

TOWN OF BISCOE
BOARD OF COMMISSIONERS MEETING
April 11, 2022

The Biscoe Town Board of Commissioners met in a regular session on Monday, April 11, 2022, at 7:00 pm in the Municipal Building.

Board Members Present:

Mayor Eddie Reynolds, Commissioner Kay Cagle-Kinch, Commissioner Barry Jackson, Commissioner Jay Patel, Commissioner Kenneth Lynthacum, Commissioner David Asbill.

Members of Management Present:

Town Manager Brandon Holland, Town Clerk Laura Morton, Town Intern Mya Ellis, and Police Chief Shane Armstrong

Management Absent: Public Works Director Sam Stewart

Reconvene/Moment of Silence/Pledge of Allegiance

Mayor Eddie Reynolds 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

Mayor Reynolds read the Conflict-of-Interest Statement. Town of Biscoe Code of Ethics provides those public officials and all employees be independent, impartial, and responsible to the public; those governmental decisions and policy be made in proper channels of the governmental structure; that public office is not used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for town public officials and its employees, disclosure of interest in legislative action must be stated for the public record. The mayor or any member of the town council who has an interest in any official act or action before the council shall publicly disclose on the record of the council the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the council pursuant to G.S. 160A-75.

Adoption of the Agenda

A motion was made by Mayor Pro-tem Kinch, seconded by Commissioner Patel, and so the motion carried unanimously to approve the agenda – removing item #7 Water Tap Request - Vences (133 Sedberry Road)

Ayes: 5; No: 0.

Consent Agenda

A motion was made by Commissioner Jackson, seconded by Commissioner Lynthacum, and so the motion carried unanimously to approve the following agenda items:

- a. Approval of Minutes – March 14, 2022, April 1 & April 2
- b. Approval of April 2022 Monthly Financial Report
- c. Approval of Allocation of Funds to Baseball League
- d. Approval to Sale old floor buffer and buffer pads

Ayes: 5; No: 0.

Public Forum

The following spoke during the public forum:

Benjy Dunn of Lake Drive and the Owner of Dunn's Flea Market was present. He voiced his concerns about commercial trucks parking in public parking areas and washing/servicing trucks.

The Board discussed this issue and offered solutions. Town Clerk Laura Morton said the No Parking signs at the Old Tennis Courts have been ordered.

Request for Approval of the AIA Grant Application & Resolution

Stephen Francis, LKC Engineering was present to request the Approval of the AIA Grant Application/Resolution. A motion was made by Commissioner Jackson, seconded by Commissioner Patel, and so the motion carried unanimously to approve the AIA Grant Application/Resolution.

Attachment #1

Ayes: 5; No: 0.

Request to Amend Biscoe Purchase & Bid Requirement Policy

A motion was made by Mayor Pro-tem Kinch, seconded by Commissioner Asbill, and so the motion carried unanimously to approve to increase the Purchase Order Minimum Amount from \$500 to \$1500.

Attachment #2

Ayes: 5; No: 0.

Request for Approval of Water Tap – Vences – 139 Sedberry Road

REMOVED from the agenda

Tree City Committee Appointments

A motion was made by Commissioner Lynthacum, seconded by Commissioner Patel, and so the motion carried unanimously to appoint the following individuals to the Tree City Committee:

- Commissioner David Asbill
- Town Clerk Laura Morton
- Town Intern Mya Ellis
- Police Department Records Clerk Brandi Barnum
- Public Works Employee David Steele
- Katelyn Lamaster

Veterans' Committee Update

Committee

A motion was made by Commissioner Jackson, seconded by Commissioner Lynthacum, and so the motion carried unanimously to appoint Raymond Miller, Roy Henley, and Fred Martin to serve on the Veterans' Committee.

Veterans' Appreciation Dinner

Town Clerk Laura Morton provided an update on Veterans' Appreciation Dinner that will be held on May 26, 2022 at 6 pm.

Board & Staff Reports & Upcoming Events

Town Manager Brandon Holland, Town Clerk Laura Morton, Police Chief Shane Armstrong provided updates for the Board.

Closed Session – Pursuant to NCGS 143-318.11 (a) (6) – Personnel

A motion was made by Commissioner Lynthacum, seconded by Commissioner Patel, and so the motion carried unanimously to recess the regular session to go into closed session Pursuant to NCGS 143-318.11 (a) (6) – Personnel.

Recess

A motion was made by Commissioner Jackson, seconded by, Commissioner Patel, and so the motion carried to recess the meeting until April 18, 2022 at 5 pm.

Mayor



Town Clerk

Attachment #1

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of the Town’s Wastewater system through the Asset Inventory and Assessment program, and

WHEREAS, The Town of Biscoe has need for and intends to conduct a study on the Town’s wastewater system further described as the Biscoe Wastewater System Asset Inventory and Assessment project, and

WHEREAS, The Town of Biscoe intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BISCOE:

That the Town of Biscoe, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Biscoe to make scheduled repayment of the loan, to withhold from the Town of Biscoe any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Eddie Reynolds, Mayor, and Brandon Holland, Town Manager, the Authorized Officials, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the Authorized Officials, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or

the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

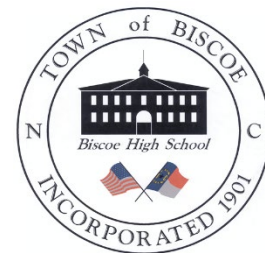
Adopted this the 11th day of April, 2022 at Biscoe, North Carolina.

W. Eddie Reynolds, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Biscoe does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Biscoe Board of Commissioners duly held on the 11th day of April 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of April 2022.

Laura B. Morton, MMC, NCCMC
Town Clerk



TOWN OF BISCOE PURCHASING & BID REQUIREMENTS POLICY

PURPOSE

This purchasing and bid requirements policy is intended to establish a uniform policy and serve as a guide for all departments in obtaining supplies, materials, equipment, apparatus, and services. The Town of Biscoe's purchasing, and bidding program is based on the principal of competitive bidding. A valid reason must be provided and documented when competitive bidding is not sought and obtained. The practice of favoritism, whether to the seller or the user department, is not permissible.

The Town's purchasing and bidding requirements are governed by North Carolina General Statutes and, therefore, must seek competitive offers from qualified sources of supply unless the items can be obtained through existing contracts established by NC State Purchasing and Contracts Division. Whenever possible, the Town of Biscoe participates in the NC State Contracts. The Town's local purchasing and bidding requirements may cite provisions which are stricter in policy thresholds than the requirements of the applicable North Carolina General Statutes.

STATEMENT OF POLICY

The goals of the Town's purchasing and bidding program are

Any and all purchases and contracts that are made on behalf of the Town of Manteo must be for the use of the Town. Such purchases can only be made if an appropriation has been set up in the approved annual budget.

To comply with the legal and ethical requirements of public purchasing and procurement.

To provide Town departments the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.

PURCHASING PROCEDURES – Supplies, Materials, Equipment, or Services

Less Than \$1,500 - Such purchases are normally made at the Department level. A purchase order is needed for services, materials, supplies and equipment purchased that exceed \$1,500.00 The amount for shipping and handling along with sales tax should be included on the purchase order. The Town Clerk/Finance Officer may not validate any purchase order unless sufficient unencumbered funds are available to pay at the time of purchase. A properly signed purchase order must *precede* the purchase. No invoice will be honored if the purchase order has not been issued and signed by the appropriate Department Head and Town/Clerk Finance Officer. The purchase orders will be pre-numbered for control purposes and should include descriptions of the items being purchased. Unauthorized purchases are classified as a personal expense, and therefore, will be paid by the employee. In the event that the Town/Clerk Finance Officer is not available, the purchase order can be signed by both the Department Head and the Town Manager. Under no circumstances may an order be split to stay under the \$1,500 threshold. The amount for shipping and handling along with sales tax should be included on the purchase order.

The following steps must be taken:

All Department Heads will read and understand this policy;

All employees involved in the purchasing process will become familiar with the procedures outlined in this policy;

This policy will be kept where it is easily accessible for reference;

All comments or clarifications of contents contained in this policy will be directed to the Town Manager or the Finance Officer.

Upon receipt of the item, the invoice must be submitted to the Deputy Town Clerk in a timely manner.

GENERAL RULES AND PROCEDURES FOR PURCHASING AND BIDDING

Note: all obligations evidenced by a contract or agreement, regardless of amount, must be certified as pre-audited by the Finance Officer.

Purchases of \$1,500.00 to \$29,999.99

All purchases between \$1,500.00 and \$29,999.99 (individually or in total) must be made with the use of a purchase order. The department wishing to make the purchase will prepare a purchase order and present it to the Finance Officer for approval. Town Board has given authority to the Town Manager to approve all contracts/purchases up to a maximum of \$29,999.99.

Informal Bidding Process

For all purchases, lease-purchases, and contracts above \$29,999.99 and below the state mandated thresholds for formal bidding prescribed by NCGS § 143-129, informal bids must be obtained. Notwithstanding, and consistent with an annual budget authorization, the Town Manager is authorized to renew or extend any service provider contract in effect as of the date of this policy as amended and determined by the Town Manager to be in the best interest of the Town. Only written informal proposals will be accepted. The purpose of public bidding is to obtain the best value for tax dollars, to provide fairness in contracting and prevent favoritism. Contracts will be awarded to the lowest responsible bidder, taking into consideration quality, performance, and time. A Bid Form will be used for this process. Three (3) written proposals will be sought during the bidding process. In cases where available or appropriate vendors are limited, every effort will be made to obtain bids from at least two (2) vendors. In cases where the item or service is available from a single source, this information must be noted on the Bid Form. For any purchase, lease-purchase or contract cost not previously authorized by the Board in an annual budget appropriation, the Town Board must authorize the award of all bids over \$29,999.99. The Finance Officer will issue a purchase order to the chosen vendor and the Department Head will proceed with the purchase.

Formal Bidding Process

Expenditure of funds totaling or exceeding the state mandated thresholds for formal bidding prescribed by NCGS § 143-129, either for the purchase of apparatus, supplies, materials, and equipment, or for construction or repair work, are required to be handled by the Formal Bid Process, and the bonding requirements of NCGS §44A-26 shall apply.

Note: Performance and payment bonds are required for contracts costing more than \$50,000 that are part of a project costing more than \$300,000.

The advertisement for bidders required by this section shall appear at a time where at least seven (7) full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

WHAT SHOULD BE ORDERED BY PURCHASE ORDERS

With the above statements in mind, there are a variety of exceptions to the Purchase Order requirement. If an item is not listed, Departments should assume the Purchase Order process applies.

Purchases Not Requiring a Purchase Order:

Professional services (*accounting, legal, planning, engineering, architectural, etc.*)

Other services provided by a current contract (*waste collection, tank maintenance, etc.*)

Items or services that are procured from a vendor with whom the Town maintains a limited charge account for purchasing.

Advertising (*legal ads, etc.*).

Annual dues & memberships

Insurance premiums

Land purchases

Refunds

Utility services

Postage

Emergency Purchases

An emergency is defined as a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action. When an emergency does arise, and can be rectified only by immediate purchase or rental of equipment, supplies, materials or services, the following procedures must be followed:

Secure a purchase order from the Finance Officer or the Town Manager. If the emergency occurs when offices are closed, the department should proceed to acquire only the materials of services necessary to meet the emergency;

On the next working day, the Department Head must submit a requisition to the Finance Officer with the following information:

Nature of the Emergency;

Itemized list of purchases made;

Cost per item;

Vendor's name and address;

Account Number

Authorizing signature of the Department Head

Purchase Order Number – if one was given.

The Finance Officer will prepare a confirming purchase order and send the requesting department a copy of the purchase order. The employee receiving the requested items should verify that the purchase order information is correct. The employee should also make sure that the vendor knows who to invoice and the correct address for billing. All invoices should be made out to the appropriate Town Department. Failure to make sure this information is passed on to the vendor could result in the misplacement of the invoice, causing late payment on the invoice and loss of any possible discount. No emergency purchase orders will be given unless it is an emergency as described above. North Carolina General Statutes govern this procedure. Written approval for disallowed emergency purchases will have to be obtained from the Town Manager, with overall approval resting with the Town Board.

Telephone Purchase Order Procedures

In certain emergency or special situations, the Finance Officer will issue a purchase order number over the telephone to the requesting department. In such cases, the requesting department will be required to submit a supporting requisition to the Finance Officer the next business day. The requisition is to include the vendor, complete item description, quantity, price, and the purchase order number that was issued.

Credit Cards

The credit cards are assigned to Department Heads but are under the control of the Finance Officer as each Department Head is responsible for the nature of all purchases made on the individual credit cards. All purchases in excess of \$100.00 made with the Town credit card must be preceded with a purchase order. When traveling out of town for training purposes, the employee may use the credit card for hotel stays, meals and for the purchase of fuel only, providing that pre-approval is obtained from the Town Manager or the Finance Officer. A purchase order must be filled out immediately upon return. A cash advance may be issued for the employee’s cost of meals while out of town for training. Prior to departure, the employee may fill out a travel advance request form, and a check will be issued not to exceed \$50 per day for the length of the stay. The Department Head must approve purchases. Unauthorized purchases are a violation of this policy. If proper procedures are not followed, the employee may be personally liable for the payment.

Employee Authorization

All Town Employees that have authority to purchase items on behalf of the Town of Biscoe must sign the Town of Biscoe Purchasing and Bid Policy *Employee Acknowledgement of Receipt of Policy*.

Approved this 11th day of April , 2022 and is effective immediately.

**Town of Biscoe Purchasing and Bid Policy
*Employee Acknowledgement of Receipt of Policy***

I have received and have read the Town of Biscoe Purchasing and Bid Policy adopted on November 13, 2018 by the Town Council and I understand that I may be held liable for items purchased that were not pre-approved according to policy.

I also understand that this acknowledgement will be placed in my personnel file.

Signature

Date