May 5, 2015

7:00 P.M.

The Town of Pink Hill held its monthly board meeting on Tuesday, May 5, 2015 at 7:00 p.m. in the town hall board room. Present for the meeting were Mayor Carol Sykes, Commissioners Mike Hill, Donald King and Debra Grady, Town Attorney George Jenkins, Public Works Director Timmy Kennedy, and Town Clerk Kimberly Mitchell.

Visitors present for the meeting were Danita W. Sheppard, Allen Brown, Susan Myers, Jennifer Scott and Rodney Scott.

Mayor Sykes called the meeting to order. Mayor Sykes welcomed everyone to the meeting. Commissioner Hill then led everyone in the pledge of allegiance. Commissioner Hill made a motion to approve the agenda with amendment #6. Commissioner Grady seconded the motion and it carried unanimously. Commissioner Hill made a motion to approve the consent agenda item, the minutes from April 14, 2015 board meeting. Commissioner Grady seconded the motion and it carried unanimously.

The first item on the agenda was an update on the Pink Hill Rose Festival. Susan Myers stated she has a tentative schedule and a tentative map for the Rose Festival and she gave the board a copy. The maps showed where everything was going to be. She said the Rose Festival is going to start at the end of the parking lot for the Fire Department and across the street is going to be the kid’s area, inflatables, and the animal rides. She stated on Central Avenue/College Street there will be vendors. Susan said inside the compound there will be a celebrity stage in between the media center and the Wellness Center. She said they are going to set up Vivian Howard and her crew who are going to be filming, “A Chef’s Life”, from 11:00 a.m. to 1:00 p.m. In front of the Wellness Center will be the other stage. She stated on the Central Avenue stage they will have the National Anthem and the Pledge of Allegiance and she asked Commissioner King if he would do the Pledge of Allegiance. Commissioner King replied yes and that he would be proud to do it. Susan said that Mayor Sykes would recognize the elected officials. She stated that since Dr. Alice Scott will be in Texas during the Rose Festival that Dr. Little would recognize the PHAPDC Board and Jennifer Scott. Susan said they have 16 people in the Rose Court and they raised more money this year than ever. Jennifer Scott explained what will be happening on Friday night. She said they will be having a Skittle Run for the little ones and that will be at 6:30 p.m. and at 7:00 p.m. they will be having a Bubble Run where you will be running through foam. She stated at 8:00 p.m. they will be having a free community movie in the courtyard and the movie will be “Facing the Giants”. She said they encouraging people to bring their lawn chairs and blankets and have just a nice family evening out. Mrs. Scott said it would be ending around 10:00 p.m. depending on the lighting. Susan showed the board on the map the certain spots that will be blocked off during the Rose Festival. She stated she wanted to thank Kim very much for getting them 15-16 garbage cans for the Rose Festival. Kim informed her that they are scheduled to deliver them on Thursday, May 14, 2015. Susan mentioned several spots in town that need to be mowed before the Rose Festival and Timmy stated that he would take care of those spots that involved him. Susan thanked Mayor Sykes for getting Steve Hardy and the Sea Breeze Band. Mayor Sykes thanked Susan and everybody for their hard work. Mayor Sykes asked if they had any ball teams. Jennifer stated they have two ball teams signed up and four teams that are interested. She said hopefully she will get that commitment in the next few days. Mayor Sykes thanked Susan and Jennifer for coming and updating the board.

The next item on the agenda was discussion of speed bumps on Jones Avenue and trash at basketball court. Allen Brown stated he was actually here for John McClain because he couldn’t be here due to a birthday party tonight for one of his kids. Mr. Brown said Mr. McClain approached him the other day about it and said he was having some problems over there. Mr. Brown thanked the board for the speed bumps that were put down because they are really working in his area as far as making people slow down. He stated that Mr. McClain would like to know if it is possible to get two speed bumps over there in between the houses to slow them down in that area. He explained that all that area through the ball court is very congested with children and they still have some problems over there with the people coming through there very quickly. Mayor Sykes said that Mr. McClain needs to come before the board himself because that is the right procedure. She said if we know who is doing the speeding through there and you let us know, then we will put a stop to it but you have got to let us know who it is. Mayor Sykes stated if you know who it is you need to talk to the police officers or somebody here at Town Hall about it.

Commissioner Hill said he and Mayor Sykes had discussed before the meeting about the trash at the ball court. They are thinking about temporarily closing the ball court and putting a sign up stating that it is temporarily closed due to trash. Commissioner Hill said that if the police officers see anybody over there during that time to run them off. Mayor Sykes said that was a positive thing but a negative thing to her was that a lot of people do gather when they could be somewhere else. She said they are going to try to take care of this issue. Mr. Brown said that is really the only thing that he could see that could be done. He said to not take down the goal posts but the goals off of the backboards. He stated they can be unbolted and just take them off for a couple of weeks or maybe a month or maybe for the summer. Mr. Brown said the problems that he is physically seeing is that he puts his trashcan out beside his driveway. He stated that the town has put a trashcan by the ball court which is actually chained to the poles now because they use it as a seat instead of a trashcan. These kids are going right by these trashcans and throwing their trash on the ground. Mr. Brown said he can tell them to pick the trash up and they will but will still go right by the trashcans and drop the trash on the ground at a different spot. Mayor Sykes stated she has been by there she does not know how many times and when they are out there she will tell them that they have got to pick it up and they will go to scurrying and pick it up. She said they will just have to decide what will be the best course of action, but she does understand that it is messy and it is ugly. Mr. Brown said the biggest issue that he is having with the trash at the ball court is that he is tired of picking it up out of his yard. Mayor Sykes said she could understand how aggravating that could be. She told Mr. Brown that the board will try to think of something to alleviate that problem. Mayor Sykes thanked Mr. Brown for coming.

The next item on the agenda was discussion of property & two-story building for the Fire Department. Timmy said as of yet they have yet to acquire the two-story building. He has been in several conversations with Alice Scott and actually with their board to hash out how much land they want to go with it. Timmy said he thinks it will still be a good place to have training for the fire department and maybe even the spook trail for the month of October. Mayor Sykes asked Timmy how much property is with the two-story building. Danita Sheppard explained how much land would go with the property. She stated there will be, if it gets approved and they still want it, some things that they will want to put down as far as the use of it. Mayor Sykes stated there would have to be an agreement drawn up as to what the town is going to be responsible for and what they want before a decision can be made. Danita said she thinks that decision has already been made, it is just the fact like with the Rose Festival, because that involves the Pink Hill Area Preservation, will they have access to use that building? Mayor Sykes stated she did not see any problem with that but we have got to have it in writing because it has to be recorded. George stated it has to be in writing and it has to be approved by the town council not by the fire department. Danita said their lawyer will draw up the agreement. Danita asked George if the fire department or the town decides 20 years from now that they do not want that property, would it have to go up for public auction like it did before or could they stipulate in the agreement that they would have the first right of refusal. George said first of all if the town owned it, the town would have to declare it surplus property and then it would have to go up for public bids. He said that is the way that you dispose of any property that is owned by a governmental entity in North Carolina. There are some mechanisms for private sale but if there is a deed it can have what is called a possibility of reverter in it where upon certain events happening it would revert back to the people who sold it. Danita stated that is definitely one stipulation they will make sure is in the agreement. George said it is rare to do this because usually buyers don’t want to buy something where there is a possibility of reverter, but where it is usually used is Churches, Post Offices and Municipal buildings. Mayor Sykes asked George if this needed to be tabled until they get the agreement. George said he thinks they need to wait until they get an agreement. Mayor Sykes asked the board what was their consensus on the issue. Commissioner Grady stated she was all for it especially if it can help the fire department and that it would be a great place for training for them. Mayor Sykes stated the consensus was yes from the board so go ahead with an agreement. Danita said that they will proceed with their end of it. Mayor Sykes reminded them that it does need to come before the board, because it is the towns and it has to be approved by this board. George asked Danita to have their lawyer send him a copy of the agreement. Mayor Sykes thanked them for coming.

The next item on the agenda was the Fire Department Report. Timmy stated over the last two months they have had 2 structure fires, 22 EMS calls, 5 vehicle accidents, 2 electrical hazards, 2 assist of other departments, 2 brush fires, and 2 automatic alarms. He said on the old school cafeteria they have begun clean up on it. They have a paint job going on right now. He said they are trying to get it ready to have a sitting area during the Rose Festival for people to come in and get out of the heat. He stated they will not have working bathrooms at that time and you will not be able to access the whole building but just the sitting area. Timmy said they have got blinds ordered but is not sure if they are here yet. He said that he welcomes anyone here that wants to take a look at it to come over and see what they have done. Timmy said they will have barbeque plates to sell here and they will also have some in the cafeteria. Mayor Sykes thanked Timmy and his guys for what they do.

The next item on the agenda was Water/Sewer Report. Timmy said the only problem over the last couple of months that they have had is their grit pump at the old lift station. He said he is waiting on Triple S. Farms to come and clean the chamber out again because it is full of sludge. Triple S. Farms has had a broken down truck so hopefully this will be taken care of sometime if not this week maybe the first of next week.

Timmy stated a big problem that they have been having are four wheelers on their right of way in Deep Run. They are tearing up property especially when it was really wet. Timmy stated they put up some “No Trespassing” signs under the advice of Lenoir County and they have been patrolling it. They caught one of the guys on it and Timmy and the officer talked to him and let him know why and they talked to his parents also to let them know why they do not need him in there tearing up the property. Timmy said hopefully that is going to stop it but if it doesn’t he is going to have to do something to stop it. He said he has not had any more incidents since that one.

Timmy talked about the storm drain on Macon Street. He said this storm drain has always been there but whenever the ditch was filled up years ago, it was supposed to have been tied in and it wasn’t. He stated that is the reason the water stands on that street after only an inch of rain for about two or three days. Timmy said the reason he is bringing it before the board instead of going ahead and digging is because he thinks the line under the street is probably still there. He said if he has to cut the road and replace it, it is going to cost some money. Timmy said according to Kim the Powell Fund is exhausted for this fiscal year. Kim stated they have money in there, but that they will have to do a budget amendment unless you want to wait until July and the new budget. Then Timmy can get some estimates. This way we can budget it into the new fiscal year budget. Kim said that would be the board’s call either to do it now or wait until the new fiscal year budget. Timmy said in the meantime he was going to go ahead and dig and if he can get it open without cutting the highway, because it is probably going to be pretty inexpensive. He said it would probably cost less than $100.00 other than the labor of us going out there and doing it. He stated if he has to cut the highway and put new tile in, it is going to be expensive because they would have to put in a new catch basin.

Timmy then talked about Tarheel Drive in front of Southern Pharmacy. He said the ditch in front of Southern Pharmacy needs to be cleaned out and he has been approached by Jerry Henderson. Mr. Henderson said whenever they get a good size rain that the water comes up almost to the building. Timmy said there is a problem because the ditch is filled in. He stated he got a price from Chris Taylor of $1,900.00 to clean out the ditch like it needs to be. Timmy said he was hoping that the street was already on the Powell Fund but it is not and that is the reason he is bringing before the board. Kim said it will have to be dedicated and then it can be put on the Powell map but as of right now they cannot use Powell Fund monies. Timmy said he will let Jerry Henderson know that they will not be able to do it until the new fiscal budget year in July.

Timmy said over the last couple of months they have been cutting grass, spraying right of ways, and spraying some of the streets. He said they have also been doing GIS of all their manholes, hydrants, and valve boxes with the help of Brian with Rural Water. He stated they have had one training session on the equipment that they purchased with their grant monies. They found out that they had to get a new laptop and that has been purchased. He said hopefully they will get another training session this week. Brian is supposed to come on Thursday to get some more of the stuff put in on the computer. Timmy stated hopefully at one point in time they will be able to pull their whole grid of the town with all of their manholes, valves, waterlines, and all. He said he is also including service line cleanouts, the ones that they know where they are at.

Timmy said over the last couple of months they have gotten their CCR completed. He said it has been done thanks to Mike Hill who comes by and does it every year. Timmy said thanks to Kim for getting it put on the website so everybody can read it. He stated that a new duplex is being built on Hatteras Drive by Whitfield, Brewer, & Whitfield. Mayor Sykes thanked Timmy and his guys for the job they do.

The next item on the agenda was the WASA Report. Commissioner Hill said that he did not have anything to report at this time.

The next item on the agenda was Police Updates. Chief Thigpen could not be at the meeting this evening so Kim relayed some information for him. Kim stated he wanted her to report that the Dodge Charger is still messing up and he is taking it back to National Dodge tomorrow evening. Commissioner Hill stated that he told Chief Thigpen that when he takes the car back to National Dodge to tell them to put a new motor in it. Kim said Chief Thigpen said the warranty is almost up on the Dodge Charger.

The next item on the agenda was Discussion of H.J. Building. George stated and explained the process that the town will have to go through. The town has to declare the building as a nuisance and then has to send a demand letter to the owners giving them 15 days to abate the nuisance or to demolish the building. He said that needs to be sent by certified mail. George said the cost there is going to be about $10.00 or $12.00 depending on the post office. He said then if the owners do not demolish the building, then the town can demolish the building. Once that is done and the town gets a bill, we send the bill to the owners again by certified mail for the cost of demolition, clean up, tipping fees, and all that which is another $10.00 to $12.00. The town then pays the bill if the owner doesn’t and the town sues the owner at least 31 days after the bill was delivered to him. The cost of filing the action with the Clerk of Court is going to be, at current rates if the legislature doesn’t raise it, $120.00. The cost of serving papers on the owners and posting the property George states he estimates at $90.00. He said his fees for drafting the lawsuit, going to court, court proceedings, drafting the order, and so on particularly if the owner is not around will be $800.00. After an order is entered ordering that he pay the fees and the lawsuit fees, we then have to serve him with a copy of the judge’s order again by certified mail which is another $10.00 to $12.00. We then send a judgement to the tax collector to establish the lien. If the owner then doesn’t pay his taxes, then we would ask the county to do a tax foreclosure on it to collect the property taxes including our taxes plus our lien. He said that technically is going to be subject to the lien of the state and federal taxes. George said you are looking at about $15,000 to $20,000 for all of it. Kim asked if we send the owner something by certified mail what happens if he is no longer at that address. George stated we have to try to serve him by certified mail and then we can ask that the Sherriff’s office post the property. George said that we do not want to accept a deed from the owner unless the IRS and the North Carolina Department of Revenue have waived taxes on that particular property. Commissioner Hill asked about cost of demolition and disposal of debris. Mayor Sykes said the estimated cost of $10,000 she was giving would cover both. Commissioner Hill asked who would we get to do this. Mayor Sykes stated she would rather not say at this time because this was just talking not official. Commissioner Hill asked if the property can be sold and use the money to reimburse the town. George said nobody knows. Mayor Sykes said that is the chance we take but she would like to get to the part of serving the owner these letters. She stated it is an eyesore and it is dangerous and she thinks that if the building was gone that there could be something built there that would benefit the town tax wise and money wise. She said she does want to see that building gone. Commissioner Hill asked if a motion needed to be made tonight. George said if you want to start the process, then yes but if you want to look at the money first, then no. Commissioner Hill made a motion to declare the property a nuisance and start the abate process. Commissioner Grady seconded the motion and it carried unanimously. George informed the board that it will probably be about two weeks before he can get the letter ready due to having to be in court. Mayor Sykes thanked George.

The next item on the agenda was Set Public Hearing Dates for the following: (a) The Neuse River Basin Regional Hazard Mitigation Plan 06/09/15; (b) Adopt FY 2015-2016 Budgets 06/09/15. Commissioner Hill explained that if we do not adopt The Neuse Basin Regional Hazard Mitigation Plan and we have a bad storm they can deny us federal funds.

Commissioner Hill made a motion to change the board meeting from June 9, 2015 to June 16, 2015. Commissioner King seconded the motion and it carried unanimously.

Commissioner Hill made a motion to start the public hearing for the Hazard Mitigation Plan at 6:45 p.m. on June 16, 2015 and the Budget Hearing at 6:50 p.m. to end at 7:00 p.m. Commissioner Grady seconded the motion and it carried unanimously.

The next item on the agenda was Budget Amendments if needed. Kim said there are three pages of budget amendments and the reason why is because it is May and it is getting to the end of the fiscal year. Kim asked the board to look the pages over and she would answer any questions. Commissioner Hill made a motion to approve the General Fund budget amendments as presented. Commissioner Grady seconded the motion and it carried unanimously. Commissioner Hill made a motion to approve the Water Fund budget amendments as presented. Commissioner Grady seconded the motion and it carried unanimously. Commissioner Hill made a motion to approve the WDSIP budget amendment as presented. Commissioner Grady seconded the motion and it carried unanimously. Commissioner Grady made a motion to approve the Fireman Relief Fund budget amendment as presented. Commissioner Hill seconded the motion and it carried unanimously. Mayor Sykes explained to Commissioner Grady and the board about the Fireman Relief Fund. She stated that is monies that the town gets from the state each year in the amount of $2,000. These monies go into a Fireman Relief Fund and the only way it can be used is for a fireman who is having a medical hardship. Kim explained to the board the budget transfers she had to do.

The next item on the agenda was Remarks by Town Attorney. George said that our ordinances are a mess and need to be recodified. He stated it would be a good idea to contact the company they have used before, American, and get a price. George said he has found someone else that would have a better price than American. He wanted to ask the board for their permission to get the information from him and see what you think about it. George said we might even think about putting the ordinances on our website eventually.

The next item on the agenda was Comments by the Board. There were no comments by the board at this time.

The next item on the agenda was Public Comments. There were no public comments at this time

The next item on the agenda was Closed Session. There was no need for a closed session at this time.

With there being no further business to be discussed the meeting was adjourned.