

The Maxton Board of Commissioners met with the following members present:

Mayor Lillie McKoy
Mayor Pro Tem Geraldine McLaurin
Commissioner Gladys Dean
Commissioner Patsy Hamer
Commissioner Sallie McLean
Commissioner Ray Oxendine

Staff present: Interim Town Manager Katrina Tatum, Interim Clerk Jacqueline Roberson, Police Chief Paul McDowell and Town Attorney Jessica Locklear.

CALL TO ORDER

Mayor Lillie McKoy called the April 10, 2007 work session meeting of the Board of Commissioners to order at 6:30 p.m. Commissioner Oxendine gave the invocation.

WORK SESSION

1. Zoning - Charge for Local Government Opinion for Alcoholic Beverage Permits form for individuals applying for an ABC License, Meter Base Approval Letters, Increase Zoning Permit Fee

Interim Manager Tatum reported that at the present time the Town does not charge for Local Government Opinion for Alcoholic Beverage Permits form for individuals applying for an ABC permit. It should be acknowledged that signatures from two staff members, the Zoning Officer and the Police Chief must be secured. Although this review does not constitute in-depth research, it does take time and it does required sign off by the Zoning Officer and the Chief of Police. She suggested that a charge of \$5.00 be imposed to cover staff time. Meter Base approval letters are required by the Robeson County Inspections Department and at the present time, there is no charge to draft and mail this letter. It is done in lieu of a full blown zoning permit. Staff is proposing a \$5.00 fee to cover the staff time and paperwork involved. The Town presently charges \$15.00 per zoning permit. Most people do not have the information necessary to prepare a zoning permit and staff must investigate and collect that data. To compensate adequately for staff time, staff is recommending that the base rate or charge be set at \$25.00. I have also found an error in the fee schedule under Article VI. Fees, item (c). It reads "For new construction or alteration costing not more than \$250,000." It should read "For new construction or alteration over \$50,000, but not more than \$250,000." This will allow the Town to properly charge \$1.00 per thousand for construction and alterations costing more than \$50,000.00 as the ordinance intended.

At this time Ms. Tatum is not recommending an increase at this time for conditional and special use, rezone, or any other action that requires notification of adjoining or affected landowners or public hearing until after the Town's Zoning Ordinance is revamped by DCA because the Zoning Ordinance is currently set up to trigger these actions in cases where these actions are not traditionally required.

Mayor Pro Tem McLaurin stated that \$5.00 seems like such a small amount and felt that we should charge more. She also stated that the amount does not seem like much for out-of-towners. Commissioner

Oxendine wanted to know the number of requests we get for ABC. Ms. Tatum stated that we don't get that many, but changes in ownership also have to be signed off. Commissioner Dean suggested that we discuss the charge concerning the ABC license with the ABC Board.

2. Two Story Building on McCaskill – Clinton Graham - Buyer

NOTE: The Board may want to discuss this item in closed session under Attorney Client Privilege.

I was the consensus of the Board to discuss this item in closed session.

3. Grease Ordinance

Interim Manager Tatum reported that in 2006, the Department of Environmental Health and Natural Resources mandated that Grease Ordinances be adopted in all towns managing wastewater facilities. One of the primary reasons for this mandate is that it costs a town a considerable amount of money to treat oil wastewater. It also increases the risk of oil and grease contamination of the streams and lakes. In addition, it can damage your wastewater equipment. In order to properly administer the ordinance DEHNR required that surveys be done for facilities likely to generate an excess of grease or oil. The drafted ordinance is included for your approval. Once adopted, the grease and oil producing wastewater customers will have one year to comply with the requirements.

Ms. Tatum reminded that Board that at the last meeting, Commissioner Dean asked about the affects the ordinance might have on residential customers. Ms. Tatum spoke with officials at DEHNR who indicated as she did, that the costs would be prohibitive to enforce such an ordinance for residential properties. They did recommend that a commitment to educate residential customers be included in the ordinance. The ordinance presented at last's month's meeting has been amended to include the following:

G. Residential Education Program.

The Town of Maxton shall develop a residential education program designed to reduce the amount of fats, oils, greases and sand deposited into the wastewater treatment facility by residential users.

She also included samples of the first educational flyers to be submitted under the program for Board's review.

4. Urgent Repair Program – Assistance Policy

Interim Manager Tatum reported that she assisted the Wooten Company in preparing the Assistance Policy for the 2007 Urgent Repair Program. The policy focuses on Eligibility, Ranking Criteria, Application Process, Contractor Requirements, and Town of Maxton and Fairmont obligations under the grant. It also includes a complaint procedure. The Assistance Policy was attached for the Board's review. Mayor Pro Tem McLaurin asked if the Urgent Repair Program will work on mobile homes. Ms. Tatum reported that the other repair program included work on mobile homes, but it has to be restricted to a certain amount of your funding. Mayor McKoy asked about mobile homes located in Mobile Home Parks. Ms. Tatum responded that the same applies and you must own the mobile home.

5. Request for Proposal and Set Rent Rate– Maxton Freight Building Restaurant

Interim Manager Tatum stated that she prepared the attached Request for Proposal for Council's review. A study was conducted of restaurant rents for restaurants offered for sale and/or lease in North and South

Carolina. The last rent established by the Board was \$1,000 per month. The fair market rent indication appears to be \$1,500.00 per month for a restaurant of the freight building quality and location. However, in researching the possible applications to determine rent, she found that many restaurant owners ask for a percentage of gross sales. Typically, restaurant leases contain a minimum rental figure in dollars below which the percentage rent will never be allowed to fall. Ms. Tatum included a formula for determining the rate at which the rent will never be allowed to fall below, basing it on the amount of taxes the town would normally receive if the building were privately owned plus the share of exterior maintenance the town normally pays to our landscaper and \$600.00 per year for the use of the equipment, which under the formula proposed would render a total base rent under which the rent could not fall at \$6,003 per year or \$500.25 per month. The percentage of gross sales recommended in a study by one of the leading universities is 1 – 9 %. If the town chooses to request 6% of gross sales and the gross sales of the Restaurant is \$100,000, the rent would be \$6,000 per year or \$500.00 per month. If the gross sales amount is \$500,000 the rent would be \$30,000 or \$2,500 per month. In the case of gross sales, the town would profit from the success of the restaurant. She stated that the Board may also want to consider starting with the base rent recommended and graduating to a higher rent each year. Commissioner Dean stated that in the sample RFP, reference was made to the restaurant and flower shop. She also stated that it has been previously requested that they be put on separate lines. Mayor McKoy stated that it was never done. Ms. Tatum stated that the heating and air unit would need to be separated also. Commissioner Hamer inquired about vendors that would take it as it. Ms. Tatum replied that was included in the RFP. The Board went on to discuss the rent vs. gross sales. Mayor Pro Tem McLaurin and Commissioner Dean stated that it should not be based on sales, but they should pay rent. Commissioner Dean asked for clarification. Ms. Tatum stated that the base rate can include the equipment.

6. Approval of List of Mayors for Mayors Without Pictures

Interim Manager Tatum stated that Mrs. Annie Hicks-Hager had prepared a calligraphy rendition of the names of all the mayors who do not have pictures on the Wall of Mayors. She stated that a copy of that rendition was attached for Council's review and approval is required prior to being used. It was the consensus of the Board to look at other samples.

7. Collard Festival Expense Report

Interim Manager Tatum stated that the collard festival expenses are included herein for your review. Briefly summarizing the report, the revenues totaled \$5,415.32 and the expenses totaled \$6,982.58, leaving a deficit of \$1,567.26, which is relatively low considering a first event effort. Commissioner Dean reported the following. The t-shirts were at a loss, but they can be resold. The entertainment was paid \$500 for Maxton and \$400 for Under the Stars, totaling \$900. The signs and banner charge of \$249.49 for the lowest sign and the additional charge for the banner, when the signs were made in house. The signs were too small and had to be reordered. There was also discussion about the ribbons and crowns. Commissioner Dean stated that \$647.00 for decorations was quite extreme. Mayor Pro Tem McLaurin stated that she ordered the crowns and ribbons. Ms. Tatum stated that we have joined Sam's Club, which should help with the cost of some of the items. She also stated that we intend to seek Grassroots funds to help with the cost. Commissioner Dean stated that we are also trying to get tourism funds. Commissioner Oxendine asked if the vendors were charged. Commissioner Dean and Mayor McKoy stated that the vendors were charged. Mayor McKoy stated that the Collard Festival committee did a great job.

8. Piedmont Natural Gas – Proposed Service Policy

Interim Manager Tatum informed that Board that a hard copy of the service policy was given to them for review during last month's meeting. They were asked to review the policy for possible comment, prior to sending a signed contract to Piedmont Natural Gas. She stated that Piedmont Natural Gas has made changes to their service policy. They are bound not to cut off seniors or the handicapped.

9. Consideration of Conditional Use Application #07-01

A public hearing was held on March 27, 2007 by the Planning Board to consider Condition Use Application #07-01. The applicants are Mildred McLaughlin and Janis Monroe. They are requesting that they be approved to operate a day care at 605 W. Martin Luther King, Jr. Drive (Dr. Bell's old office), which is located in a Highway Business District. There are currently 16 parking spaces, with a requirement of 10. The applicants will have to reconfigure the parking spaces when they return for a zoning permit for the construction of a play area. There were no calls of concern or support. Planning Board members expressed concern about the parking once they put up the playground. Ms. Tatum informed the board that the number of parking spaces would be looked at when they applied to zoning for construction of the playground. The Planning Board approved the request as submitted, with no conditions.

REGULAR MEETING – APRIL 10, 2007 - 7:30 P.M.

Welcome by Mayor Lillie McKoy

The Maxton Board of Commissioners met with the following members present:

Mayor Lillie McKoy
Mayor Pro Tem Geraldine McLaurin
Commissioner Gladys Dean
Commissioner Patsy Hamer
Commissioner Sallie McLean
Commissioner Ray Oxendine

Staff present: Interim Town Manager Katrina Tatum, Interim Clerk Jacqueline Roberson, Police Chief Paul McDowell and Town Attorney Jessica Locklear.

Invocation – Mayor Pro Tem McLaurin gave the invocation.

Consent Agenda

1. Board Minutes
 - Regular Board Meeting: March 13, 2007
 - Special Board Meeting: March 28, 2007
2. Tax Adjustments
3. Proclamation – Municipal Clerks Week
4. Proclamation – “Maxton's Week of Prayer”
5. Tax Advertisement List

Commissioner Dean motioned to approve the Consent Agenda with the correction that Town Attorney Jessica Locklear's name be added to the special meeting of March 28, 2007. Mayor Pro Tem McLaurin seconded. The vote was unanimous.

Special Presentation

David Robinson of The North Carolina Transportation Hall of Fame, Inc. stated that on October 31, 2006, Mayor McKoy and others attended the North Carolina Transportation Hall of Fame's ceremony that inducted Malcolm P. McLean, Sr. into the Hall of Fame.. He is here tonight present a duplicate plaque to the Town of Maxton. Mr. Robinson also stated that he was using this occasion to announce the 2007 inductees. They are Bill Babcock, Grier Beam, John Blue, R.J. Corbitt, Richard and Smith Reynolds, Ed Vick and S.T. Wooten. The next ceremony is scheduled for October 23, 2007. Mayor McKoy stated that we were honored to present the key to the city to Mrs. McLean.

Introduction of New Staff Members

1. Phorcia Chavis – Patrolwoman: Officer Chavis introduction will be rescheduled, because she was unable to attend tonight's meeting.
2. Bryon Lashley – Animal Control Officer: Mr. Lashley was presented to the Board. He comes to this position with years of experience and is also certified in many areas. Mr. Lashley thanked the Town for the opportunity.

New Business

1. Zoning - Charge for Local Government Opinion for Alcoholic Beverage Permits form for individuals applying for an ABC License, Meter Base Approval Letters, Increase Zoning Permit Fee. Mayor McKoy stated that this item was discussed in Work Session and entertained a motion from the Board. Mayor Pro Tem McLaurin motioned approval to charge \$5.00 for Local Government Opinion for Alcoholic Beverage Permits form for individuals applying for an ABC License, \$5.00 for Meter Base Approval Letters and to increase the Zoning Permit Fee to \$25.00. Commissioner McLean seconded. The vote was unanimous.
2. Two Story Building on McCaskill – Clinton Graham: Commissioner Hamer motioned to table item #2 – Two Story Building on McCaskill Avenue for closed session discussion. Commissioner Oxendine seconded. The vote was unanimous.
3. Urgent Repair Program Assistance Policy: Commissioner Sallie McLean motioned approval of the Urgent Repair Program Assistance Policy. Commissioner Dean seconded. The vote was unanimous.
4. Request for Proposal and Set Rent Rate– Maxton Freight Building Restaurant: Mayor Pro Tem McLaurin motioned to set a rental fee of \$1,000 per month, to add the equipment fee of \$50.00 for a total of \$1,050 per month for one year. Commissioner Oxendine seconded. The vote was unanimous.

Ms. Tatum stated that she will bring back the gradual increase of fees to the Board. After the first year, an annual increase per year. Maintenance items can be put in the lease agreement. Commissioner Dean motioned to increase rent incrementally based on percentage. Commissioner Hamer seconded. The vote was unanimous.

Commissioner Dean motioned to approve the Request for Proposal to include recommendation from the State. Commissioner Hamer seconded. The vote was unanimous.

5. Approval of Calligraphy List of Mayors for Mayors Without Pictures: Commissioner McLean motioned that the approval of Calligraphy List of Mayors for Mayors Without Pictures be table until we get other samples. Mayor Pro Tem seconded. The vote was unanimous.

6. Consideration of Conditional Use Application #07-01: Commissioner Oxendine motioned approval of Conditional Use Application #07-01 to allow Mildred McLaughlin and Janis Monroe to operate a daycare at 605 W. Martin Luther King, Jr. Dr., locate in a Highway Business District. Commissioner Hamer seconded. The vote was unanimous.

Old Business

1. Grease Ordinance: Commissioner Dean motioned approval of Ordinance 2007-02-01 Grease Ordinance. Commissioner McLean seconded. The vote was unanimous.

2. Piedmont Natural Gas – Proposed Service Policy: Commissioner McLean motioned to approve execution of the contract and rendering of a letter of approval of service policy. Commissioner Hamer seconded. The vote was unanimous.

Reports

1. Commissioner's Reports

a. Commissioner Oxendine reported that he met with the Public Works Department and treated them to lunch. The men express concerns to him about the six months probationary period, the Town's insurance policy and the on-call policy. Mayor McKoy stated that the manager addresses these policies. Commissioner Oxendine asked if they get a cost of living increase. Interim Manager Tatum responded that employees do get a cost of living increase. She stated that the previous on-call policy was overcharging the Town. There have been policy changes and that is one of the things that has changed.

b. Commissioner Dean reported the RCTS Alumnus are sponsoring two \$1,000 scholarships to graduating high school seniors. She also reported that the Raeford family is sponsoring the James Walter Raeford scholarship. They will be awarding two \$1,200 scholarships. A criteria is that you must be a graduate of R.B. Dean Elementary School. Mayor McKoy suggested to Commissioner Dean that she notify the Youth Center of these scholarships

3. Mayor Pro Tem McLaurin reported that for Clean-up Week, she will try to clean up East Rockingham Road. Commissioner Oxendine stated that he will assist her. He also reported that the area around the entrance signs needed to be cleaned.

2. Manager's Report

A. NC STEP

The regular NC Step full session meeting was held April 6, 2007. Most of the committees were represented. The Senior Citizens Committee chairman, Paul Davis has resigned his post as

chairman Housing Committee Chairwoman, Minnie Miller has resigned her post as Chairwoman. A meeting will be held by the Leadership Chairman, David McEachin and Roger Sheats, the citizen coach with the Senior Citizen Committee to appoint another chairperson. The Housing Committee will be chaired by Interim Manager Tatum, until the next meeting, at which time, a new chairperson will be appointed. Reports were given for the committees. We have received all of the narrative reports from chair persons. The request for the first draw of the \$20,000 planning grant has been completed. A list of expenditures is included under FYI for your review. She also reported that the budget for the Kick-off Celebration was \$5,300. That amount was exceeded by \$5,100. There was also \$2,500 for miscellaneous expenses. The original contract of one year has been extended to December 31, 2007. Commissioner Dean stated that it was constantly asked how much was allocated. Interim Manager Tatum stated that they could not find information in the files, but that we will be able to get our full \$20,000. She reported that the Revised Budget will be included in their next packets.

B. CERTIFIED INDUSTRIAL SITES

As previously mentioned the county is preparing maps for staff to review for ownership. We have already received the aerial maps. Receipt of the site maps is delayed due to a malfunction of the county's map copier.

C. URGENT REPAIR PROGRAM

The Post Approval Document with compliance attachments have been sent to Michael Handley. The Assistant Policy that the Board approved will be sent also.

D. INDUSTRY

After listening to guest speaker, Greg Cummings, the Robeson County Economic Development Director, the NC STEP committees are suggesting that the town consider hiring a business recruiter. The cost for such a request will be included in the documents for retreat. Interim Manager Tatum stated that Roger Sheats indicated that some of the towns will use some of their \$200,000 to do business recruitment. Commissioner Dean stated that she attended that meeting and that she would like to see economic development, not just business. Interim Manager Tatum suggested we include marketing in the position.

E. BUDGET

S. Preston Douglas and Associates is prepared to render a completed audit by June 1, 2007. Becky Maynor has completed the budget amendments needed for 2005-2006. Interim Manager Tatum stated that she is in the process of reviewing them against the approved budget and will present it at the next meeting. Commissioner Dean asked why the Board had not received a Budget to Actual. Ms. Tatum acknowledged that it was a mistake that the Budget to Actual was not in the packets.

F. FREIGHT BUILDING

Interim Manager Tatum reported that she has had conferences with three prospective restaurant operators. The number has now increased to seven. Each has been asked to prepare proposals complete with qualifications and financial support data. The RFP is prepared for your review along with research that will assist you in determining a rental rate. The building has been shown

to six prospective restaurateurs. The Tuscarora Nation has requested a donation for the Annual Pow Wow Event. Although the town is not prepared at this time to give donations to any entity, a ½ page advertisement in the 2007 Pow Wow Book for a cost of \$60.00 to showcase the availability of the freight building restaurant is attainable.

G. ZONING ORDINANCE

The Department of Commerce expects to complete the new Zoning Ordinance by May 1, 2007. Due to the number of corrections and updates needed the ordinance had to be completely rewritten.

H. SENIOR EMPLOYMENT

Interim Manager Tatum reported that she spoke with the Cumberland County Senior Citizen Coordinator about senior employment. Ms. Tatum's idea from this discussion is a beautification team.

3. Police Report

Chief McDowell informed the Board of the reports in their packets. He also reported that Bryon Lashley has been hired as Animal Control Officer. He has received several applications for police officer positions and he has sent paperwork in on two officers. Chief McDowell reported on the animal poisonings, stating there have been similar cases in other areas. There have been some deaths from food. He reported the Citizens Academy has scheduled a May 4, 2007 at 5:00 p.m. at the library. He also reported some curfew violations.

4. Water/Wastewater/Public Works Reports

Interim Manager Tatum reported that all employees have been asked to prepare logs. In review the logs she found out that some individuals did not have enough work to do. She stated that the work will be spread out.

ANNOUNCEMENTS

- 1) Town Hall Day will be Wednesday, May 9, 2007 in Raleigh.
- 2) Tuscarora Nation will hold their tribal pow-wow May 18 – 20, 2007.
- 3) Building Entrepreneur Workshop will be held on May 17, 2007 in Greenville, NC.
- 4) Maxton Under the Stars will be held two weeks later than normal on April 27, 2007. Tim Van Hooser will perform.
- 5) The Board Retreat will be held April 26 – 28, 2007 at the library.

Commissioner Dean asked Interim Manager Tatum if she had filled any of the vacant position. Ms. Tatum responded that she had some interviews, but had not filled the positions.

PUBLIC FORUM

1. Jane Hersch – N. Patterson Street: Mrs. Hersch reported that the Maxton Historical Society will host a BBQ Plate Fundraiser on April 20, 2007 from 11:00 a.m. to 2:00 p.m. The funds will be used to add an extension to the museum to house the paintings of Robert Doares. Mrs. Hersch also commended Ms. Smith who does the Town's landscaping by stating that the Town looks better.
2. Commissioner Oxendine reported that Airborne Museum in Fayetteville will have a special exhibit about the gliders.

CLOSED SESSION

Mayor Pro Tem McLaurin entertained a motion to go into Closed Session to discuss personnel issues pursuant to NCGS 143.318.11A(1)(6). Commissioner Hamer seconded. The vote was unanimous. The Board proceeded to go into Closed Session. Discussion. Commissioner Oxendine motioned to returned to Open Session. Commissioner Hamer seconded. The vote unanimous.

ADJOURNMENT

Mayor McKoy entertained a motion to adjourn at 9:45 pm. So moved by Commissioner Dean, seconded by Commissioner McLean. The vote was unanimous.

Mayor Lillie A. McKoy

Jacqueline B. Roberson, Interim Town Clerk