October 26, 2017

**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 MacAskill Avenue Maxton, North Carolina at 7:00 p.m.

**ATTENDANCE**

**Present:**

Mayor Pro Tem Virgil Hutchinson, Commissioner James McDougald, Commissioner Paul McDowell, Commissioner Elizabeth Gilmore, Town Manager Kate Bordeaux, Town Clerk Jacqueline Johnson, Town Police Chief Tammy Deese, Attorney Nick Sojka, Tax Collector Angela Pitchford.

**FORMAL SESSION**

Mayor Emmett 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. Mayor Pro Tem Hutchinson moved that the Board approve the proposed agenda, Commissioner Gilmore seconded the motion, and the motion was unanimously approved.

**Approval of Consent Agenda**

1. Minutes from Board Meeting September 19, 2017
2. Tax adjustments

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

**RECOGNIZATIONS**

**Employee of the month -** None

**Schools -** No speaker was present

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**PUBLIC FORUM**

* **Ray Oxendine** a member of the library board briefly spoke on the nice appearance of the park area behind the Town Hall and how the library has served the needs in the town for the youths, citizens and visitors, he also mention and invited everyone to the Veterans Day program that will be held on Saturday November 11, 2017 at 11:00 a.m.
* **Aggie Deese** a resident and property owner at 412 Smith Street concern and complaint was a vacant lot that adjoins her property that has been unattended and is a nuisance and needs mowed.

**OLD BUSINESS**

1. FY 2016-2017 Audit Review – John Masters (S. Preston Douglas & Associates, LLP)

Mayor Morton requested a motion to approve and accept the FY 2016-2017 audit review. Commissioner McDougald moved that the Board approve the audit review, Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

**NEW BUSINESS**

1. **Adopt Panhandling Ordinance – Add to Chapter 26 Offense and Miscellaneous Provisions # 26-115.**

**Chapter 26: OFFENSE AND MISCELLANCE PROVISIONS**

**Code Ordinance Adopted: 10-26-2017**

**PANHANDLING ORDINANCE**

**ORDINANCE # 10-26-2017**

**26-115 BEGGING, SOLICITING AND PANHANDLING PROHIBITED.**

   (A)   For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACCOSTING.***  Approaching or speaking to an individual or individuals in a manner as 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.

***BEG***, ***SOLICIT*** or ***PANHANDLE***.  The communication, by use of gestures, spoken words, written or printed word or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions of money, food or goods, for the use of one’s self or others. As used in this section, the word ***SOLICIT*** and its forms includes ***BEGGING*** and ***PANHANDLING***

***COMMERCIAL ESTABLISHMENT.***  Any store, grocery store, restaurant or carry out, office building, gas station.

***FINANCIAL INSTITUTION.***  Any bank, industrial bank, credit union or savings and loan.

***FORCING ONESELF UPON THE COMPANY OF ANOTHER:***

October 26, 2017

         (a)   Continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting or by other negative indication;

         (b)   Blocking the passage of the individual solicited; or

         (c)   Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.

   (B)   It shall be unlawful for any person to beg, solicit or panhandle, as defined in division (A) above:

      (1)   By accosting another, or by forcing oneself upon the company of another;

      (2)   Within 20 feet of the entrance to any financial institution, any automatic teller machine or any commercial establishment;

      (3)   At any outdoor dining or merchandise area; provided that areas are in active use at the time;

      (4)   At any transit stop or taxi stand, or in a public transit vehicle;

      (5)   While the person being solicited is standing in line waiting to be admitted to a commercial establishment;

      (6)   By touching the person being solicited without that person’s consent;

      (7)   By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle;

      (8)   By or with the use of profane or abusive language, during the solicitation or following an unsuccessful solicitation;

      (9)   By or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation;

      (10)   After dark, which shall mean 1/2 hour after sunset until 1/2 hour before sunrise;

      (11)   While under the influence of alcohol, as defined in the North Carolina Controlled Substance Act, being G.S. §§ 90-86 *et seq.*;

      (12)   While on private property after being asked to either leave or refrain from begging, soliciting or panhandling; or

      (13)   By begging, soliciting or panhandling as part of a group of 2 or more people, using words or gestures intended to intimidate a person into giving money.

**Ord. passed 10-26-2017 Penalty, see §** [**26-154**](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=north%20carolina(fairmont_nc)$jumplink_q=%5bfield%20folio-destination-name:'130.99'%5d$jumplink_md=target-id=JD_130.99)

***Statutory references:***

*Authority to prohibit or regulate begging, see G.S. §§ 160A-179, 14-4*

*Enforcement of ordinances, see G.S. § 160A-175*

**26‑154 PENALTIES.**

**(A) Any person who violates any provision of this article shall be guilty of a misdemeanor and shall be subject to a fine not to exceed $100 and imprisonment in the discretion of the court, in accordance with  1‑6.**

(2001 Code,  26‑154) (Ord. 99‑03‑01, passed 3‑9‑1999)

Adopted this 26th day of October 26, 2017

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jacqueline Johnson, Town Clerk Emmett Morton, Mayor

October 26, 2017

Mayor Morton requested a motion to adopt the Panhandling Ordinance #26-115. Commissioner McDowell moved that the Board approve the Panhandling Ordinance, Commissioner McDougald seconded the motion, and the motion was unanimously approved.

1. **Resolution for approving Local Water Supply Plan**.

Mayor Morton requested a motion to approve the Local Water Supply Plan Resolution. Mayor Pro Tem Hutchinson moved that the Board approve the Local Water Supply Plan resolution, Commissioner Gilmore seconded the motion, and the motion was unanimously approved.

**RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN**

**10-26-2017**

WHEREAS, North Carolina General Statute 143‑355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Maxton, has been developed and submitted to the Town of Maxton Board of Commissioners for approval; and

WHEREAS, the Town of Maxton Board of Commissioners finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143‑355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Maxton, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town of Maxton Board of Commissioners of the Town of Maxton that the Local Water Supply Plan entitled, The Town of Maxton local Water Supply Plan dated October 26, 2017, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town of Maxton Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the day of , 2017

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTEST:

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Town Clerk

1. **Board appointment Housing Authority (1) Maxton Housing Resident**

Mayor Morton requested a motion to reappoint Samantha Chavis to Maxton Housing Authority Board. Commissioner McDowell moved that the Board approve the reappointment of Samantha Chavis to the Housing Authority Board Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

October 26, 2017

1. **Adopt Volunteer Rules Ordinance for Town of Maxton Events**

Mayor Morton requested a motion to adopt the Volunteer Rules for the Town of Maxton Events. Commissioner McDowell moved that the Board approve the Volunteer Rules Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

**Maxton Town Events**

**Volunteer Rules**

**Policy Adopted: October 26, 2017**

* No inappropriate attire. The following are examples:
  + Spaghetti string shirts
  + Too short skirts/pants/capris
  + T-shirts with offensive language
* Do not hold or be responsible for personal items belonging to others
* Do not interfere when there is a fight or disagreement. Please inform the recreation chairman and/or police officers immediately.
* No personal phone calls during the event – Emergencies only.
* Be aware of your surroundings at all times.
* Inform the police if you see anything that looks abnormal. For example the following are abnormal:
  + Suspicious activity
  + Loss children
  + Theft
* Show respect at all times; treat all people with the same respect that you expect.
* No profanity
* Be courteous and helpful to all attendees
* Do not attempt to discipline anyone’s child. Instead, contact Recreation Chairman and/or police officer is necessary.
* In the event of an emergency (disturbance, medical, etc.) contact Recreation Chairman, recreation committee member, or Public Safety personnel immediately.
* Do not accept any monies on behalf of the Town of Maxton. Direct the individual to the Recreation Chairman/Chief of Police.

**Any volunteer that cannot follow the policies set in place may be restricted in participating in future town events.**

**Adopted: This 26th day of October, 2017**

**Attested:**

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Jacqueline Johnson, Town Clerk Emmett Morton, Mayor

October 26, 2017

1. **Closed Session Pursuant to North Carolina General Statue 143-318.11 (a3), to consult with the attorney and preserve the attorney client privilege.**

Mayor Morton requested a motion to move close session after the reports. Commissioner McDougald moved that the Board move item (e) to go into closed session after the reports Commissioner McDowell seconded the motion, and the motion was unanimously approved.

**REPORTS**

**Town Manager**

Town Manager Bordeaux briefed the Board on several projects and issues throughout the Town.

**Utility Bills**

This month several residents have not received their water bill. Several calls were made and we spoke with the Maxton Post Master on trying to find out what happened.

**CDBG water loss project**

* Metcon is closing in on finishing the project. We are 157 calendar days into the contract with 55 calendar days to go.
* To date we have had 2 change orders-one was for materials that was $2,300 less and another was for $6,000 (sleeve values needed to be larger than originally estimated – the old map showed 6 but it was actually 8 feet) the total was $3,700 in change orders.
* Tie- ins for the following streets has the pipes laid but has not been connected: Cottingham, Malloy, Kincaid, Clark, McNair and Smith Streets.
* Next month work will be on Elm and Florence Streets.

**Robeson County Department of Social Services**

Beginning December 1, DSS will implement the Low Income Energy Assistance Program. Also there will be a stakeholders meeting on November 8 at 10 a.m. in the training room at DSS.

Manager Bordeaux mention the upcoming activities planned for the Town with the Recreation Committee. Much thanks to Angela Pitchford, Jamie Smith and the Recreation Department.

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* Fall Festival Saturday October 28 from 10:00-3:00 p.m. at Beachum Park with Campbell Soup, Robeson Community College, food and craft vendors will be available along with fun for all.
* The Christmas Tree Lighting ceremony will be Monday December 11th at the Patterson Building from 6:00-7:00 p.m.
* Congratulations to St. Matthew Metropolitan AME Zion Church and congregation for being nominated for their Health and Wellness Community outreach in the Faith based category.

**Commissioners**

Commissioner Gilmore briefly spoke on behalf of the Beautification Committee and thanked Town Manager Bordeaux, Public Works Director Dennis Freeman and the town employees for taking care of the flowers and cleaning the walk way between the H & R Block building and planting the flowers throughout the town.

**Mayor**

Mayor Morton briefly spoke on the upcoming events in the town. The Fall Festival will be Saturday October 28th, Veterans Day Celebration and Collard Festival will be November 11th at the Maxton Museum.

1. **Closed Session Pursuant to North Carolina General Statue 143-318.11 (a3), to consult with the attorney and preserve the attorney client privilege**.

Mayor Morton requested a motion to go into close session. Commissioner McDougald moved that the Board move go into closed session Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

Mayor Morton requested a motion to return out of close session. Commissioner McDougald moved that the Board return back into session Commissioner McDowell seconded the motion, and the motion was unanimously approved.

October 26, 2017

**Adjourn:**

Mayor Morton request a motion to adjourn. Commissioner McDougald moved that the Board adjourn the meeting, Mayor Pro Tem Hutchinson seconded the motion, and the motion was unanimously approved.

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Emmett Morton, Mayor Jacqueline Johnson, Town Clerk