



## **Minutes of Regular Town of Fremont Meeting**

**February 15, 2022**

The regular meeting of the Board of Aldermen/Alderwomen for the Town of Fremont, NC was held at 6:00 p.m. on February 15, 2022. Present were:

W. Darron Flowers, Mayor  
Joyce M. Artis, Mayor Pro tem  
Beatrice Jones, Alderwoman  
Keith L. Spivey, Alderman  
Terry Futrelle, Alderwoman  
Leroy Ruffin, Alderman  
Annie Lewis, Alderwoman

Also in attendance were Town Administrator Tony Howell, Town Clerk Shannon Daly, Finance Officer Cathy Nichols, Chief Paul Moats, Assistant Chief Greg Bottoms, Town Accountant Jimmy Overton and Town Engineer Mike McAllister.

**Quorum Present: Yes**

### **Call to Order**

Mayor Pro tem Artis called the meeting to order at 6:00 p.m.

Alderman Ruffin gave the invocation.

Alderwoman Lewis led all in attendance in the Pledge of Allegiance.

Mayor Flowers joined the meeting.

### **Approval of Agenda**

Mayor Flowers asked for a motion to approve the agenda. Alderwoman Lewis made the motion. Alderman Spivey seconded it. Mayor Pro tem Artis asked to amend the agenda to include Brenda Paul, the Vice-President of Southern Bank, to answer questions that Alderman Ruffin had at the last meeting about the security of our bank accounts. Mayor Flowers said that Mrs. Paul can be added to the beginning of the agenda. All were in favor. Motion passed unanimously.

### **Approval of Minutes**

Mayor Flowers asked for a motion to approve the Regular Board Meeting minutes of January 18, 2022. Mayor Pro tem Artis made the motion. Alderman Ruffin seconded it. All were in favor. Motion passed unanimously.

### **Public Comment**

Mayor Flowers opened the meeting for public comment.

Mayor Flowers closed the meeting for public comment.

### **Public Hearing**

Mayor Flowers opened the meeting for public hearing for:

(1) Zoning amendments:

- §154.032 (3) R15-SINGLE-FAMILY RESIDENTIAL
- §154.033 (3) R10-RESIDENTIAL DISTRICT
- §154.034 (3) R-6 RESIDENTIAL DISTRICT
- § 154.035 (3) MH – MOBILE/MANUFACTURED HOME PARK
- § 154.268 - CIVIL PENALTIES
- § 154.005 (C) – DEFINITIONS – INTERNET CAFÉ’

(2) Re-zoning property at 862 NC Hwy 222 from RA to R-10

(3) Annexation for property at 862 NC Hwy 222

### **Speaker**

Mayor Flowers introduced Mrs. Paul and asked her to speak to the Board. Mrs. Paul stated that Mr. Howell contacted her and explained that the Board had some concerns about the security of the Town’s bank accounts. She stated that the authorized people that have access to the accounts are the Town Administrator, Finance Officer, Town Clerk, and two Alderman. She explained the process of removing and adding people to this list. She stated that after reviewing our accounts, she noticed that we did not have fraud protection on our accounts. She said it would be a nightmare for us to have to change our accounts and recommended that we add the fraud protection. She explained how the fraud protection works and stated that the cost would be \$40 for positive pay and \$20 for each ACH account, so the total would be \$100 a month. There was some discussion about the tokens that are used to get onto the account and Mrs. Paul said she would make sure that we are set up to use the tokens. There was much discussion about what could happen if we did not have fraud protection and Mayor Flowers suggested that we defer this for possible action at the next Board meeting in order to give everyone an opportunity to review. Mayor Pro tem Artis stated that she feels that they should act on it immediately. (See Action Item)

Mrs. Paul discussed the Daffodil Festival and stated that they will have it on March 26<sup>th</sup> and everybody is looking forward to having it this year.

Mayor Flowers asked Mr. McAllister to speak. Mr. McAllister spoke about the Asset Inventory Assessment (AIA) grant that we were awarded. He stated that he is waiting to get the scope approved before he can get started on it. He said that there will be a meeting at the Maxwell Center on March 1<sup>st</sup> concerning the AIA grant and encouraged the Board to attend.

Mr. McAllister spoke about the American Rescue Plan Act (ARPA) funds. There was much discussion and he said that they were hoping to have the AIA completed so that the problems would be identified and we would know where to spend the ARPA funds. He said the hold up has been with the state, with approving the scope for the AIA.

Mr. McAllister stated that we do not have a comprehensive Land Use Plan. He stated that several years ago, the General Assembly passed G.S. 160D, that requires Local Governments to have an up-to-date comprehensive Land Use Plan that goes out 10 years. He said that we have to have one adopted and in place by the end of this fiscal year. He explained that trying to get one done within 4 months will be difficult. There was much discussion and Mr. McAllister said if we do not have one in place by July 1<sup>st</sup>, we will not be able to regulate Planning and Zoning and he wasn't sure if there would be any fines. (See Action Item)

Mr. Overton went over the cash balances report, the income statement and the budget to actual report. He said all the bank accounts have been reconciled through December 2021. He stated that our finances are better this year than what it was last year. He explained the fund balance percent for 2021, 2020, and 2019. He said we are basically at the same place we were in 2019, but as for this year we are on the right track to increase our fund balance.

Mr. Overton stated that Budget Amendment #3 is a proposed amendment to move some money around to cover some expenses. He said these expenses were a new software program for payroll and some repairs and maintenance. (See Action Item)

## **Reports**

Mayor Flowers asked Mrs. Daly to present the finance report. Mrs. Daly asked if the Board had any questions about the December billed and January collected and expenses financial report. There were a few questions that pertained to understanding the report and Mrs. Daly answered all questions. She said the important thing to look at is the total of the difference in what we billed versus what we collected and compare it to the vouchers, arrangements, and budget billing. She said for the month of January everything looks good and pointed out that we are \$47,009.18 to the positive of what our expenses were versus what we collected for the month of January. Alderwoman Jones asked about the January cut off report. Mrs. Daly went over the report and answered all questions from the Board. There was much discussion about the CDBG-CV funds and that there is \$25,000 allocated to help pay customer's utility bills that were affected by COVID. Mr. McAllister stated that he will try to get the funds released to us soon. There was some discussion about how these funds will be distributed. Alderman Spivey clarified that the Town has already paid for the utility costs for the delinquent accounts and Mrs. Daly said that if we applied the funds to the delinquent accounts, the Town would instantly be reimbursed for those costs. (See Action Item)

Mayor Flowers asked Mr. Pulley to give the Public Works Department report. Mr. Pulley

said that the 3 generators have been serviced and are back in operation, which was Eureka #1, Eureka #2, and Fremont #3. He said that there is a small issue with Eureka #2 that they are still working on, and they think it is a censor. He said they are still getting debris from Eureka #1, but not much. He said they are working on a few things at the spray field, one being replacing hoses on the chlorine injection system. He said they have serviced all of the lawn mowers so they are ready as soon as grass season comes. He said the leaf machine is still down and in the process of getting fixed. He said they are working on the tennis courts and trimming limbs and right of ways. He said that in the past the Town has had a lot of blinks, but due to the tree trimming, it has decreased a lot. He said they have been putting up street lights in areas that are dark. Mayor Pro tem Artis stated that it is dark at the intersection of Hwy 222 and Hwy 117 and Mr. Pulley said that he is aware of that and will try to figure out what needs to be done. Alderman Ruffin suggested that there be lights on every pole from I-795 to Hwy 117 and Mr. Pulley said he will look at the costs of the extension arms for the lights, because they are needed due to the poles sitting back off the road. He said they have been looking for issues that may be causes blinks and they have found poles that are rotted out and they are fixing them. He said they have cut down a tree in the cemetery. He said for the water department, there has been no problems. He said they have been trying to replace old meters as they have supplies to do them. He said they are still trying to maintain the potholes and he is waiting on a contractor, but they are having an issue getting asphalt at this time. He said they are going to start prepping for the Daffodil Festival. There was some discussion about Spring Cleanup, the tennis courts, the leaf machine, leaves on Lee Street, and trash cans at MLK Park.

Mayor Flowers asked Chief Moats to give the Police Department report. Chief Moats commented on the tennis courts and stated that to repave the courts would be extremely costly and stated that the only thing they could do is keep the grass and trash out of the courts. He said that they have gotten with Josh and they have been working on improving a few things in the park, such as putting down poles so that cars cannot drive in certain areas and getting new nets for the basketball goals. He said as for the police report, he said nothing major has happened in the past 30 days. He said they are working on the logistics for the Daffodil Festival, which they will provide security and have items to pass out to the children that they got through grants, such as balloons and toys, in order to be pro-active in the community. He said Jessica Batts is progressing very well and will be completed with her training just prior to the Daffodil Festival and will be released to be on her own. He said she is an asset to the Town of Fremont.

### **Discussion**

Mayor Flowers asked Alderman Spivey to speak about the policy for financial assistance and calling customers. Alderman Spivey stated that as far as he knows there is no written policy and he said the staff cannot understand what to do, because they do not know what the Board wants. He said once the Board decides on what they want, it needs to be put in a policy and included in the policy and procedure manual so that everybody can do their jobs effectively. Mayor Pro tem Artis agreed and stated that this can be something that the committee can work on. She pointed out that because we do not have a policy, the Billing and Collections Clerk decided to not call anyone for the month of January, even though the Board did not direct her to do it, and the result was that a lot of people got cut off. She said it is in the job descriptions to call everyone, but can be taken out if the Board decides that they do not want the staff to call. Alderman Spivey said he understood

that, but there is not a policy in the policy and procedure manual and he feels that there needs to be one. The committee agreed and said they would work on it.

Mayor Flowers asked Mr. Howell to speak about the Public Works Director position. Mr. Howell stated that the position has been advertised on indeed and the League of Municipalities and we have a total of 4 applicants. He is recommending that we go ahead and schedule interviews for these applicants and set a salary range. He recommended that the salary range be \$45,000 - \$55,000. Alderwoman Lewis stated that she did not think that we needed to interview anyone, because she said we already have a good man, Josh Pulley, who is doing a good job. (See Action Section)

### **Action**

Alderman Spivey made a motion to get the fraud protection on the Town's accounts tomorrow. Mayor Pro tem Artis seconded it. Alderwoman Futrelle asked Mr. Overton what his advice was and he said he agreed with Alderman Spivey's motion, because it can happen to anybody. All were in favor. Motion passed unanimously.

Alderman Spivey made a motion to use Mr. McAllister to put together a Land Use Plan for the Town of Fremont. Mayor Pro tem Artis seconded it. Mayor Flowers stated that the proposal was for \$32,500. Mayor Prot tem Artis asked if he would give us time to pay for it and Mr. McAllister said yes and he could defer it until the next fiscal year. All were in favor. Motion passed unanimously.

Mayor Flowers asked Mr. Howell to speak about the zoning amendments. Mr. Howell stated that the Board of Planning and Adjustment approved, unanimously, the changes to the zoning amendments and he is recommending that the Board approve them as well. Alderman Spivey asked if the Town attorney approved them and Mr. Howell stated that the Town attorney wrote them. Alderman Spivey made the motion. Alderwoman Lewis seconded it. All were in favor. Motion passed unanimously.

Mayor Flowers asked Mr. Howell to speak about the re-zoning of property at 862 NC Hwy 222 from RA to R-10. Mr. Howell said that the Board of Planning and Adjustment approved, by majority, to re-zone this property and he stated that would be his recommendation as well. Mayor Flowers asked Mr. McAllister if he would like to speak about this. Mr. McAllister explained to the Board the plans for the property and gave the positive points as to how it will be a benefit to the Town. Mayor Flowers stated that some of the residents opposed the re-zoning and the Board of Planning and Adjustment had an opportunity to hear the concerns and there were 3 that approved it and 1 opposed it. There was much discussion. Mayor Pro tem Artis made the motion. Alderwoman Futrelle seconded it. All were in favor. Motion passed unanimously.

Mayor Flowers asked Mr. Howell to speak about the annexation of the property at 862 NC Hwy 222. Mr. Howell stated that this was part of the public hearing tonight and asked Mr. McAllister if he would like to speak about it. Mr. McAllister explained annexation and read the staff findings that were in the agenda packet. There was some discussion about the property being closest to District 4 and Mr. McAllister stated that he included the property under that district. There was much discussion and Mr. McAllister said the next step would be presenting a preliminary plan that would give all the details of the sub-division. Mayor Flowers suggested that they wait 2 weeks and meet again before they voted on the annexation, because he has questions. Mayor Pro tem Artis made a

motion to approve the annexation for property at 862 NC Hwy 222. Alderman Ruffin seconded it. All were in favor. Motion passed unanimously.

Mayor Flowers asked for a motion to approve Budget Amendment #2022-3. Alderman Spivey made the motion. Mayor Pro tem Artis seconded it. All were in favor. Motion passed unanimously.

Alderman Ruffin made a motion to apply the \$25,000 to the delinquent accounts that were affected by COVID dating back to March 30, 2020. Mayor Pro tem Artis seconded it. Alderman Spivey asked if we had the money yet and if \$25,000 would be enough to cover all the delinquent accounts. Mr. McAllister said he will try to move some things around in order to get more for the delinquent utility accounts. Five favored: Alderwoman Jones, Alderwoman Futrelle, Mayor Pro tem Artis, Alderman Ruffin, and Alderwoman Lewis. One opposed: Alderman Spivey. Motion passed by majority.

Mayor Flowers asked for a motion to approve the salary range. Alderwoman Jones made a motion to approve the salary range of \$45,000 to \$55,000 for the Public Works Director position. Alderwoman Futrelle seconded it. Four favored: Alderwoman Jones, Alderwoman Futrelle, Mayor Pro tem Artis, and Alderwoman Lewis. Two opposed: Alderman Spivey and Alderman Ruffin. Motion passed by majority.

Mayor Flowers read the Black Heritage Month Proclamation. Alderwoman Jones stated that Black Heritage Month was founded by Carter G. Wilson and he chose February because of the birthdays of Abraham Lincoln and Frederick Douglas. She said that February is the shortest month of the year, being 28 days, and there has been some conversations about the shortest month being Black History Month, but that has nothing to do with it. She said it has to do with the birthdays of Abraham Lincoln and Frederick Douglas. Mayor Pro tem Artis stated that it was first observed for one week and in 1926 Carter G. Wilson recommended to recognize Black Heritage for the month.

Mayor Flowers asked Mr. Howell to speak about the transfer of cemetery deed fee. Mr. Howell stated that we do not charge for transferring cemetery deeds and stated that other towns charge for this service. He said he is recommending that we establish a fee of \$100 to transfer a cemetery deed. Mayor Flowers asked for a motion to approve a \$100 fee for transferring a cemetery deed. Alderman Ruffin made the motion. Alderwoman Futrelle seconded it. There was some discussion about if \$100 was enough to cover the costs. All were in favor. Motion passed unanimously.

Mayor Flowers asked Mr. Howell to speak about ARPA funds. Mr. Howell said that we have purchased 1 new pump and repaired 3 generators with ARPA funds. He said we have spent \$51,224.45 and we currently have \$149,875.55 that is remaining.

### **Closed Session**

Mayor Flowers asked for a motion to go into Closed Session for a personnel issue. Alderman Ruffin made the motion. Alderwoman Lewis seconded it. (Dianne Spellman approached the podium). Mayor Flowers asked, "All those in favor raise your hand." Alderman Ruffin and Alderwoman Lewis were the only ones to raise their hands. Mayor Flowers said, "It looks like we are not going into Closed Session, actually if no one has voted for it and a motion has been made, an abstention is a yes vote so it will pass unanimously." Mayor Pro tem Artis asked, "Are you going to ask for those that oppose

the vote.” Mayor Flowers said, “No not yet, if we do not go into Closed Session then we will operate in Open Session.” Alderman Spivey stated, “I thought it was for a personnel issue.” Mayor Flowers said, “When we go into Closed Session we will talk about what the personnel issues are.” Mayor Pro tem Artis asked, “So you are going to force us to go into Closed Session?” Mayor Flowers said, “I’m not going to force you to do anything, I’m just going to try to follow the same procedure that we have always followed.” Mayor Flowers asked, “All of those opposed to going into Closed Session, please indicate by raising your hand.” Four opposed: Alderwoman Jones, Alderman Spivey, Alderwoman Futrelle, and Mayor Pro tem Artis. Mayor Flowers said, “We are not going into Closed Session and now I can answer your questions and I don’t know how to ask and I’m thinking strongly of calling the attorney, because I don’t know exactly how to handle it. All have said you don’t want to go into Closed Session, so what I’m going to do is take the chicken’s way out and defer it until next month.” Dianne Spellman asked if she could say something and Mayor Flowers said, “Yes ma’am.” Dianne Spellman said, “I do realize that you all do not want to go into Closes Session, I do realize it’s late.” (Alderman Spivey left the room). “But I have sat here for 3 hours waiting to speak. If you don’t want it in Closed Session, I can just go ahead and say what I gotta say right now.” (Several Board members began packing up and did not acknowledge Dianne Spellman). Mayor Flowers said, “It makes you wonder why anyone would want to sit over here when you get put into positions that I am put into.” Dianne Spellman interrupted and said, “I’m here to voice my opinion on the way I left.” Alderwoman Jones asked Mayor Flowers if she can say something and he said yes. Alderwoman Jones said, “I think the agenda was approved at the beginning of the meeting and I think we have covered everything that we should have covered in Open Session and since nothing else was on the agenda I think it’s in order for us to close the Regular Session and I think that is Robert’s Rules the 13<sup>th</sup> edition.” Dianne Spellman interrupted as Alderwoman Jones was speaking to the Mayor and said, “The agenda was approved.” Mayor Flowers said, “I don’t disagree with you at all and every Closed Session we have had since I’ve been Mayor, we have not included the reason for the Closed Session at the beginning of the agenda nor have we brought it up as a reason why it’s specific.” Dianne Spellman interrupted and said, “The agenda was approved with the Closed Session on it.” Alderwoman Jones addressed Mayor Flowers and said, “That’s not what I said sir.” Mayor Flowers said, “What you said was it was not approved when you approved the agenda and what I’m saying is that we’ve never approved a specific subject to go into Closed Session. It’s your Board, I don’t have any problem with doing whatever the Board wants to do and if it’s the feeling of the Board that they have acted and the meeting should be ended, then I guess we will have a motion to adjourn and we’ll adjourn.” Alderman Ruffin addressed the Mayor and said, “According to the agenda, it’s up here and I understand what you are saying. It’s up here Closed Session and this is part of the agenda.” Dianne Spellman interrupted and said, “The agenda was approved, Closed Session is on the agenda.” Mayor Flowers said, “We had a Closed Session the meeting before last and we did not divulge anything.” (Alderman Spivey re-entered the room). Dianne Spellman interrupted and said, “The reason you don’t want to meet is because you wanted me to meet with a certain few so that you can have the meeting before the meeting OK.” Mayor Pro tem Artis addressed Mayor Flowers and said, “It has been already stated that the Board wishes not to go into Closed Session.” Dianne Spellman interrupted and said, “I understand that.” Mayor Pro tem Artis continued addressing Mayor Flowers and said, “I make a motion that we adjourn this meeting.” Mayor Flowers said, “There is a motion that we adjourn.” Dianne Spellman interrupted and said, “You’ll see it in a letter OK, you will see it in a letter and this time everything.” Alderwoman Futrelle seconded the motion. Mayor Flowers said, “Dianne I’m sorry, I hope you can

understand.” Dianne Spellman said, “I understand your position I do.” Mayor Flowers asked if there was a second to the motion. Alderwoman Futrelle said, “I had seconded it.” Mayor Flowers said, “There is a second that we adjourn.” Five favored: Alderwoman Jones, Alderman Spivey, Alderwoman Futrelle, Mayor Pro tem Artis, and Alderwoman Lewis. One opposed: Alderman Ruffin. Motion passed by majority.

Dianne Spellman continued to speak to the Board saying, “It will be in a letter and in Open Session next time.”

---

W. Darron Flowers, Mayor

---

Shannon L. Daly, Town Clerk