**December 8, 2016**

**MINUTES OF TOWN OF MAXTON, NORTH CAROLINA**

**BOARD OF COMMISSIONERS**

The Board of Commissioners of Maxton, North Carolina met in Formal Session in the Meeting Chambers of the Town of Maxton Town Hall located at 201 McCaskill Avenue Maxton, North Carolina at 7:00 p.m.

**ATTENDANCE**

**Present:**

Mayor Emmett “Chip” Morton, Mayor Pro Tem Virgil Hutchinson, Commissioner Elizabeth Gilmore, Commissioner James McDougald, Commissioner Paul McDowell, Town Manager Kate Bordeaux, Town Attorney Nick Sojka, Town Clerk Jacqueline Johnson, and Town Police Chief Tammy Deese.

**Absent:**

None

**FORMAL SESSION**

Mayor Morton called the meeting to order, welcomed everyone, and the matters below were addressed.

The invocation was given by Commissioner McDowell.

**Adoption of Proposed Agenda**

Mayor Morton requested a motion to adopt the proposed agenda and to remove item (d) from New Business to be placed on next month agenda. Commissioner McDougald moved that the Board approve the proposed agenda, Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

**Approval of Consent Agenda**

1. Minutes from Board Meeting November 15, 2016
2. Tax adjustments – None

Mayor Morton requested a motion to approve the consent agenda. Commissioner McDowell moved that the Board approve the proposed agenda, Commissioner Gilmore seconded the motion, and the motion was unanimously approved.

**RECOGNIZATIONS**

**Employee of the month**

Robert “Shawn” Phillips was employee of the month and Mayor Morton presented him a plaque.

**Schools**

No speaker was present.

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**PUBLIC FORUM**

* Mabel McKoy concern was the leaf and limbs pick-up schedule. She also mentioned to the Mayor that the other matter she had discussed with him has been resolved.

Mayor Morton closed the public forum.

**OLD BUSINESS**

1. **Maxton Beautification Committee Proposal**

Mayor Morton opened the floor to discuss the Beautification Committee. Mayor Morton mentioned the Committee will be a seven member board with either Commissioners Gilmore or Commissioner McDougald to chair the committee. The Board is asking for volunteers from each community or area in the town. This committee is to improve the appearance of the Town, as well as individual neighborhoods. The Board approved Clerk Johnson to post and advertise the openings for the citizens to apply within the town office. All applications submitted will be reviewed in the February Board meeting to get the committee established by the spring of 2017. Mayor Morton stated that once notice is posted by Town Clerk Johnson, applications must be turned in to the Town no later than January 30, 2017. The applicants will be discussed in the February 2017 meeting.

**TOWN OF MAXTON**

**Proposal for the Maxton Beautification Committee**

**The Beautification Committee is a volunteer committee. The committee is to promote and facilitate activities to improve the physical appearance of Maxton and to oversee and make recommendations to the Board of Commissioners and the Town Manager regarding the beautification of the Town of Maxton.**

* The committee is to recommend beautification activities with the support of the Department of Public Works.
* The committee’s responsibility is to foster beauty and character in and around the community of Maxton.
* The committee’s duties are researching, planning and organizing projects and present them to the Town council.
* The committee’s responsibility when necessary, is to make improvements to landscaped areas owned by the Town.
* The committee meeting dates and times will be determined by the Town Ordinance. The number of members and issues of importance will be determined by the Board of Commissioners.
* The growth, development, and success of the committee will be a joint effort by all of the Board of Commissioners.

Approved: This \_\_\_\_\_\_day of December 2016

Attested:

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Jacqueline M Johnson, Town Clerk Emmett Morton, Mayor

**NEW BUSINESS**

1. Resolution of Intent to Continue Flood Insurance Act (Board Approval)

Town Manager Bordeaux briefed the Board on the Resolution of Intent. In January 2005 the Board of Commissioners approved a Resolution of Intent authorizing Robeson County to evaluate for flood related hazards and to be the agency on record for National Flood Insurance Act. Since time has lapsed, she spoke with Robeson County Officials who are still in agreement with the January 2005 Resolution. This will insure the residents that apply for flood insurance in the future in case of a flood or hurricane that their existing or new homes will be in compliance with the National Flood Insurance Act. Mayor Morton requested a motion to approve the Resolution of Intent to Continue Flood Insurance Act. Commissioner Gilmore moved that the Board approve the Resolution, Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

**TOWN OF MAXTON**

**Resolution 2016-12-08**

**RESOLUTION OF INTENT TO CONTINUE AGREEMENT**

WHEREAS, certain areas of the Town of Maxtonare subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

WHEREAS, on January 11, 2005, the Town of Maxton Board of Commissioners voted to enter into an agreement with Robeson County to vest Robeson County with the responsibility, authority, and the means to:

(a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.

(b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.

(c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect

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to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the community’s boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints Robeson County to continue to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

**Adopted on December 8, 2016**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor, Emmett Morton

Town of Maxton Governing Board:

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Mayor Pro Tempore, Virgil Hutchinson

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Commissioner Elizabeth Gilmore

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Commissioner James McDougald

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Commissioner Paul McDowell

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Certified by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (SEAL)

Jacqueline M Johnson, Town Clerk

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. **Town of Maxton Parade Ordinance**

Town Manager Bordeaux stated the Department of Transportation (DOT) is requesting that the Board adopt a Parade Ordinance (Pursuant to General Statute 20-169) for town parades**.** Mayor Morton requested a motion to approve the Parade Ordinance to modify Section 100.08 to delegate the author of the Manager to deem it necessary to bring before Commissioners for changes. Commissioners McDougald moved that the policy be approved, Commissioner Gilmore seconded the motion, and the motion was unanimously approved.

**TOWN OF MAXTON**

**MAXTON PARADE ORDINANCE**

**2016-12-08**

**The Town of Maxton hereby ordains:**

**100.01 FINDINGS.**

   The Town of Maxton Board of Commissioners finds and declares that the interests of the public health, safety, and welfare of the citizens of the Town of Maxton require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the Town of Maxton. 

**848.03 LICENSE REQUIRED.**

**100.02 LICENSE/PERMIT REQUIRED.**

   No person shall sponsor, operate, maintain, conduct or promote an outdoor assembly or parade in the Town of Maxton unless he or she shall have first made application for, and obtained, as hereinafter prescribed, a license for each assembly.

**848.04 APPLICATION FOR LICENSE.**

**100.04 APPLICATION FOR LICENSE/PERMIT.**

   Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the Town Clerk of the Town of Maxton and shall be made at least thirty days prior to the date of the proposed assembly.  Each application shall include at least the following:

1. The name, age, residence and mailing address of the person making the application. When the person making the application is for a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, and/or members.
2. A statement of the kind, character, and type of proposed assembly.
3. The address, legal description, and proof of ownership of the site at which the proposed assembly is to be conducted.

   (d)   The date or dates and hours during which the proposed assembly is to be conducted.

1. An estimate of the maximum number of attendants expected at the assembly for each day the activity is to be conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

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**848.05 PLANS; MAPS.**

**100.05 PLANS; MAPS.**

   (a)   Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

       (1)   Police and fire protection.

       (2)   Food and water supply and facilities.

       (3)   Health and sanitation facilities.

       (4)   Medical facilities and services, including emergency vehicles and equipment.

       (5)   Vehicle access and parking facilities.

       (6)   Camping and trailer facilities.

       (7)   Illumination facilities.

       (8)   Communications facilities.

       (9)   Noise control and abatement.

      (10)   Facilities for clean-up and waste disposal.

      (11)   Insurance and bonding arrangements.

   (b)   In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly and/or parade route.

**848.06 INVESTIGATION.**

**100.06 PARADE REQUIREMENTS**

Applications for parades will require specific additional requirements. Those include:

1. Driver education. Local police should be consulted to determine a speed limit for the parade vehicles, as well as provide safety guidelines that shall be given to each vehicle hauling floats or external passengers. Guidelines for heights and devices used for railings for external passengers on floats should also be addressed.
2. Licenses. All drivers shall be required to provide proof of a valid driver’s license to operate a moving vehicle in the City/State. All drivers must be at least 18 years of age and capable/certified to haul floats or chauffer passengers.
3. Participants. Parade organizers should identify who the participants or performers are within each parade and what vehicles, bicycles, large inflated balloons, or animals will be used by participants. Chaperones shall be provided for participants under 18 years of age.
4. Alcohol shall not be allowed to be consumed by parade participants or by viewers along city streets. Violators may be prosecuted under existing open container legislation.
5. No throwing from floats/parade marchers. No candy, pamphlets, trinkets, or other items shall be tossed to viewers of parades from parade floats or participants.
6. Weapons/firearms. No weapons or devices using gunpowder, flash powder, or open flame shall be allowed on floats or to be used by participants.
7. Animals that are featured in parades shall have on file a record of applicable vaccinations and licenses. Horses and other animals will be allowed only after a certificate of insurance naming and indemnifying the Town of Maxton from any and all liability arising from their appearance is provided. The parade organizer shall arrange for the collection and proper disposal of wastes from animals within the parade.
8. Parade organizers shall identify on maps and in written documentation the locations for assembly and disassembly of participants. If loading docks, truck routes, or highways are impacted, the organizer and

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police department shall notify affected businesses by certified mail at least sixty (60) days prior to the event.

1. Viewing stands and vendors. Designated viewing areas may be provided at which acts may conduct displays. A building permit and insurance indemnification certificate shall be provided that names the Town of Maxton as an additional insured. Vendors shall comply with all other applicable city ordinances and/or health regulations. Vendors who are found in violation of city ordinances (income tax, sales tax, health) shall cease all business or face confiscation of their items for sale.
2. Debris removal. Following the conclusion of the parade, organizers shall plan or pay the Town of Maxton for a cleaning of the areas through which the parade passes. The collection shall be for pamphlets, paper items, bottles, and other debris left by observers and/or participants.

**100.07 INVESTIGATION.**

   On receipt of the application by the Town Clerk, copies of such application shall be forwarded to the Town Manager.  The Town Manager shall review and investigate matters relevant to the application and, within thirty days of receipt thereof, shall report their findings and recommendations to the Board of Commissioners.

**100.08 ACTION UPON APPLICATION**

Within thirty (30) days of the filing of the application, the Maxton Town Manager, as duly authorized designee of the Maxton Board of Commissioners, shall make a final decision to issue, set conditions prerequisite to the issuance of, or deny, an application for a license/permit. Alternatively, in cases of exceptional circumstances as confirmed by the Town Manager in writing, the Town Manager may submit the application to the Maxton Board of Commissioners for a final decision, accompanied by an appropriate recommendation by the Town Manager. Any such consideration by the Maxton Board of Commissioners shall take place at a properly noticed, public meeting of the Board. There is no appeal to the Board of Commissioners from a final decision by the Town Manager pursuant to this section. Specific types or levels of security or insurance may be required before a license/permit is issued. Where conditions are imposed as prerequisite to the issuance of a license/permit, or where a license/permit is denied by the Town Manager or the Maxton Board of Commissioners as set forth above, within five (5) days of such action, written notice thereof must be mailed to the applicant by certified mail, including, in the case of denial, the grounds therefor.

**848.08 GROUNDS FOR DENIAL.**

**100.09 GROUNDS FOR DENIAL.**

   A license or permit may be denied if:

   (a)   The applicant fails to comply with any or all requirements of this chapter, with any or all conditions imposed pursuant hereto or with any other applicable provision of State or local law.

   (b)   The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

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**848.09 CONTENTS OF LICENSE; POSTING.**

**100.10 CONTENTS OF LICENSE/PERMIT; POSTING.**

   A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license/permit and any other conditions imposed pursuant to this chapter. The license/permit shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

**100.11 MINIMUM REQUIREMENTS.**

   In processing an application, the Maxton Board of Commissioners shall, at a minimum, require the following:

   (a)   Security Personnel.  The licensee shall employ at his or her own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly.  No license/permit shall be issued unless the chief law enforcement officer for the Town of Maxton, in cooperation with the Director of State Police, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly. The chief law enforcement officials may also require the placement of “bike rack” fencing at key locations along parade routes, the cost of which shall be borne by the licensee.

**848.10 MINIMUM REQUIREMENTS.**

**848.99 PENALTY.**

**100.12 PENALTY.**

The Maxton Board of Commissioners should decide to what level of penalty is provided for any violations of this ordinance.

Adopted: This 8th day of December, 2016

Attested:

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Jacqueline M Johnson, Town Clerk Emmett Morton, Mayor

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1. **Request from Maxton Police Department for Street Closing**

Chief Deese advised the Board she has submitted the required documents to the Department of Transportation for the street closing during the parade on December 10, 2016 and has received the letter approval back from DOT.

Mayor Morton requested a motion to approve the Maxton Police Department request to closing the streets for the Christmas Parade on December 10, 2016. All Commissioners moved and the Board approved the street closing for the parade, and the motion was unanimously approved by the Board.

1. **Laurinburg/Maxton Airport Commission Lease** **(Approved by Board to remove till January 2017 meeting)**
2. **Approval to research a Street Sweeper Grant/Loan**

Mayor Morton requested a motion to approve Finance Director and the Manager to research and look for Grants/ loans through the United States Department of Agricultural for a Street Sweeper. Mayor Pro Tem Hutchinson moved that the Board approve the research for the street sweeper, Commissioner Gilmore seconded the motion, and the motion was unanimously approved.

**REPORTS**

**Town Police Chief**

* Chief Deese briefly discussed an incident on November 29th at the Dollar General Store in which someone backed into the front doors and stole approximately $200 worth of detergent pods. The vehicle has been identified and the Police Department is investigating the case.
* Chief Deese briefly discussed that there have been a few vehicle break-ins the owners of the vehicles left the doors unlocked. The Police Department is encouraging all residents to lock their vehicles doors. The Police Department is currently investigating the cases.
* She informed the Board that Captain Oxendine has completed the Public Safety Management course. It was a year course and he had attend three days a month.

**Town Manager**

* Town Manager Bordeaux shared with the Board that this month the Town is currently focused on the Maxton’s infrastructure, specifically, the roads, the parking lot at the police department, and the town water lines.
* At the November Board of Commissioners meeting, the Commissioners voted to use the Powell Bill Funds to repair much needed roads.

Hudson Paving has started and finished resurfacing the following streets

* The cul-da-sac at Holly Court
* Henderson Street
* West Baldwin Street from South Patterson to Harris Street
* East Baldwin Street from South Patterson to pavement joint @ R.B. Dean Elementary School
* East Cottingham Street from Hooper Street to McCaskill Avenue
* East Graham from McCaskill Avenue to pavement joint East of First Street
* Once the rain stops and the leaves are removed the streets will look a lot better

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Hudson Paving is also repaving the Police Department Parking lot.

* She reported that she has meet with the engineers at McGill and Associates for the Community Development Block Grant for the Town’s water lines. The grant will replace 15,000 linear footage of water lines and multiple water valves. She reported that she has signed off on the following permits: Transportation, Erosion Control, and the NC Water Supply. The process of repair will start in the spring.
* The Town received one bid on the Burch Property that was not a satisfactory bid and the Town will

seek more bids.

* She met with Robeson Community College (RCC) Assistant Vice President of education and the Career Readiness program Rockey Peterkin. Currently, RCC is offering a program for adults with disabilities and the classes are held at the Maxton Learning Academy on Tuesday, Wednesday, and Thursday from 8 a.m. to 2:30 p.m. weekly. She also mentioned to RCC if they can offer a High School Equivalency Class in the Town of Maxton, and if anyone is interested or know someone interested in the class have them contact her at the Town Office.
* Public Works update- The Town trash pick-up beginning in January 2017 will go back to the Wednesday and Thursday pick-up days. The notice will be printed on the December Water Bills. The Town’s system is clogging more by the residents pouring used cooking oil and fats in the lines next month the Town will have information on fats, oil, and grease and try to find a solution to help solve this issue hopeful with little or no cost to the Town. The grease site will be located where the recycling bins are.
* Lastly, she wished the Board and everyone a Merry Christmas and hope 2017 will be a great year for Maxton.

**Commissioners**

* Commissioner Gilmore questioned why the Christmas lights on Wilmington Street were not functioning. Manager Bordeaux briefly explained that the electricity was disconnected several years ago in several areas throughout the town.
* Mayor Morton briefly mentioned several events taking place in the month of December.
* The Maxton Annual Christmas Parade December 10, 2016.
* The Maxton Annual Senior Dinner will be December 17, 2016 at the Que Hill Fire Station at 2:00 p.m.
* Commissioner Dr. Paul McDowell will have a Book Signing at the Gilbert Patterson Memorial Library on January 14, 2017 from 11:00 a.m.-1:00 p.m. He also thanked the Public Works for placing the Christmas Decoration up throughout the town.
* Hudson Paving has begun the street paving project throughout the town.
* The Contractors has removed the houses and cleared the property located on Martin Luther King Dr. where the DaVita Dialysis Center will began construction early next year.
* Lastly, Mayor Morton wished everyone a Safe Holiday.

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**Adjourn**

Mayor Morton requested a motion to adjourn the meeting. Commissioner McDougald moved to adjourn, Commissioner McDowell seconded the motion, and the motion was unanimous approved.

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Emmett Morton, Mayor Jacqueline Johnson, Town Clerk