

TOWN OF BISCOE
BOARD OF COMMISSIONERS MEETING
July 9, 2018

The Biscoe Town Board of Commissioners met in a regular session on Monday, July 9, 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.

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 Agenda

A motion was made by Commissioner Anderson, seconded by Commissioner Kinch and so the motion carried unanimously to approve the agenda.

AYES: 4; NAYS: 0

Approval of the Consent Agenda

A motion was made by Commissioner Anderson, seconded by Commissioner Kinch and so the motion carried unanimously to approve consent agenda item:

- a) Approval of June 2018 Regular Meeting
- b) June 2018 Monthly Financial Reports
- c) July 2018 Monthly Financial Reports

AYES: 4; NAYS: 0

Public Hearing - Annexation – 521 Mill Street – Tedder
Certificate of Sufficiency - Approval of Annexation Ordinance

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch and so the motion carried unanimously to open the Public Hearing and reconvene the regular session.

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch and so the motion carried unanimously to close the Public Hearing and reconvene the regular session.

A motion was made by Commissioner Anderson, seconded by Commissioner Kinch and so the motion carried unanimously to approve the following Annexation into the city limits of Biscoe:

NOTICE OF PUBLIC HEARING ON REQUEST FOR ANNEXATION
521 MILL STREET AND 541 MILL STREET - TOWN OF BISCOE

The public will take notice that the Board of Commissioners of the Town of Biscoe has called a public hearing at 7:00 p.m. on July 9, 2018 at Biscoe Town Hall on the question of annexing the following described territory, requested by petition filed pursuant to G.S. 160A-31:

Michael & Kellie Tedder - Tax Parcel Number #7568-10-46-4059 521 Mill Street, Biscoe, N.C.

More particularly described as follows: *Tract One: Beginning on a stake in the line of a twenty foot, the southwest corner of Euna J. Dunlap's Lot, and runs as the line of said street south 8 West 280 Feet to a stake in the line of the JE Kanoy Land thence as his line South 73 East 150 Feet to a stake; thence north 8 east, as a line of John Stuart, 280 feet to his and Euna J. Dunlap's corner stake; thence as Eunice J. Dunlap's line of Lot No. 11 North 73 West to the beginning, being Lot No. 12. See deed from J.M. Wright to J.A. Dunlap and wife, Euna J. Dunlap, dated March 31, 1913, and recorded in Montgomery County Registry in Book 61 at Page 128 see deed from JA Dunlap, Widower, to C. Everette Freeman and Wife, Merline D. Freeman, dated February 20, 1961, recorded in Book 122, Page 556, Montgomery County Registry. For further reference see Deed Book 134, Page 534 in the Montgomery County Registry. (Bk. 624 Pg. 839)*

Tract Two: Beginning at a stake, Claude Asbill's Corner of Lot No. 10, on south side of a forty foot street on south side of railroad and runs north 73 west 150 feet to a stake; thence south 8 west 260 feet to a stake; thence south 73 east 150 feet to a stake; thence north 8 east 260 feet to the beginning an known as lot no. 11 west Biscoe. For Title Reference see Deed from J.M. Wright and wife, C.A. Wright, to Euna J. Dunlap dated November 8, 1906, recorded in Book 61, Page 127, Montgomery County Registry. For further reference see Deed Book 134, Page 523 in the Montgomery County Registry.

Michael & Kellie Tedder- Tax Parcel Number #7568-10-45-1907 541 Mill Street, Biscoe, N.C.

More particularly described as follows: *A tract or parcel of land lying and being in the Town of Biscoe, Biscoe Township, Montgomery County, North Carolina, being a portion of the Harry E. McIver property along Mill Street and shown as Parcel "A" on a plat for Harry E. McIver and E. Warren Shiver, more particularly described as follows:*

BEGINNING at a point on the north side of the curb of Mill Street and in the original line of the property of E. Warren Shiver and wife, Rebecca G. Shiver (Deed Book 212, Page 147), and being approximately 115 feet from the west edge of Craven Street, thence a line along the north side of said curb N 65°33'53" W 49.19. feet to a 3/4 inch iron pipe set at edge of said curb, thence two (2) new lines through the McIver property N 24°57'00" E 91.28 feet to a 3/4 inch iron pipe set on the east side of a large oak tree, thence S 71°46'39" E 20.90 feet to a point in the original line between McIver and Shiver, being S 18°14'13" W 30.54 feet from a point in the original south line of the McIver

property, thence three (3) lines along the original boundary of the Shiver property S 18°14'13" W 28.46 feet to a point, thence S 65°15'47" E 15.00 feet to a point, thence S 16°07'13" W 65.86 feet to the BEGINNING, containing 0.08 acre, more or less, as shown as Parcel "A" on a plat for Harry E. McIver and E. Warren Shiver, dated June 11, 1990 by Thomas J. Fields, RLS. This being a portion of the same land in the deed from Jimmy E. Medlin and wife, Mary H. Medlin to Harry E. McIver and wife, Georgia B. McIver, dated July 26, 1989 and recorded in Deed Book 239, Page 68. (Bk. 677 Pg. 441)

The area described in the petition is contiguous to the Town of Biscoe primary corporate limits, as defined by G.S. 160A-31.

Laura B. Morton, Town Clerk

CERTIFICATE OF SUFFICIENCY

**Michael & Kellie Tedder
521 & 541 Mill Street, Biscoe, N.C.**

To the Board of Commissioners of the Town of Biscoe, North Carolina:

I, Laura B. Morton, Town Clerk, do hereby certify that I have investigated the request by the Town of Biscoe and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with General Statute 160A-31, as amended, and that the same is in all other respects sufficient, adequate, and correct.

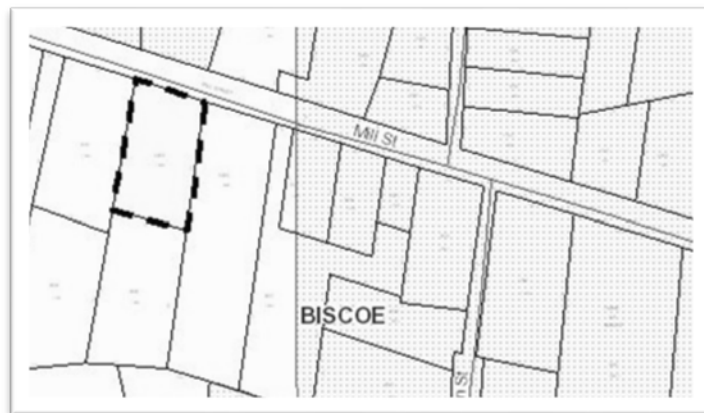
A tract or parcel of land lying and being in Biscoe Township, Montgomery County, North Carolina, being the Town of Biscoe property located at

Michael & Kellie Tedder - Tax Parcel Number #7568-10-46-4059

521 Mill Street, Biscoe, N.C.

(Bk. 624 Pg. 839)

More particularly described as follows: Tract One: Beginning on a stake in the line of a twenty foot, the southwest corner of Euna J. Dunlap's Lot, and runs as the line of said street south 8 West 280 Feet to a stake in the line of the JE Kanoy Land thence as his line South 73 East 150 Feet to a stake; thence north 8 east, as a line



of John Stuart, 280 feet to his and Euna J. Dunlap's corner stake; thence as Eunice J. Dunlap's line of Lot No. 11 North 73 West to the beginning, being Lot No. 12. See deed from J.M. Wright to J.A. Dunlap and wife, Euna J. Dunlap, dated March 31, 1913, and recorded in Montgomery County Registry in Book 61 at Page 128 see deed from JA Dunlap, Widower, to C. Everette Freeman and Wife, Merline D. Freeman, dated February 20, 1961, recorded in Book 122, Page 556, Montgomery County Registry. For further reference see Deed Book 134, Page 534 in the Montgomery County Registry.

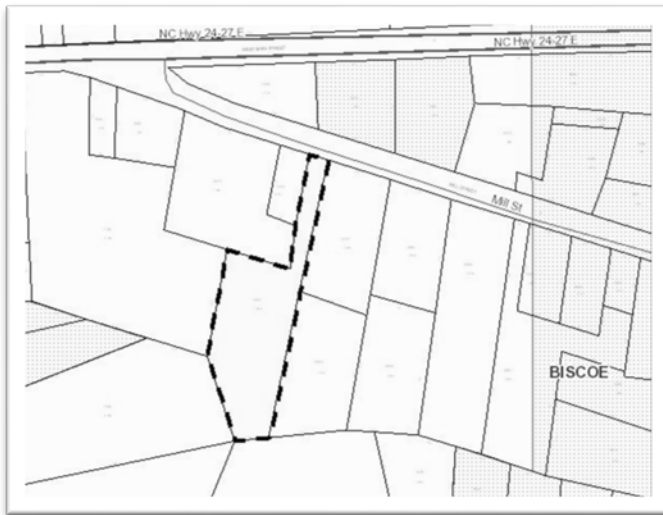
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Michael & Kellie Tedder- Tax Parcel Number #7568-10-45-1907

541 Mill Street, Biscoe, N.C. (Bk. 677 Pg. 441)

More particularly described as follows: A tract or parcel of land lying and being in the Town of Biscoe, Biscoe Township, Montgomery County, North Carolina, being a portion of the Harry E. Mclver property along Mill Street and shown as Parcel "A" on a plat for Harry E. Mclver and E. Warren Shiver, more particularly described as follows:

BEGINNING at a point on the north side of the curb of Mill Street and in the original line of the property of E. Warren Shiver and wife, Rebecca G. Shiver (Deed Book 212, Page 147), and being approximately 115 feet from the west edge of Craven Street, thence a line along the north side of said curb N 65°33'53" W 49.19. feet to a 3/4 inch iron pipe set at edge of said curb, thence two (2) new lines through the Mclver property N 24°57'00" E 91.28 feet to a 3/4 inch iron pipe set on the east side of a large oak tree, thence S 71°46'39" E 20.90 feet to a point in the original line between Mclver and Shiver, being S 18°14'13" W 30.54 feet from a point in the original south line of the Mclver property, thence three (3) lines along the original boundary of the Shiver property S



18°14'13" W 28.46 feet to a point, thence S 65°15'47" E 15.00 feet to a point, thence S 16°07'13" W 65.86 feet to the BEGINNING, containing 0.08 acre, more or less, as shown as Parcel "A" on a plat for Harry E. Mclver and E. Warren Shiver, dated June 11, 1990 by Thomas J. Fields, RLS. This being a portion of the same land in the deed from Jimmy E. Medlin and wife, Mary H. Medlin to Harry E. Mclver and wife, Georgia B. Mclver, dated July 26, 1989 and

recorded in Deed Book 239, Page 68.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Biscoe, this 11th day of June 2018.

AYES: 4; NAYS: 0

2018 OSFM Grant Request for 50/50 Match

Manager Holland presented the following 2018 OSFM Grant Request for the 50/50 match for the Biscoe Fire Department.

Grant Funds

Based on currently provided information, the equipment you requested has a total cost of \$55,884.14. If the grant is awarded, the grant will fund \$27,942.07 and your department will be responsible for providing \$27,942.07 in matching funds.

Note - The above grant funds information is based on current grant application's financial and equipment sections.

BISCOE FIRE DEPARTMENT – MONTGOMERY – GRANT PROPOSAL

List of Equipment		Total Cost 55,884.14		
<u>Category</u>	<u>Equipment</u>	<u>County</u>	<u>Item Cost</u>	<u>Total</u>
Communications	Portable Radio	6	3,205.69	19,234.14
Electrical Equipment	Flashlight	5	109.00	545.00
Hose, Streams, Appliances	Fire Hose (State number, size and length)	6	530.00	3,180.00
Hose, Streams, Appliances	Hose (State number, size and length)	20	98,00	1,960.00
Hose, Streams, Appliances	Hose (State number, size and length)	6	140.00	840.00
Hose, Streams, Appliances	Nozzle, Combination	1	3,950.00	3,950.00
Personal Protective	SCBA Complete	3	7,405.00	22,215.00
Personal Protective	Turnout Gear, Coats	2	1,188.00	2,376.00
Personal Protective	Turnout Gear, Pants	2	792.00	1,584.00
				\$ 55,884.14

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Beard and so the motion carried unanimously to approve the 2018 OSFM Grant and to allocate the matching amount of \$27,942.07 and create a project budget.

AYES: 4; NAYS: 0

No Littering Signs Request

Commissioner Kinch said littering is prevalent and she feels no littering signs will be helpful. Manager said that NC Department of Transportation is responsible for upkeep of Bruton Street and the Town will need to get permission. It was discussed that signs should be installed on Bruton and Cagle, coming in and out.

A motion was made by Commissioner Kinch, seconded by Commissioner Beard and so the motion carried unanimously to approve the no littering signs for this above stated area.

AYES: 4; NAYS: 0

Panhandling Ordinance Request

Cadeala Troublefield, Management Intern presented the following proposed Panhandling Ordinance:

Proposed 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

Commissioner Kinch requested a list of resources be given to those who are panhandling. She said there are individuals that really need assistance.

Schedule Public Hearing for the Panhandling Ordinance

A motion was made by Commissioner Beard, seconded by Commissioner Kinch and so the motion carried unanimously to set a public hearing for the August 13, 2018 meeting.

AYES: 4; NAYS: 0

National Night Out

Cadeala Troublefield, Management Intern gave the Board an overview of the plans for Biscoe's First Annual National Night Out. She said the purpose of National Night Out is National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances.

The date will be August 7 from 6-8 pm. The night will include free food, free snow cones, games, music, and free admission to the pool.

Sponsors for this event include Bill Hudson/Montgomery Insurance.

4-H October Event in the Park

She also announced that 4-H will be holding an event in October for families and friends. They will have food, helmets, and free car seats.

Mayor's Minutes - Commissioner Reports - Staff Reports

Mayor's Minutes

- Attending the Annual Biscoe Lion's Club Auction; American Axle donated \$1,000 and anvils. Wal-mart donated \$100.
- Attended RPO meeting in Kernersville
- He said Summer Tennis participation numbers are low
- He updated the Board on the proposed Gazebo. Engineering specifications are required so Bill Lester with LKC Engineer is going to create the blueprints.

Commissioner Kinch said the recent newsletter that was sent out was really nice. She asked who created it and Manager Holland said Town Clerk Laura Morton.

Public Works Director and Fire Department Chief announced the Fire Department would be at East Montgomery High School practicing with the new ladder truck.

Public Comment

Former Commissioner/Mayor of Biscoe and current County Commissioner **Mike Criscoe** was present. He expressed his concerns that Troy received a larger portion of the County Funds specified for Recreation. The Mayor explained the process of the decision with all five mayors. Criscoe stated that the Town of Troy has the lowest tax rate in the County and they received more of the recreation money.

County Commissioner Mike Criscoe also stated the Biscoe needs to be looking and planning for the future for paid firefighters.

Mike Simmons, citizen of Biscoe was present. He asked who the Town's code enforcement officer

was. He said I received a letter stating that my property is not up to code. Town Manager Holland said I am the Code Enforcement Officer. Mr. Simmons asked if he was the only one he sent the letter out to. Manager Holland said no, I sent out over 30. Mr. Simmons said he felt like he was being singled out and Manager Holland said he was not being singled out. Mr. Simmons said I was going to sale my property but I am not now.

He also said 45 years ago, his unborn daughter was in an accident with a Biscoe Police Car. The police car was going 120 mph when the wreck occurred. He said she is having problems and the doctors are having problems with diagnosing her. He said he had a recording of the telephone conversation between him and the Insurance Company and he settled all claims with the exceptions of his unborn child. He said I need a settlement from the Town. He said if you can't help me, he would be on the opposite side of the courtroom from the Town.

Closed Session – Pursuant to NC General Statute 143-318.11 (6) Personnel

Pursuant to NC General Statute 143-318.11 (6) Personnel it was necessary for the Board went into a closed session.

A motion was made by Commissioner Beard, seconded by Mayor Pro-tem Smith, and the motion carried unanimously, to recess the regular session and open the closed session to discuss personnel matters.

A motion was made by Commissioner Beard, seconded by Mayor Pro-tem Smith, and the motion carried unanimously, to adjourn the closed session and reconvene the regular session.

The Board came out of closed session with nothing to report.

Adjournment

There being no further business to bring before the Board, Commissioner Beard made the motion to adjourn, and Commissioner Beard made the second. All voted in favor. Meeting adjourned at 8:10 p.m.