

MINUTES – JULY 6, 2015

The Board of Aldermen of the Town of Gibsonville met at 7:00 pm for a regular meeting in the Town Hall. The meeting was called to order by Mayor Williams. Alderpersons Shepherd, Revels, Owen, and Dean were present. Ben Baxley, Town Manager, and Laurie Yarbrough, Town Clerk, were present. Town Attorney Doug Hoy, Police Chief Ron Parrish, Public Works Director Rob Elliott, Planning Director Brandon Parker, Fire Chief Tony Roof, Mark Averette with AWCK, Boy Scouts from Troop 51, and several citizens were in attendance. Pastor Baker with Gibsonville Christian Church gave the Invocation.

Ron Parrish, Police Chief, introduced boy scouts from Pack 51.

Public Comments

LaRue Southern, Azalea Circle resident, stated she was at this meeting representing the residents of Azalea Circle. She stated they were told to follow the chain of command if they had a problem; call site manager, then Mr. Dallape. She stated they got no answer for either call. She stated they were told their emergency contact was maintenance; they had no maintenance. She stated concerns of apartments still without new windows, leaking roof on new roof, have bell ask for light for emergency, etc.. She stated there was a resident that was in a wheel chair and need a ramp; never got a ramp.

Mayor Williams stated the Town had talked with Rural Development and they stated the chain of command was what was supposed to be followed. He asked Mrs. Southern how did she find out about the chain of command.

Mrs. Southern stated she was told by Mrs. Dennis with USDA and the Town Manager to follow the chain of command.

Mayor Williams stated in their discussions with Rural Development that stated Partnership Properties Management was doing a great job.

Alderman Dean asked did they say the resident could not have a handicap ramp.

Mrs. Southern stated no, he had been there three years and it had never been done.

Approval of Agenda

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the agenda. The motion passed unanimously.

Approval of Minutes

Alderman Owen, seconded by Alderwoman Revels, made a motion to approve the minutes of June 1, 2015 and June 9, 2015. The motion passed unanimously.

Eagle Scout Project Presentation – Yuuki Butler, Boy Scout Troop 51

Mayor Williams stated Yuuki Butler with Boy Scout Troop 51 had made a presentation at the Merchants Association meeting and he had invited him to the board meeting.

Yuuki Butler with Boy Scout Troop 51 stated he would like to construct two raised planters at the Azalea Circle Apartments. He stated one would be handicap accessible; he presented models showing what they would look like. He stated they would be for the residents to plant vegetables and/or flowers. He stated one would be located in the middle of the walking track and the other closer to the apartments. He stated this was an Eagle Scout project at an estimated cost of \$3558.00; which he would be raising funds for.

Alderwoman Revels asked how would the senior citizens know they could use the planters.

Mr. Butler stated it would be on a first come first serve bases; the larger one would be sixteen feet long and provide a large planting area.

Ron Parrish, Police Chief, stated Mr. Butler would be working with A.J. Inman and Heidi McBride on this project. He stated this was a fund raising project. He stated this Eagle Scout project was about showing leadership and skills.

Alderman Owen asked how much had he raised for the project.

Mr. Butler stated he had collected \$450; cost of project was \$3,500.

Mr. Parrish stated any funds collected over the cost would go back to the community.

Alderman Owen, seconded by Alderman Shepherd, made a motion that the Town donate \$2,500 towards the project to be taken from the General Fund. The motion passed unanimously.

Alderwoman Revels stated part of the project was fund raising. She asked was there a deadline/time frame when he wanted to start.

Mr. Butler stated he wanted to start this Summer and be finished by the time school started.

Ron Parrish, Police Chief, introduced the police department's newest police officer, B.J. Combs.

Azalea Circle Update - Ed Dallape with Partnership Property Management

Mayor Williams stated Ed Dallape was not present, this would be postponed.

Approval of Interlocal Agreement for Fixed Route Public Transit System

Ben Baxley, Town Manager, stated the City of Burlington had approved the Agreement and was seeking our Board's approval to participate in the Fixed Route Transit System with the City of Burlington. He stated the purposed of the agreement was to set out terms and responsibilities of the Fixed Route Transit System. He stated it did include a termination clause and the process.

Mayor Williams stated the Board did need to consider agreement; Burlington had approved the agreement.

Doug Hoy, Town Attorney, stated he had reviewed the agreement and any concern he had were cleared up. He stated there would be a Transit Manager appointed.

Alderman Owen stated they could change stops if it coincided with the times.

Mr. Hoy stated yes but if they occurred additional costs it would be the town's expense. He stated such as including shelters and sidewalks.

Alderwoman Revels, seconded by Alderman Owen, made a motion to approve the Interlocal Agreement for Fixed Route Public Transit System with the City of Burlington. The motion passed unanimously.

Mayor Williams stated Neil Bromilow had been appointed as the Gibsonville representative and Alderwoman Revels was the alternate.

Approval of the Street Improvements Contract

Ben Baxley, Town Manager, stated with the assistance of Mark Averette with AWCK the Town had received Street Improvements bids. He stated the project included Timbergate Dr., Homestead St., and Longleaf Dr. (if funds were available).

Mark Averette with AWCK stated on June 9, 2015 Street Improvements bids were received. He stated they received three bids with the low bid of \$336,133.25 being Sharpe Brothers, Inc. He stated the project included Timbergate Dr., Homestead St., and Longleaf Dr. He stated AWCK was familiar with Sharpe Brothers, Inc. and recommended Sharpe Brothers, Inc. be awarded the Street Improvement bid.

Alderman Shepherd, seconded by Alderman Owen, made a motion to award the Street Improvements Contract to Sharpe Brothers of Greensboro, N.C. The motion passed unanimously.

Mayor Williams asked had the Town received Powell Bill funds for this year.

Mr. Baxley stated that was in October and January.

Mayor Williams stated he had asked NCDOT to run a sidewalk from Dollar General on Whitsett St. to Steele St. He stated NCDOT said they would not run the sidewalk down Steele St. He stated if NCDOT came back and said they would run the sidewalk down Whitsett St. then he would be asking the board to run the sidewalk from Whitsett St. down Steele St. to the apartments.

Alderman Owen asked Rob Elliott, Public Works Director, if he had anyone to do patching.

Rob Elliott, Public Works Director, stated he was talking to an individual that Piedmont Natural Gas used.

Approval of the Water Improvements Contract

Ben Baxley, Town Manager, stated the Water Improvements project for the waterline along Springwood and Cedar St. was funded in last year’s budget but was not done.

Mark Averette with AWCK stated they received four bids for the project to replace the waterline along Springwood Ave and Cedar St. He stated the low bid for the Water Improvement project was \$291,645 by BBUDC, Inc. He stated he checked references on BBUDC, Inc. and received positive responses. He stated the waterline would be from Minneola St. on Springwood Ave. to Cedar St. and down Cedar St. to Smith St.; 2” galvanized would be replace with a 6” pipe.

Alderwoman Revels asked why was there such a difference in the bids.

Mr. Averette stated the bid pricing had changed over the years. He stated this was a fairly new company and they saved money in the flagging crew by using their own guys.

Alderman Shepherd, seconded by Alderman Owen, made a motion to award the Water Improvements Contract to BBUDC, Inc. The motion passed unanimously.

FY 2015-2016 Budget Ordinance Amendment #1

Ben Baxley, Town Manager, stated the FY 2015-2016 Budget Ordinance Amendment #1 allocated funding for the Street Improvements project and Water Improvements project.

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the FY 2015-2016 Budget Ordinance Amendment #1. The motion passed unanimously.

**TOWN OF GIBSONVILLE, NORTH CAROLINA
2015-2016 BUDGET ORDINANCE AMENDMENT #1**

BE IT ORDAINED by the Board of Aldermen of the Town of Gibsonville, North Carolina, a meeting was held this the 6th day of July, 2015 that the following fund revenues and departmental expenditures together with certain restrictions and authorizations be amended.

SECTION I. GENERAL FUND

A. Revenues	FY 2015-2016	Amendment	FY 2015-2016
	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Taxes, Current Year	2,323,432	-	2,323,432
Taxes, Prior Years	30,700	-	30,700
Motor Vehicle Tax	309,000	-	309,000
Penalties & Interest	15,000	-	15,000
<u>Local Revenues</u>			
Cemetery	13,000	-	13,000
Recreation	66,000	-	66,000
Sanitation Service Charge		-	

	210,000		210,000
Interest on Investments	7,500	-	7,500
Fire District Tax (Guilford)	14,000	-	14,000
Library	500	-	500
Transfer Perpetual Care	2,700	-	2,700
Sale of Fixed Assets	3,000	-	3,000
Guilford County Funds	55,500	-	55,500
Code Enforcement/Planning	8,000	-	8,000
Brush/White Goods Pickup Fees	1,500	-	1,500
Miscellaneous	10,000	-	10,000
GHA	2,340	-	2,340
Stormwater Fee	26,000	-	26,000
Solid Waste Disposal Tax	4,300	-	4,300

State Shared Revenue

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Intangible: Sales Tax (Alamance Co.)	706,225	-	706,225
Intangible: Sales Tax (Guilford Co.)	351,575	-	351,575
Utility Franchise	310,000	-	310,000
Beer & Wine	31,000	-	31,000
Powell Bill Funds	185,000	-	185,000
Loan Proceeds	275,000	-	275,000
<i>Appropriated Powell Bill Fund Balance</i>	<i>99,600</i>	<i>160,000</i>	<i>259,600</i>
Appropriated General Fund Balance	249,000	-	249,000
<i>Total General Fund Revenues</i>	<u>5,309,872</u>	<u>160,000</u>	<u>5,469,872</u>

B. Expenditures Authorized by Departments

Department

Governing Board	69,686	-	69,686
Administration	990,372	-	990,372
Police	1,365,530	-	1,365,530
Fire	667,022	-	667,022
Public Works Administration	187,196	-	187,196
Streets	505,137	-	505,137
<i>Powell Bill</i>	<i>284,600</i>	<i>160,000</i>	<i>444,600</i>
Sanitation	576,938	-	576,938
Recreation	477,609	-	477,609
Library	115,782	-	115,782
Cemetery	20,000	-	20,000
Contingency	50,000	-	50,000
<i>Total General Fund Expenditures</i>	<u>5,309,872</u>	<u>160,000</u>	<u>5,469,872</u>
	-		-

SECTION II. WATER & SEWER

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
A. Revenues Anticipated			
Water Rents	982,252		982,252
Utility Charges	1,649,036	-	1,649,036
Tapping Fees	1,000	-	1,000
Meter Setting	20,000	-	20,000
Reconnection Fees	70,000	-	70,000
Miscellaneous Revenues	19,789	-	19,789
Development Fees	40,000	-	40,000
<i>Loan Proceeds</i>	-	350,000	350,000
Total Water & Sewer Revenues	2,782,077	350,000	3,132,077
B. Expenditures			
<i>W&S Expenditures</i>	2,782,077	350,000	3,132,077
Total Water & Sewer Expenditures	2,782,077	-	3,132,077
	-		-

SECTION III. PERPETUAL CARE FUND

A. Revenues	2,700	-	2,700
B. Expenditures	2,700	-	2,700
	-		-

SECTION IV. TAX RATE ESTABLISHED

An ad valorem tax rate of \$0.51 per \$100 at full valuation is hereby established as the official tax rate for the Town of Gibsonville for the fiscal year 2015-2016. This rate is based on a total valuation of property of \$523,714,384 and an estimated collection rate of 97.48%.

SECTION V.

Charges for services and fees by Town Departments are levied in the amounts set forth in the Fee Schedule (See Attachment A).

SECTION VI. SPECIAL AUTHORIZATION - BUDGET OFFICER

- A. Budget Officer shall be authorized to reallocate departmental appropriations among various object of expenditures as he believes necessary.
- B. The Budget Officer shall be authorized to effect interdepartmental transfers, in the same fund, not to exceed 10% of the appropriated monies for the department whose allocations is reduced. Notation of all such transfers shall be made to the Board on the next succeeding Financial Report.
- C. He may make interfund loans for a period of not more than 60 days.
- D. Interfund transfers, established in the budget document may be accomplished without recourse to the Board.

SECTION VII. RESTRICTION - BUDGET OFFICER

- A. Interfund transfer of monies, except as noted in Section VI. Shall be accomplished by the Board authorization only.
- B. The utilization of any contingency appropriations shall be accomplished only with Board authorization.

SECTION VIII. UTILIZATION OF BUDGET ORDINANCE

This Ordinance Amendment and the Budget Document shall be the basis of the financial plan for the Gibsonville Municipal Government during the 2015-2016 fiscal year. The Budget Officer shall administer the budget and shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the budget. The accounting section shall establish records which are consonance with the Budget and this Ordinance and the appropriate statute of the State of North Carolina.

Amended this the 6th day of July, 2015.

Attest:

Mayor of Gibsonville, NC

Town Clerk of Gibsonville, NC

Amended this the 6th day of July, 2015.

Mayor

Attest:

Town Clerk

Resolution for the Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Public Auction

Ben Baxley, Town Manager, stated staff was requesting board approval of a Resolution to sell surplus items on Gov Deals: 1989 Dodge Truck, 1991 Ford F-350 Service Truck, 2000 Ford Crown Vic, and 1997 Bandit 200 XP Brush Chipper. He recommended approval of the Resolution for the Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Public Auction.

Alderman Owen, seconded by Alderman Shepherd, made a motion to approve the Resolution for the Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Public Auction. The motion passed unanimously.

RESOLUTION FOR THE DECLARATION OF SURPLUS PERSONAL PROPERTY AND AUTHORIZING THE SALE BY ELECTRONIC PUBLIC AUCTION

WHEREAS, G.S. 160A-270 allows the Gibsonville Board of Aldermen to sell personal property at public auction upon adoption of a resolution authorizing the approval officer to dispose of property at public auction;

WHEREAS, the following property is no longer needed for any governmental use by the Town of Gibsonville:

1989 Dodge Truck, 1991 Ford F-350 Service Truck, 2000 Ford Crown Vic, and
1997 Bandit 200 XP Brush Chipper

WHEREAS, it is the intent of the Town to sell items by electronic public auction at www.govdeals.com beginning 8:00 a.m. July 23, 2015 and ending at 8:00 p.m., August 2, 2015;

WHEREAS, be it resolved, by the Gibsonville Board of Aldermen that the Town Manager is authorized to sell by electronic auction at www.govdeals.com beginning at 8:00 a.m., July 23, 2015 and ending at 8:00 p.m., August 2, 2015;

WHEREAS, items to be sold as is, all sales final;

NOW, THEREFORE BE IT RESOLVED, that the Board of Aldermen hereby declares said property as surplus and authorizes the Town Manager to sell said property at electronic public auction to the highest bidder.

This the 6th day of July, 2015.

Mayor

Attest:

Town Clerk

Request for Privilege License Tax Reimbursement

Ben Baxley, Town Manager, stated Q&Q Biz, LLC had requested the Town refund a prorated amount for the Privilege License Tax they paid on 11-24-14. Q & Q Biz, LLC is a Sweepstakes business that operated from 11-24-14 to 1-15-15 before they were shut down by various law enforcement agencies. The amount they originally paid was \$7,000 and the prorated amount requested is \$5,330.26. He referred to the Town Ordinance Section 110.24 No Abatement of Tax.

Doug Hoy, Town Attorney, stated there had been a change in the laws with the respect of sweepstakes operations. He explained one party said it was illegal and another said it was legal; this had been going on for several years. He stated on 11-18-14 there was a case with the N.C. Court of Appeals that ruled sweepstakes operations were not legal. He stated this was a unique situation; the N.C. Court of Appeals decision ruled on 11-18-14 and someone came into the Town Hall on 11-24-14 and applied for a sweepstakes operations privilege license; the license was issued and they operated until 1-14-15 until they were shut down by various law enforcement agencies. He stated this had not gone to court presently. He stated the Town had received a request for a refund. He stated the town had an ordinance and it was the board's decision.

Alderwoman Revels stated this was a controversial issue, didn't the business know.

Mr. Hoy stated he understood they knew.

Ron Parrish, Police Chief, stated 6 to 8 days earlier he had hand delivered copies of the Town's Ordinance, the N.C. State Statue, and a letter stating they would be enforcing this.

Alderwoman Revels stated they were made aware of the ordinance.

Mr. Parrish stated yes.

Alderman Dean asked did Gibsonville Police shut them down or ALE or the State.

Mr. Parrish sated a little of both. He explained it was Gibsonville Police Department's operation; the ALE, SBI, and Guilford County Sheriff's Department assisted Gibsonville.

Alderwoman Revels asked was their equipment confiscated.

Mr. Parrish stated yes and it was in storage; the Town was paying the storage fees.

Alderman Owen asked should the Board wait until they go to court and see if they are convicted.

Mr. Hoy stated he was not sure it mattered.

Alderman Owen asked should the Board wait until they go to court and see if they are convicted.

Mr. Hoy stated he was not sure it mattered.

Mayor Williams asked did the businesses know of the case.

Mr. Parrish stated yes he made copies of the case and hand delivered this to each sweepstakes operation business; they were told.

Alderwoman Revels stated the Town did have an Ordinance and she felt they should wait and see if they were convicted; they had the equipment it could be sold.

Mayor Williams stated he was concerned that the Town issued the privilege license after the court decision. He stated he called the State Attorney General's office before the court decision and was told it was illegal and it was up to the Town to enforce. He recommended there be further discussion on this because if they had to go to court it would cost the Town more.

Alderwoman Revels asked was there a demand or deadline.

Mr. Hoy stated no, they could sue anytime.

Mayor Williams asked that this be tabled for 60 days.

Reports

a. Manager

Ben Baxley, Town Manager, stated thanked all the participants in the Touch a Truck event on Market Day. He stated Market Day would be each Saturday until October. He stated the next movie on the greens would be July 18, 2015. He stated the Concert Series was going well; the next one would be August 1, 2015.

b. Mayor

Mayor Williams asked the Town Manager to follow up with Rural Development about the concerns from the Azalea Circle residents. He stated Mrs. Harold Younger had donated a flag to the Town; he asked the Town Manager to send a thank you letter.

Ben Baxley, Town Manager, stated he would invite Ed Dallape with Partnership Property Management to the August meeting.

Mayor Williams asked board member to contact their legislatures about the historic tax credit. He stated the Town needed to find a way to replace lost revenue from the lose of privilege license. He stated he would be talking with Mike Mills with NCDOT about a sidewalk on Whitsett St.; they would not run it up Steele St. He stated the next meeting would be August 3, 2015.

Alderman Owen, seconded by Alderman Shepherd, made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 8:15 pm.

Mayor

Attest:

Town Clerk