

TOWN OF BISCOE
BOARD OF COMMISSIONERS MEETING
August 13, 2018

The Biscoe Town Board of Commissioners met in a regular session on Monday, August 13, 2018 at 7:00 pm in the Municipal Building. Present were: Mayor Jimmy Blake, Mayor Pro-Tem Jerry Smith, Commissioners Gene Anderson, Kay Cagle Kinch, and John Beard. (James Cagle, Jr. "Jimmy" Cagle's seat is vacant due to his death on December 30, 2017).

Members of Management Present: Town Manager Brandon Holland, Town Clerk Laura Morton, Public Works Director Sam Stewart; Police Chief Brent Tedder and Town Management Intern Cadeala Troublefield

Call to Order/Pledge of Allegiance

Mayor Blake called the meeting to order at 7:00 pm. The Pledge of Allegiance to the American Flag was recited and a moment of silence was observed.

Conflict of Interest Statement

"In keeping with the Conflict of Interest Laws outlined in Chapter 138A of the North Carolina Board of Ethics, any conflicts of interest or appearance of conflict with matters coming before the Board of Commissioners should be declared," "Having received our agenda for this evening's meeting, are there any conflicts of interest to be announced? If so, please, state them at this time."

Approval of the Consent Agenda

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch and so the motion carried unanimously to approve consent agenda item:

- a) Approval of the Agenda
- b) Approval of Amended June 2018 Regular Meeting Minutes
- c) Approval of July 2018 Regular Meeting Minutes
- d) August 2018 Monthly Financial Reports
- e) Approval of Newly Fire Chief Sam Stewart
- f) Approval of One Stop Early Voting (October 17 – November 3)

AYES: 4; NAYS: 0

Public Hearing for Proposed Panhandling Ordinance

Town Management Intern Cadeala Troublefield presented the following proposed ordinance:

Panhandling Ordinance:

- I. Panhandling and Soliciting
- II. Definitions

- 1) *Panhandling*
 - a. to beg or solicit contributions using acts of speech, signs, or physical gestures for the advancement of personal gains in money or other contributions.

- 2) *Solicitor*
 - a. a person who travels from place to place, or street to street to take orders for the sale of goods, wares, merchandise or any personal property of any nature. This definition shall not apply to the following:
 - Those who solicit orders solely to industrial, commercial or professional establishments within the town;
 - Those soliciting for schools or approved educational, religious, non-profit or charitable organizations, when the proceeds go to fund an organization.

- 3) *Aggressive panhandling, and solicitation* includes and is defined as:
 - a. Accosting a person by approaching or speaking to the individual(s) in such a manner that would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession;
 - b. Touching someone without his or her consent;
 - c. Using obscene or abusive language toward someone while attempting to panhandle or solicit him or her;
 - d. Forcing oneself upon the company of another by continuing to solicit in close proximity to an individual who has made a negative response by verbal or physical signs or by attempting to leave the presence of the person soliciting, or by other negative indication;
 - e. Blocking the path of the individual being solicited; otherwise engaging in conduct that could reasonably be construed as intending to force a person to accede to a solicitation;
 - f. Other conduct that a reasonable person being solicited would regard as intended to compel or force the person to accede to the solicitation.

III. Prohibited Conduct while Soliciting or Panhandling

- a. Engaging in any acts of aggressive soliciting or panhandling as defined above;
- b. On the property of any financial institution, or within 50 feet of any automatic teller machine or any automatic teller facility;
- c. At any permitted outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
- d. While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
- e. On private property, unless the person can provide proof of permission from the owner of the property or from the Chief of Police to beg or solicit contributions on the property;
- f. While under the influence of alcohol or after having illegally used any controlled substance, as defined in the North Carolina Controlled Substance Act;
- g. In or on town streets to include the right of way, median or shoulder thereof, or within any crosswalk;

- h. In a school zone during the time of arrival of students at the beginning of the school day and/or during the time of the departure of students at the end of the school day;
- i. Within any entrance or exit of any parking deck, garage, or surface parking lot;
- j. Within any town owned or operated building or facility.

IV. Permit for Panhandling and Soliciting

Any person, business, or organization shall be authorized to panhandle or solicit IF they have a permit obtained from the Biscoe Police Department. Permit approval may take up to 7 days pending a background check.

**If panhandling or soliciting is not done on the property of the person, business or organization, the representative must be able to prove they have permission from the property owner.*

- 1) A person, business or organization may be issued a permit at the discretion of the police department to panhandle or solicit for:
 - a. Contributions or sales for an organization, business or charitable cause
 - b. Selling of items for fundraising purposes
 - c. To receive donations
- 2) Operating Without a Permit
 - a. First Offense: \$50
 - b. Second Offense: \$100

List of Resources

Sandhills Community Action Program, Inc. Montgomery County Office: 102 East Spring St. Troy, NC	910-975-9536
Montgomery County Crisis Council	910-572-3749
Montgomery Churches in Action Location: 203 Church St. Biscoe, NC	910-974-3323
Habitat for Humanity of the Sandhills Location: 2268 NC Highway 5 Aberdeen, NC	910-295-1934
Biscoe Presbyterian Church Location: 108 North Main St. Biscoe, NC	910-428-4842
Southside Baptist Church Location: 125 Cedar Creek Rd Biscoe, NC	910-428-9243
First Baptist of Biscoe Location: 225 East Main St. Biscoe, NC	910-428-4641

The Public Hearing was published in the Montgomery Herald as required.

A motion was made by Commissioner Beard, seconded by Commissioner Anderson, and so the motion carried unanimously to recess the regular session and call to order the public hearing for the proposed Panhandling Ordinance.

Intern Troublefield stated that Panhandling Resources were included with the Ordinance; and an Index Card with the resources was placed at each of the board member's seats.

No one spoke during the public hearing.

Commissioner Kinch said she wanted to inform the Board that the ACLU had filed a lawsuit against Greensboro for their Panhandling Ordinance.

A motion was made by Commissioner Anderson, seconded by Mayor Pro-Tem Smith, and so the motion carried unanimously to close the public hearing for the proposed Panhandling Ordinance and reconvene the regular session.

A motion was made by Commissioner Beard, seconded by Mayor Pro-Tem Smith, and so the motion carried unanimously to adopt the Panhandling Ordinance as presented.

AYES: 4; NAYS: 0

Approval of New Bank Accounts

Laura Morton, Town Clerk/Finance Officer presented the following request:

CDBG Infrastructure Grant at Fidelity Bank

As you know, the Town of Biscoe has received a grant award of \$1,865,000 for their CDBG Infrastructure Application for the "Sanitary Sewer System Rehabilitation" project.

The Town has invested in NC Capital Management Trust and has set aside funds for Water/Sewer Improvements. The total amount in the account as of June 30, 2018 is \$126,706.28. We recommend temporarily transferring \$125,000.00 of these funds to the new account until grant funding is deposited. The grant is a reimbursable grant; we pay the invoices and then ask for reimbursement. At the end of the project, this money will be transferred back to the NCCMT Water/Sewer Account.

We are requesting approval of a new bank account for this project. Having a separate bank account will expedite Grant reporting. The new bank account will be at Fidelity Bank in Biscoe.

National Night Out Funds at Fidelity Bank

We had a successful First National Night Out and are excited toward the future. As we look to next year we have decided it is necessary to open a new account to keep these funds separate. We are requesting permission to open the bank and use the Wal-mart grant money to open the account. The new bank account will be at Fidelity Bank in Biscoe.

A motion was made by Commissioner Beard, seconded by Mayor Pro-Tem Smith, and so the motion carried unanimously to approve the new bank accounts as presented.

AYES: 4; NAYS: 0

CDBG Infrastructure Grant

Manager Brandon Holland stated that several documents for the CDBG-I for Bruton Street were in need of approval. He stated that next month there will be several more. This is required for the grant. The documents are as follows:

Request for Approval of Project Budget Ordinance

**TOWN OF BISCOE
SANITARY SEWER SYSTEM REHABILITATION – CDBG INFRASTRUCTURE
Project Budget Ordinance**

BE IT ORDAINED by the Town of Biscoe Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized includes the installation of sewer improvements to serve the Sanitary Sewer System Rehabilitation Project Area to be financed with grant funds from the NC Department of Environmental Quality (CDBG Infrastructure).

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Sewer Improvements	\$1,766,500
Administration	<u>\$98,500</u>
	<u>\$1,865,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

	<u>CDBG</u>	<u>Local</u>	<u>Total</u>
Sewer Improvements	\$1,766,500	\$0	\$1,766,500
Administration	<u>\$98,500</u>	<u>\$0</u>	<u>\$98,500</u>
TOTAL:	\$1,865,000	\$0	\$1,865,000

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8: The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to the Board of Commissioners.

Section 9: Copies of this capital project ordinance shall be furnished to the Board of Commissioners and to the Finance Officer for direction in carrying out this project.

Adopted this 13th day of August, 2018.

Mayor



Town Clerk

Resolution for Check Signature & Requisitions

SIGNATORY FORM AND CERTIFICATION

Grant No.

17-I-2955

Recipient Name: Town of Biscoe
Address: 110 West Main Street
Biscoe, NC 27209

Signatures of individuals authorized to sign Requisition for Funds forms.

_____ (Signature)	<u>James E. Blake, Mayor</u> (Typed Name) (Typed Title)
_____ (Signature)	<u>Brandon Holland, Town Manager</u> (Typed Name) (Typed Title)
_____ (Signature)	<u>Laura B. Morton, Town Clerk/Finance Officer</u> (Typed Name) (Typed Title)
_____ (Signature)	_____ (Typed Name) (Typed Title)

CERTIFICATION

() I certify that the signatures above are of the individuals authorized to sign Requisition for Funds form for the above recipient.

Certifying Official: _____
Title: _____

(X) The governing board has passed a resolution authorizing the persons above to sign Requisition for Funds form for the above recipient. A copy of the resolution is attached. I certify that the signatures above are those of the individuals authorized by resolution of the governing board of the recipient to sign Requisition for Funds forms.

Certifying Official: _____
Title: Laura Jordan, Deputy Clerk

TOWN OF BISCOE
RESOLUTION FOR REQUISITION AND CHECK SIGNATURES
AND ADMINISTRATION OF THE TOWN OF BISCOE
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT
(Project No. 17-I-2955)

WHEREAS, in order to receive Community Development Block Grant funds, the Town of Biscoe must authorize persons to sign the requisition forms for Community Development funds and checks for the following CDBG project (17-I-2955); and

WHEREAS, in order to carry out all the activities of the Community Development Block Grant project, the Town of Biscoe will authorize persons to administer the program and execute all applicable documents;

THEREFORE, BE IT RESOLVED, that

James E. Blake, Mayor
Brandon Holland, Town Manager
Laura B. Morton, Town Clerk/Finance Officer

be authorized to execute the signature requirements for requisitions of Community Development Block Grant funds and checks for disbursements.

BE IT FURTHER RESOLVED, that

James E. Blake, Mayor
Brandon Holland, Town Manager
Laura B. Morton, Town Clerk/Finance Officer

be also authorized to administer the Community Development Block Grant Program and execute all applicable documents. Approved, this the _____ day of _____, 2018.

Mayor

Town Clerk

A motion was made by Mayor Pro-Tem Smith, seconded by Commissioner Anderson, and so the motion carried unanimously to approve the CDBG-I documents as presented.

AYES: 4; NAYS: 0

National Night Out Report

Management Intern Cadeala Troublefield reported to the Board that Biscoe's First Annual National Night Out was a huge success. She thanked all of the vendors (Montgomery Insurance, Auraco, Wal-mart, LGFCU, Autumn Care, Montgomery County Schools, DJ Greg Russell, First Health, Biscoe Fire Department, Montgomery County Sheriff's Department, NC Highway Patrol). She stated there were funds left that will be used next year at the event.

Mayor's Minutes - Commissioner Reports - Staff Reports

The following Mayor's Minutes were presented:

- Met with DOT and Railroad at Town Hall
- One week later, met with DOT and Railroad at Gazebo Site
- Meter with Mayors of the County at the Garner Center in Troy with Commissioner Jackie Morris, Commissioner Jim Matheny, and Pryor Gibson from the Governor's Office regarding Economic Development
- Attended a Mayor's Meeting in Troy
- Attended an Executive COG meeting in Kernersville
- Spoke with the Congregation at Calvary Temple Church on the Northeastern Corner of the intersection on main street
- Met with the Minister of Calvary Temple a week later
- Attended the Town of Biscoe Police Department's 1st annual National Night out at Deaton-Monroe Park
- The Gazebo efforts are ongoing.

Commissioner Anderson thanked staff for their hard work.

Commissioner Kinch asked about Taco Bell. Manager Holland said they are finalizing details.

Public Comment

The following spoke during the public forum:

Thai Vang, candidate for District Court Judge was present. He said he grew up in Montgomery County. He was a 1998 Graduate of West Montgomery. He came back to the County in 2018 to start a family.

County Commissioner and Former Biscoe Mayor Mike Criscoe requested the Board consider a memorial for Police Dog "Bruno". He said he is considered an officer.

Mr. Rorie of Biscoe said the Police Department needs to have more of a presence on Bruton Street. He said there was a lot going on around Bruton Street and the Police need to get out of their cars and stand and make a presence.

Mr. Rorie also complained about the vehicle in the public parking area across from the business where Miller's Hardware was. He said it has been sitting there for a long period of time with no tag.

Mr. Rorie also complained that building supplies from a rental property had been picked up by the Town and he didn't agree with that. Public Works Director Sam Stewart said we do not pick up building material. He said however, one time per year we do a "get out of jail free" day and pick up items for beautification reasons.

Mrs. Kinch also asked if there was a non-emergency phone number that can be used instead of calling 911. Police Chief Tedder said the non-emergency phone number – straight to dispatch is 910-571-7107.

The Board thanked those who spoke during the public forum.

Adjournment

There being no further business to bring before the Board, Commissioner Beard made the motion to adjourn, and Mayor Pro-tem Smith made the second. All voted in favor. Meeting adjourned at 7:40 p.m.

Laura B. Morton, Town Clerk