

## TOWN OF BAILEY

The Regular Meeting of the Bailey Town Board was held in the Bailey Town Hall on November 19, 2018 at 7:00 pm.

The following members of the Bailey Town Board were present: Mayor Thomas Richards, Mayor Pro Temp Shelley Bullard, Commissioners Allen Daniels, Joel Killion, Dwan Finch, Jerry Bisette and Town Administrator Timothy Johnson.

### **Called the meeting to order:**

Mayor Richards called the meeting to order and opened the meeting and welcomed all guests who were attending the meeting.

### **Approval of minutes and financial statement:**

The financial statement for October 15, 2018 and the minutes for the Regular Board Meeting of October 15, 2018 were unanimously approved upon a motion by Commissioner Killion and seconded by Commissioner Finch. (5 affirm); (0 nays)

### **Agenda items:**

**Beverly Marriott** – Mrs. Marriott stated that for those who did not know her that she had been the Postmaster for the Bailey Post Office for the last 12 years. She wanted to thank the Board and her friends on the Chamber for their continued support of the post office and herself. She stated that she had served on the Bailey Chamber of Commerce for 2 years and 12 years at the post office and she had never been disappointed in the love and support of this community. She did indicate that her last day at the Bailey Post Office would be December 31, 2018.

**Bailey Chamber of Commerce:** Cecil Hawley, President of the Bailey Chamber of Commerce stated that he stated that he did not have a whole lot to discuss. He asked if there would be a problem with blocking off Nash St to Benson St so that vendors could set up for the parade. Administrator Johnson told him that there should be no problem as long as they did not block the truck route. He also stated that for the Miss Bailey pageant they had 19 contestants. They had a good turnout. He continued to state the Christmas tree lighting would be on Friday, November 30 from 6 to 8 pm. There would be events from meeting Mr. & Mrs. Santa Claus to local school choirs. Mr. Hawley then stated that the annual Christmas parade would be on Saturday, December 1, 2018 at 2 pm with vendor activity from 10 am to 5 pm. He did thank the Southern Nash News and The Enterprise for their coverage of the Miss Bailey Pageant.

**Cecil Hawley** – He stated that we all need to band together and move the town forward.

**Envirolink:** JP McCann, representative of Envirolink, was not present at the meeting due to being on vacation. Administrator Johnson provided the following details:

1. That there were 52 works orders received.
2. That there were 339 meters read.
3. That there was 1.83 million gallons of water pumped.
4. That there was 3.68 million gallons of waste water processed.

### **Public Comment:**

Mayor Richards opened the public comment section. Since no one wanted to speak Mayor Richards closed the public comment section.

### **Old Business:**

**Status with Mr. Cox and Mr. Deal on new sewer tap for 6689 Elm St Work Authorization Request from Envirolink** – Administrator Johnson provided the update to the Board in request for the (3) quotes that came from Envirolink. He stated that the Board could continue to review and make a decision on whether to accept or reject and go back to the drawing board with new quotes. Mayor Richards stated that this has been going on for a long time. After reviewing the quotes Commissioner Finch stated that it would be her

recommendation that we talk to the homeowners before we proceed. There was no objection from the rest of the Board members.

**Status of Effluent Pump #2 with Charles Underwood** – Administrator Johnson stated that Mr. McCann stated they were working with the vendor Charles Underwood because of issues with the mold. It had not been re-installed at this time.

**Status of Effluent Pump #1 Quotes**– Administrator Johnson stated that since pump #2 has not been re-installed pump #1 has not been removed for repair. Mayor Richards at this time asked about the hydrant at Nash & Dean St and Administrator Johnson stated that Envirolink has the hydrant and is get the kit to fix it. Commissioner Bissette stated that he thought that they did not know where the hydrant was and Administrator Johnson stated that they did and were in possession of it.

**Matter of bringing John Hunt into the Bailey Police Dept.** - Mayor Richards asked if this would be discussed in closed session. Administrator Johnson stated no that this was discussed last month and that they were to decide if he would be brought in part-time at \$11.00 per hour. A motion to bring John Hunt on as a part-time police officer at \$11.00 per hour was made and unanimously approved upon a motion by Commissioner Killion and seconded by Commissioner Finch. (5 affirm); (0 nays)

### **New Business:**

**2018 Bailey Christmas Parade Donation** – The \$1500.00 donation to the Bailey Chamber of Commerce was unanimously approved upon a motion by Commissioner Finch and seconded by Commissioner Finch. (5 affirm); (0 nays)

**Demolition Process for 6271 Main St (Quotes for Service rather than Pre-Bid)** – Administrator Johnson stated that after speaking with Norma Houston and Tyler Mulligan with the School of Government that because we are taking down and not constructing that the Town is not held to the same standards for Pre-Bid construction because this is classified as a service. He also advised that since the quotes would more than likely be over \$30,000 that they would need to come in sealed. He continued to state that the Board would need to approve a SOW or Scope of Work. This would need to be treated like a Pre-Bid where you advertise for services and then once the meeting is held provide the SOW to the interested vendors with very specific guidelines that they would need to agree to meet. He stated that there could be items such as start/end date, length of quote as far as days viable, need for structural engineer in order protect the other properties connected and also what are the limits for liability coverage (Certificate of Liability) they carry to protect the Town from loss due to an error on their part. It was mentioned by Mr. Hawley about a penalty clause. Administrator Johnson then stated that the Board could add a penalty clause for any specific infraction that they impose within the contract that states the loss for not meeting the terms of the agreement. Commissioner Bissette asked would the Board need to get together to advise what they wanted for the scope of work and Administrator Johnson stated yes they would. They would need to gather all of the information that they wanted together and understand that in the meantime the Town's attorney would be looking for Mr. Kent to get him to turn the property over to the Town. After speaking with the Town's attorney it was determined that waiving our own taxes and having to pay a small amount to the county would be better in the long run because we could make the difference up when we went to sell the property. Commissioner Finch asked what the next steps were for the Board. She stated that I had listed a lot of criteria and if that was somewhere that they could use. Administrator Johnson stated that it was discussed with Mrs. Houston and Mr. Mulligan but that he did not have it in written format. Commissioner Bullard then asked for Administrator Johnson to get all of it written up and provide it back to the Board. Commissioner Daniels then stated to the Board that could it be possible for them to leave the walls and the front and back fill it would concrete and put picnic tables in it. He stated this was done in a city in Virginia where they used it for family barbeques and church functions. He wanted to know what others thought about this because once the Town tears it down then it is down. He also asked if it would be cheaper for us to buy the smaller building and tear it down or work around that building doing the demolition. He wanted to know from the Town what they wanted. Did they want something there that they could use or a parking lot? He and Commissioner Bissette asked if Audrey Perry was interested in selling her building and she indicated yes. Commissioner Daniels then stated that he would ask around Raleigh to some people he knew to see if they could provide some assistance for the Town. Mayor Richards then stated that he knew the guy from Enfield could come and give us a price. Commissioner Daniels then stated did he know if he had a structural engineer and Mayor Richards stated that he might. Commissioner Bissette wanted to know if this would be required in what they were doing and Administrator Johnson stated yes that it would be. Commissioner Finch asked where the attorney was on this process. Administrator Johnson advised that the Town's attorney was in the process of finding Mr. Kent. Mr. Barnett advised that we have him give us the parcel rather than go through attorneys to get this in the hands of the Town. Commissioner Daniels then asked if this could go back to Jim Wrenn to see if we could get the taxes waived. Administrator Johnson stated that yes we could.

**Quotes for cleaning sidewalks** – Commissioner Finch stated that we did have (3) quotes. The lowest quote was for \$2400.00. The quotes received were from Vortex for \$2485.62, Dukes Powerwashing for \$2400.00, and George Thorpe for \$8232.66. Commissioner Finch started to make a motion to accept Dukes Powerwashing quote but Commissioner Bissette

stated that he had one comment he wanted to make. He stated that he spoke with someone from Middlesex who stated that they did their sidewalks last year and he indicated that they were worse now than they were before. Commissioner Bissette stated that he had firsthand knowledge of this because it happened to him. He continues by saying that once that sheen on top is taken off the cement becomes porous and collects crud. Commissioner Finch stated that we need a good morale in Bailey and she thinks that the sidewalks look horrible to her and she stated she heard what he was saying but that we should make the Town look good for the holiday season and she then proceeded to make a motion to accept the quote for Duke's Powerwashing for \$2400.00. Commissioner Killion then asked if there was anything that could be put on that after it was done to seal it. Commissioner Daniels then stated that the sealant would cost as much or more as the power washing. Commissioner Bissette then stated that was what he had been told if that you are going to power wash it you also needed to seal it at the same time. Mayor Richards stated that the sealant was expensive because it was \$45.00 per gallon at the resident rate. Commissioner Bissette stated that if we power wash and do not seal then we are basically wasting our time and money. Commissioner Finch then stated that she had made a motion. Commissioner Killion then stated could we get a price on the sealing as well and revisit next month because he agreed with Commissioner Bissette that it would pretty much be useless to do it without the sealing as well. Commissioner Finch asked if the Board would like to wait until she can get the quotes with the sealant. The Board agreed to wait until the quotes could be provided with the sealant included. Lisa Matthews asked David Evans about the cost of sealing after the power washing. He stated that it would cost more than the power washing. Lisa Matthews then asked if it could wait for a couple months. David Evans then said if you wait then you will have to come back and wash it again before you can seal it.

### **Commissioner's remarks:**

Commissioner Daniels stated that he had one thing that he wanted to bring up and that was the code enforcement officer. He wanted the Board to consider hiring on a part-time code enforcement officer. He understood that in Enfield they have someone who works a couple of hours per week. He thought that the Town should also have something like a dangerous building ordinance that would keep the Town from having the same problem as the condemned building on Main St. It is somebody who could be proactive and could work on it to keep the Town from spending a lot of money. It would make the owners of the building maintain the buildings as they should. He then provided a job description to the Board for their consideration.

Commissioner Finch stated last month that the Board asked to get quotes on the top (3) streets but that she wanted to add Williams and Dempsey because she felt that the Board needed to make a long range plan that will work for us. This would include Jackson, Nash, Pine, Williams and Dempsey. Administrator Johnson then stated that he would need to verify that there was not an issue with getting the quotes since the amount would probably make it a requirement to advertise. Commissioner Finch then stated that the personnel police was coming along and was almost done with it. She stated that she would get everyone on the Board a copy of it so they could vote on it then get it to the lawyer so that they could get a resolution on it for January. She thanked everyone for coming out tonight. She wished them a Happy Thanksgiving and for supporting the Town Board.

Commissioner Killion shared the summary of the Condition Report for the Nash St tank. He advised that the tanks interior was cleaned, washed out, inspected and disinfected according to AWWA standard spray method #2 and scheduled for a visual inspection in 2019. He continued to state that 2019 is upon us but before we get there Article I Section 35 of the North Carolina Constitution says a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty. He continued to state that it is Thanksgiving so we are very blessed so let's take a moment to review four things that we need to remember in that this deliberative body and each department under its jurisdiction has forgotten. Number one. Article I Section 2 of the Constitution of North Carolina states all political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole. Government is not for and by the politicians and unelected bureaucrats. He stated that he heard from several people that fewer citizens attend these meetings, tonight being the exception of course, and few are involved in Town affairs including voting because they feel that their voices and votes do not count. So this government needs to get back to honoring the people as the true boss which brings me to Number Two. The people are to be respected as rulers not as subjects or subordinates, merely taxed and tolerated. Number Three. Problems will not be solved in Bailey by sticking with the status quo or bowing to the good old boy club or by allowing an unelected bureaucracy to run things behind the scenes. He continued stating that Article I Section 3 states the people of this State and by extension their representatives have the inherent, sole, and exclusive right of regulating the internal government and police thereof. This government has been instituted by the people and has

derived its powers from the consent of you the governed and when this government fails to do its job it is the right of the people to alter it in a way that seems to them best and the most likely to affect their safety and happiness. Of course the changes are not based on liked and transient causes. As all experience has shown mankind is more disposed to suffer while it is sufferable but with a long train of abuses and user patience it is the right and the duty of the people and by extension their representatives to throw of such abuses and user patience. With that said it is time for changes that will remove road blocks to progress that will allow Bailey to finally flourish. So for tonight Commissioner Killion made a motion to install Officer Gerald Coggins as Interim Police Chief to oversee scheduling and to help us as a consultant to find a permanent Chief all while answering to this Board. The motion was seconded by Commissioner Daniels. Mayor Richards then asked all in favor. Commissioners Daniels, Finch, and Killion voted to affirm. Mayor Richards then asked all opposed. Commissioners Bullard and Bisette voted nay. The motion passed with a vote of (3 affirm); (2 nay). At this time Commissioner Bisette gathered his items and left the Board meeting without debate. Mayor Richards asked if Commissioner Bisette was leaving. Commissioner Bullard stated that it looked like it. Commissioner Killion and Mayor Richards asked if he was resigning. Administrator Johnson and Commissioner Bullard both indicated that he did not leave anything or did he say anything.

**Mayor's remarks:**

Mayor Richards stated that he would like to shake up the positions/departments in this Town. He feels that they have lacked some communication and since Joel installed Gerald as Interim Police Chief he wanted to make Commissioner Killion the Police Commissioner, Commissioner Jerry Bisette Water/Sewer Commissioner and Dwan Finch Mayor Pro Temp. Commissioner Bullard asked about herself and Commissioner Daniels. Mayor Richards stated that he saw no need to change her from the Cemetery or Allen from Maintenance. At this time the Board was about to move on to more items when Administrator Johnson stated that they had not done the request procedurally correct. A request was made to set the Board as follows:

Maintenance Commissioner = Commissioner Daniels

Mayor Pro Temp and Streets & Trees Commissioner = Dwan Finch

Police Commissioner = Joel Killion

Cemetery Commissioner = Shelley Bullard

Water/Sewer Commissioner = Jerry Bisette

And was unanimously approved with a motion by Commissioner Daniels and seconded by Commissioner Killion. (4 affirm); (0 Nays) Commissioner Bisette was not present to vote.

**Department Heads Remarks:**

Administrator Johnson had no remarks

**Closed Session:**

A motion was made to go into closed session as permitted by NCGS 143-318 (a) (6) to consider the qualification competence and performance of an employee. A motion was made by Commissioner Finch and seconded by Commissioner Killion and was passed unanimously. (4 affirm); (0 nays)

A motion was made to go back into open session by Commissioner Killion and seconded by Commissioner Finch and was passed unanimously. (4 affirm); (0 nays)

**Open Session:**

A motion was made to set Gerald Coggin's salary as \$18 per hour by Commissioner Killion and seconded by Commissioner Daniels and was passed by the following: Commissioners Daniels, Finch, and Killion in the affirmative. Commissioner Bullard voting against. Commissioner Bisette was not present to vote. (3 affirm); (1 nay) Administrator Johnson asked when was his start date and his end date were. Mayor Richards asked Mr. Coggin and he stated that it would probably be about 3-4 weeks depending on paperwork being processed. Commissioner Finch asked if it would be December 3<sup>rd</sup> and Mr. Coggin stated more like December 17<sup>th</sup>. Commissioner Daniels then stated that he would remain until a new Chief was hired.

A motion was made to set Gerald Coggin's start date as December 17<sup>th</sup>, 2018 and staying on until a permanent Chief can be hired by Commissioner Killion and seconded by Commissioner Finch and was passed by the following: Commissioners Daniels, Finch, and Killion in the affirmative. Commissioner Bullard voting against. Commissioner Bisette was not present to vote. (3 affirm); (1 nay)

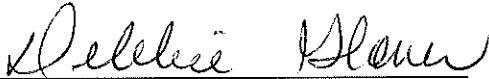
**Closed Session:**

A motion was made to go into closed session so that the Board could hear Gerald by Commissioner Daniels and seconded by Commissioner Killion and was passed by the following: Commissioners Daniels, Finch, and Killion in the affirmative. Commissioner Bullard voting against. Commissioner Bisette was not present to vote. (3 affirm); (1 nay)

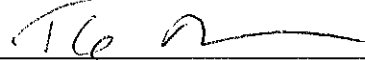
A motion was made to go back into open session by Commissioner Finch and seconded by Commissioner Killion and was passed unanimously. (4 affirm); (0 nays)

**Adjournment:**

There being no further business, Commissioner Finch made a motion to adjourn. Commissioner Killion seconded the motion and the motion unanimously passed. (4 affirm); (0 nays)



Clerk



Mayor Richards