to appoint Victor Womack to the Tree Committee. Mayor Pro Morton seconded. The vote was unanimous.

REPORTS

1. Commissioner's Reports

A. Commissioner Oxendine asked about the sign and the steps at the Rescue Squad Building, the burnt house on Hooper Street and the contract with Abigail's II Restaurant. Town Manager Tatum stated that in reference to the Rescue Squad we have to assign staff and that staff has been working on OSHA projects. We are getting bids on the signs, and the parking lot. She stated that she took Code Enforcement Action on the burnt property on Hooper Street. The owner answered the code enforcement letter and we are trying to work with him to get the house down. She informed Commissioner Oxendine that the Attorney has seen the lease for Abigail's II and there were some changes.

2. Manager's Report

A. **NC STEP** – Chairman McEachin gave the NC STEP report. He stated that STEP is in step and in line. At their last meeting Coach Roger Sheats presented the proposal on where to allot the money. Most will go to downtown revitalization. Money will not be available for use for youth and seniors because it is not economic development. The Maxton team has asked Mr. Sheats to revisit that item with his superiors because we consider youth and seniors as economic development. Mr. McEachin invited citizens to join the teams. They are Safety, Youth, Senior Citizens, Education, Business Development and Infrastructure. He thanked the town and the citizens for their support. Closing by saying, "We are making great strides".

B. **OSHA** – The OSHA Consultation Division has submitted their review of Town Policies, Town Hall and the Police Department. All items cited in the report have been corrected. The final response is being prepared by staff. Polices were approved at tonight's meeting. Darrell Smith is our Chief of Safety and we have done the corrections. There were fifteen/sixteen items that we had to work on. None of them were extensive. Staff has scheduled fire extinguisher training scheduled for next week.

C. **URGENT REPAIR PROGRAM**

Contracts have been awarded for the first eight houses in the joint program. Work has started on two houses. Staff has submitted 13 more homes for consideration and possible work write-up preparation.

D. **CDBG** – The town has satisfied all compliance requirements except the Environmental Assessment requirement. Once the State's Environmental Staff has completed their review the town may proceed with the execution of this program. Staff and the Mayor will be attending the mandated kick-off meeting in Greensboro on April 9, 2008.

E. **Homestead Exemption Act (Senior Citizen Exemption)** – Town Manager Tatum stated that many senior citizens don't know about this exemption that has been around for many years. It is for those 62 years or older on fixed incomes. Applications are filed with the county. If you know of someone who may be eligible, give us a call and we will guide them on application procedures.

3. Police Report

Police Chief McDowell reported that the monthly reports are included in the packets. His staff is working hard on break-ins and larcenies. On last night the Scotland County Deputy

and a Maxton Officer caught the person who broke into Highland Flea Market. The next Crime Stoppers meeting is scheduled for Tuesday, March 18th at 6:00 p.m. at the library. As mentioned at the Town meeting the officers are Chairperson Wayne Morris, Vice-Chairperson Helen Darton and Secretary Helen McPhatter. About fourteen people have signed up for the program so far. Commissioner Morrison asked about the assignment of a police officer to gang activity. She also asked if there would be extra surveillance of youth hanging around with warm weather coming. Chief McDowell stated that he had not heard anything about the gang activity grant and that there will be more surveillance with the approach of warm weather.

ANNOUNCEMENTS

- 1. The City of Laurinburg** has scheduled a ribbon cutting ceremony for the New Shell Building on March 26, 2008 at 3:30pm at the Laurinburg-Maxton Airport.
- 2. The Town of Maxton will host the Robeson County Tourism Association** meeting on April 2, 2008 at 12:00 noon at the Resource Center in the large meeting room. The purpose of this meeting is to tour the town and collect descriptive data about the town to plan four large tours in an effort to spur tourism.
- 3. Noah Woods, Chairman of the Robeson County Board of Commissioners** will host his annual forum at the Town of Maxton Commissioner's chambers on March 17, 2008 at 7:00 pm. All citizens and interested parties are invited to attend.
- 4. The Town of Pembroke will host the March Robeson County Municipal meeting.** The dates and times will be announced.
- 5. BRAC Executive Director Paul Dordal** will meet with the County Commissioners, City Council and the governing Boards of Maxton, Wagram, East Laurinburg and Gibson, and Laurinburg-Maxton Airport Commission on Thursday, March 27th at 7:00 p.m. at Scotland Place, Turnpike Road in Laurinburg.

PUBLIC FORUM

- 1. Victor Womack, Sr. 713 McCaskill Avenue** – Mr. Womack stated that his question was concerning the Townsend Middle School gym and possible uses including an enclosed pool section. Town Manager Tatum stated that the gym is still being used by the school. Mayor Dean informed Mr. Womack that staff will make reference to the Recreation Committee and get back with him.
- 2. Geraldine McLaurin, 305 McLaughlin Street** – Mrs. McLaurin asked if there will be a free clean up day during Clean-up Week. Town Manager Tatum stated that the resolution is different because is not offering a free trash day to the town, but it is offering May 3, 2008 as a free day for citizens to take their extra pickup trash to the St. Pauls' landfill. Mrs. McLaurin stated that the Town Board approved free trash pickup every so many months. Mayor Dean asked Mrs. McLaurin is she will allow Ms. Tatum to get back with her on that concern. Ms. Tatum asked Mrs. McLaurin to call her.

CLOSED SESSION - None

ADJOURNMENT

Mayor Dean entertained the motion to adjourn. Mayor Pro Tem Morton motioned to adjourn. Commissioner McClanathan seconded. The vote was unanimous. Meeting adjourned at 8:10 p.m.

Mayor Gladys Dean

Town Clerk Jacqueline Roberson, CMC