



Minutes of Regular Town of Fremont Meeting April 18, 2023

The regular meeting of the Board of Aldermen/Alderwomen for the Town of Fremont, NC was held at 6:00 p.m. on April 18, 2023. 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 Clerk Shannon Daly, Finance Officer Cathy Nichols, Assistant Chief Greg Bottoms and Town Engineer Michael McAllister.

Quorum Present: Yes

Call to Order: Mayor Flowers called the meeting to order at 6:00 p.m.

Invocation: Alderman Ruffin gave the invocation.

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

Approval of Agenda: Mayor Flowers asked for a motion to approve the agenda. Mayor Pro tem Artis made the motion. Alderwoman Lewis seconded it. All were in favor. Motion passed unanimously.

Approval of Minutes: Mayor Flowers asked for a motion to approve the minutes of March 21, 2023, Regular Board Meeting, March 21, 2023, Closed Session Meeting, March 28, 2023, Special Called Meeting, and March 28, 2023, Closed Session Meeting. 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 and stated that if anyone would like to address the Board, they would need to come to the podium and state their name and address.

- (1) Ralph Wilkins who lives at 203 N. Dock Street stated that he is having issues with United Health Care. He stated that they do not want to recognize the Town of Fremont as a utility company. He said he told them that Fremont is willing to change their name to Fremont Utilities and they told him that it is under investigation, and it will take 3 months to get it straight. He said that Mrs. Daly has worked on it really hard and diligently, but he is asking the Board to do what they can to help.
- (2) Reginald Hall who lives in Wilson stated that he is interested in renting the building at 219 Main Street to make it a car dealership and U-Haul service. Mayor Flowers stated that it is not on the agenda and suggested that he contact the Interim Town Administrator and if it requires Board action, it will need to be on the agenda. Mr. Hall said that he has talked with Alderman Spivey and will get back in touch with him.
- (3) Travis Moore said he was representing the Christian Fellowship Alliance. He said we are an organization of pastors of churches that want to minister to Fremont and our local communities. He said we do that through a food bank and special church services and other things when they have the resources. He said they have a National Day of Prayer Service coming up on Thursday, May 4th at 6:00 p.m. and they would like to hold the service at the Daffodil Park. He said to do that they would need power to that area and they need to put up a sign, which he would like to do in the next few days. He said they would like the Town Board to attend the service if possible.

Mayor Flowers closed public comment.

Speaker: Bobby Cavanaugh and Mike Houston, NC Rural Water Association

Alderman Spivey introduced Bobby Cavanaugh and Mike Houston from the NC Rural Water Association. He stated that they are going to help the Board understand some of the requirements that have been levied upon.

Mr. Houston said he and Mr. Cavanaugh are USDA Circuit Writers for NC Rural Water who cover the eastern part of the state. He said as a member of the NC Rural Water, you get many services at no additional cost, such as technical assistance, leak detection, water line locating, rate studies and multiple different areas of technical assistance. He said the information he is going to talk about is cross connection backflow. He said this has been around since the safe drinking water act was enacted back in 1976, but as of January 1, 2020, any community water system with 5 or more testable backflow prevention assemblies, were required to maintain the following records. He said some of those records are going to be location type, the installation date, the size, and the degree of hazard for that backflow. Mr. Houston said that the cost will be to the customer and not the Town. He said typically residences don't have backflow devices, that's usually an individual issue, such as having an underground pool, funeral homes, commercial buildings, some churches, gas stations, restaurants, hair salons, schools, etc. Mr. Houston explained the process of how we will incorporate this cross connection ordinance. He said the state has mandated that all public water systems adhere to the cross connection policy. He said he and Mr. Cavanaugh will be available to help us with this if needed and that in order to enforce the policy, we will need to have an ordinance that stipulates the parameters of the policy. He said if the Town does not enforce it, we will be noncompliant as a water system and will be subject to penalties and violations from the State. There was some discussion about needing a

specific ORC that will be needed to make sure that the cross connection policy is being handled properly. He said the State understands that this will not happen overnight and will work with us, but they will mandate that we adhere to this requirement.

Action:

(1) Cross Connection Ordinance – Alderman Spivey

Mayor Flowers asked for a motion to adopt the Ordinance. Mayor Pro tem Artis made a motion to adopt the Cross-Connection Control Ordinance as Chapter 56 and to include the hold harmless control. Alderwoman Futrelle seconded it. All were in favor. Motion passed unanimously.

(2) P&P Developers of Wayne County’s request to develop a subdivision located off of E. NC 222 Hwy – Alderman Spivey

Mr. McAllister stated that he found some things that he addressed with the engineer concerning this project. The engineer has agreed to make the changes that Mr. McAllister has recommended. Mr. McAllister explained the changes to the Board and answered all questions the Board had. Mr. McAllister recommended that the Board approve the request with the conditions as stated and after review of the Home Owner’s Agreement to make sure it addresses the concerns of the septic system and the extra lot. Alderwoman Lewis made a motion to approve the request with the stipulations that are in the memorandum and with the copy of the written agreement concerning the empty lot and the septic tanks. Mayor Pro tem Artis made the second. All were in favor. Motion passed unanimously.

**(3) Civil Tek Engineering’s request to develop a minor subdivision at the corner of E. North St. and N. Sycamore St. – Alderman Spivey
(Minutes of Planning and Adjustment Board Meeting included)**

Mr. McAllister stated that when this originally came through it had 3 lots and he had a problem with the third lot, because it was non-conforming. He said the lot was not wide enough and it had a ditch that is a blue line stream and the engineer redrew the map to only have 2 lots. There was some discussion about that lot flooding. Mr. McAllister recommended that the Board approve the request. Alderman Spivey made a motion to approve the request. Alderman Ruffin seconded it. All were in favor. Motion passed unanimously.

(4) Customer’s Account – Alderman Spivey

Alderman Spivey referenced an email from the customer stating that she wanted to pay \$25 a month. He passed out a spreadsheet showing how long it will take to pay off the amount if the customer pays \$25 a month, which was 72 months or 6 years. He also gave an example if she paid \$150 a month, it would be paid off in 12 months, and if she paid \$300 a month, it would be paid off in 6 months. He said if we accept the \$25 a month payment, he feels it will be an accounting nightmare. He referenced the Town Ordinance, Chapter 52.36, Section A. He said that he is aware that the account holder wants to appear before the Board for an appeal, but to date there is nothing in writing in current Fremont ordinances regarding an appeal process of utility bills to the Board. He said it is to the Town Administrator and he referenced

Town Ordinance Chapter 52.35, Section E; item #4. He said a possible remedy is during the public comments portion of the monthly Town Board meeting. He said these are just suggestions and asked the Board what their thoughts were. Alderwoman Jones stated that she believed there was a meeting in March that referenced a \$25 per month agreement and according to the memo that all of them have before them there is something that says that the customer will pay \$25 per month per our previous discussion on March 21, 2023 for past billing error made by the Town, etc. She said that the \$25 was the amount that was discussed and as far as someone coming in recommending a \$150 per month, it is ludicrous. She said their bill runs anywhere from \$200 to \$300 a month and now you are going to ask someone to pay \$350 a month, which is \$150 a month back pay. Why is her question? Mrs. Daly stated that she never made an agreement for \$25 a month, nor did she say that the Board would agree to it. She said that when she mentioned that they needed to put something in writing, the customer did not want to do that, because she wanted to get a settlement. She said that at the last meeting Alderman Ruffin said that the customer needed to come before the Board to get a payment arrangement made. She said that she never agreed to a \$25 a month payment arrangement, and she would never agree to \$25 a month on that amount of money owed. Alderwoman Jones stated that there was a letter written by the former Town Administrator and Mr. Spivey that would have someone to believe that there was an agreement for \$25 a month. Mayor Pro tem Artis said that she does not remember the letter referring to an arrangement that was made by Mr. Spivey and the former Town Administrator. Mrs. Daly stated that the letter that was sent to the customer from the Town Administrator was sent back to us because the customer refused to sign for it and it is in the folder that Alderman Spivey has. Alderman Spivey showed the Board the returned letter. Alderwoman Jones searched her phone to try to find the letter that was sent to the Board, but was unable to find it. Mayor Flowers said that the question to the Board is if they are going to approve the \$25 per month.

(5) Town Administrator Position – Mayor Flowers

Mayor Flowers stated that we need to defer this item to Closed Session.

(6) National Day of Prayer – Alderwoman Jones

Alderwoman Jones stated that Pastor Moore spoke earlier asking for our support, attendance, and approval for National Day of Prayer which will be held on Thursday, May 4th at 6:00 p.m. at the Memorial Park. She said Pastor Moore stated that he will need electricity and she wasn't sure what other services that have been provided for the Christian Fellowship Alliance in the past, but he would like all of those services to be afforded to them. Mayor Pro tem Artis made a motion to make the necessary arrangements for the Christian Fellowship Alliance to hold their National Day of Prayer on Thursday, May 4th at 6:00 p.m. Alderwoman Futrelle seconded it. All were in favor. Motion passed unanimously.

(7) Cemetery Maintenance Position – Alderman Ruffin

Alderman Ruffin stated that they have been talking about issues at the cemeteries, such as the stones being chipped and hit. He said that he would like to hire someone

that can take care of our cemeteries. He said years ago they used to have someone who had a helper that all they did was take care of the cemeteries and they did not have issues with chipped headstones. He said he is suggesting to hire someone as a seasonal worker, not full-time. There was some discussion and the Mayor suggested that we defer this to a budget meeting to look at all of the needs of the Town. Alderman Ruffin stated that he has been talking about this for the last 60 days and he thinks we need to act on this. There was some discussion about what to do with the staff that is currently working in the cemeteries and Alderman Ruffin stated that he needs to be taken out of the cemeteries because that is why we are having the issues that we are having now. Alderman Spivey asked how will we pay for the salary and Alderman Ruffin said we will have to find the money. Alderwoman Jones made a motion to hire a person, per Alderman Ruffin's request, as a part-time, seasonal employee and the pay will be determined at a later date. Alderwoman Lewis seconded it. Five favored: Alderwoman Jones, Alderwoman Futrelle, Mayor Pro tem Artis, Alderman Ruffin, and Alderwoman Lewis. One Opposed: Alderman Spivey. Motion passed by majority.

(8) Daffodil Drop – Alderman Ruffin

Alderman Ruffin stated that Mt. Olive is doing a Pickle Drop and him, along with another Board member are supposed to get together with someone in Mt. Olive, next month, to see how we can put together a Daffodil Drop. Alderman Ruffin said that he would like to table it until next month.

Reports:

(1) Finance Report – Mrs. Nichols

Mrs. Nichols stated that the financial report was not in the agenda packet, because she was late getting it together, but she did have it for tonight. She gave her report:

- All bills are paid up to date.
- Our General Fund checking account has an average running balance of 1,5000,000.00 since March 1st.
- The following is the net income for March.
- The General Fund has a net income of 6403.49.
- The Fire Department has a net loss (14015.21).
- The Water and Sewer Department has a net income of 65326.10.
- The Electric Fund has a net income of 79865.14.
- Total income for March = 137579.52.
- There will be 15000.00 drafted out of our bank account on April 19th to go towards the loan of the oldest fire truck with USDA.

She stated that the cash trending report, the budget to actual report, and the checks that we cut for the month of March were in the handout that she gave the Board. She stated if the Board had any questions to let her know. Alderwoman Jones asked when was the date that we had to have a draft budget to the LGC and Alderman Spivey said May 16th. Alderwoman Jones asked are we going to get together and discuss the

preliminary budget before we send it to the LGC and Alderman Spivey said yes we will.

(2) Billing & Collections Report – Mrs. Daly

Mrs. Daly gave her report:

- 1. Billing & Collections:** The difference between what was billed versus what was collected is \$57,994.56. The amount owed to the Town at the end of March was \$68,937.22. The sewer is the only service that we did not collect what was billed. This is due to the Town of Eureka not paying their bill in March. They paid their bill on April 5th in the amount of \$62,448.33.
- 2. Vouchers:** There was \$1,585.58 owed to the Town for vouchers. The amount collected was \$982.61. The difference is \$602.97, which we will collect this month.
- 3. Budget Billing:** There was \$942.98 billed and \$895.00 collected. This is a month that bills were higher than what we collected. We collected \$47.98 less than what was billed. There will be months where the amount collected (set monthly amount) will be more than what was billed and months where the amount collected is less. The goal is that the account will be balanced by the end of the year.
- 4. Cut-offs:** There were a total of 10 cut-offs, which 6 were residence and 4 were businesses. As of today, all have been cut on except one resident, because they have moved.
- 5. Debt Setoff:** There was \$0 put into Debt Setoff from delinquent accounts for the month of December, and there was \$2,172.79 collected in the month of March. Accounts have to be 90 days delinquent before they can be put into Debt Setoff.
- 6. Arrangements:** There was a total of \$6,741.88 that was owed to the Town from arrangements and \$1,295.00 was collected, leaving a total of \$5,446.88 owed. This amount is the total owed from 6 accounts, which were 5 residents and 1 business.
- 7. Work Orders:** There were 5 connects and 4 disconnects for the month of March.

(3) Public Works Report – Alderman Spivey

Alderman Spivey stated that the repair work at the lift station started on Tuesday. He said that he is expecting a quote, tomorrow, for the two meters at Eureka. There was some discussion about the Town of Eureka's meters not working, and the grants that we are supposed to be getting,

(4) Police Report – Assistant Chief Bottoms

Assistant Chief Bottoms stated that there were no major incidents at the Daffodil Festival and it went very well. He said Easter and Spring Break went well with no major incidents. He said the part-time officer is now out of field training and working

on her own. He said he is talking with one of our reserve officers who is looking at wanting to start working part-time and will begin his field training this weekend.

(5) Cemetery Report – Mayor Pro tem Artis

Mayor Pro tem Artis stated that she will go over a few highlights on the cemetery report. She said that there are citizens that would like to sell back their plots to the Town and currently we do not have a buy-back policy. She said that there was a meeting on April 13th with herself and the staff, and it was determined that we would like to buy-back plots at a price of \$350 per plot. She asked the Board what they would like to do. There was some discussion about plots. She mentioned the paths in Elmwood Cemetery needed some work and Mr. Stanley said that we would need about 5 to 6 tons of crush and run and put screen in the potholes. She said Mr. Stanley recommended that we do this immediately because we have a severe problem. She said she met William Foster, at Elmwood Cemetery, who repairs cemetery stones and she got his business cards just in case we may need to use him. There was some discussion about ATVs in the cemetery and the procedure for transferring deeds. Mayor Pro tem Artis stated that in the past, she understood that there was only one person that was over selling plots and providing deeds to them. She said that during the meeting on April 13th, it was determined that we need some checks and balances to ensure things are being done properly. She pointed out that item #3 in her report shows how this has been accomplished.

Mayor Flowers stated that Mrs. Nichols could leave the meeting if she needed to.

Mrs. Nichols left the meeting.

Discussion:

(1) State of the Town Address – Alderwoman Jones

Alderwoman Jones stated that last year on the last Tuesday in June, we had a State of the Town Address and we are planning on having one at the same time this year. She said it will be June 27th at 6:00. She said last year it was held at Fremont Methodist Church and this year it will be held at St. James Church of Christ located on Memorial Church Road. She said we will have refreshments and they will put up signs around Town to make people aware of this event.

(2) Animal Control Ordinance – Alderwoman Jones

Alderwoman Jones said that there are some issues with dogs running loose in Town. She said that our Police Officers have asked to let them know when there is a problem and they have, but there seems to still be a problem and they don't know what to do. Mayor Flowers said that we do have a procedure and he believes it is the Police Officer contacting the owner of the dog. Assistant Chief Bottoms said that any complaints they get, they do follow up on them. He said they try to locate the dog and contact the owner. He said they do not have anywhere to keep the dog and Animal Control is short-staffed and is of little help at this time. He said that Animal Control are not responding after hours unless it is an emergency, so a dog running at large is

not an emergency. He said it is a problem with the officer, because if they cannot locate the owner, they cannot do anything. He said they legally cannot keep the dog, being that we do not have a facility for that, so this is a challenge. He said he has spoken with a lady that helps with re-writing ordinances and they are trying to bridge the relationships with Wayne County Animal Control and other agencies throughout Wayne County. Mayor Flowers suggested that we need to call the Police Department every time we see a dog lose. There was some discussion about the challenges that we are having with this issue. Mrs. Daly asked if we could start charging a citation every time a dog gets lose. Assistant Chief Bottoms said that we would need to check with our attorney.

(3) Fremont Stars Elementary School Donation – Alderman Spivey

Alderman Spivey stated that in the past we have donated to the Easter Egg Hunt and now we have a letter with several different ways to donate. There was some discussion about what we do for the school to include the Candy Cane Kids.

(4) Budget Workshop – Alderman Spivey

Alderman Spivey stated that we need a date to have a budget workshop. He said at the last meeting Mr. Harris, the accountant, stated that he has balanced the budget, but he doesn't see how he was able to do that. He said he would like him to be at the next budget workshop to explain it, because looking at the numbers, there is no way he could have done that. There was some discussion and it was determined that we will have a budget workshop on May 1st at 3:00. Alderman Spivey stated that at the budget workshop we can discuss the part-time seasonal position for the cemeteries and the donation to the school.

Information:

(1) Notes from March 10th Hearing

Customer Account:

Mayor Flowers said we need to continue the discussion about the customer account. Mayor Pro tem Artis said that Alderman Ruffin had suggested \$50 a month. Alderwoman Jones said that she does not know anyone's situation, and she guesses that is how the \$25 a month came about.

Recess:

Mayor Flowers called for a short recess.

Open Session:

Mayor Flowers stated that there is an email from Mrs. Harris stating that she will pay \$25 a month on the old balance on her account. He said the process now is for both sides to reach an agreement. He said it has been brought to the Board and during Open Session, Alderman Ruffin suggested that we agree to Mrs. Harris paying \$50 a month. He said the other issue is if there is no agreement made, the utilities will be cut off.

Alderwoman Jones said that we shouldn't cut off Mrs. Harris' utilities and we should move forward with accepting the \$25 a month on the outstanding balance, which occurred over several years and not on a current bill.

Mayor Flowers asked the Board if they were in agreement.

Alderwoman Jones asked if she was allowed to make a motion.

Mayor Flowers said I guess.

Alderwoman Jones made a motion that Mrs. Harris pay \$25 a month as stipulated in the written email to the Board. Alderman Ruffin seconded it. Mayor Pro tem Artis stated that we have been going over this for 6 months and we have tried to get Mrs. Harris to commit to an agreement. She asked what will happen if she decides not to pay one month. Alderman Spivey said the Town Ordinance covers that. Four Approved: Alderwoman Jones, Alderwoman Futrelle, Mayor Pro tem Artis, and Alderman Ruffin. Two Opposed: Alderman Spivey and Alderwoman Lewis.

Closed Session: Personnel - General Statute § 143-318.11(6)

Mayor Flowers asked for a motion to go into Closed Session for personnel. Alderman Spivey made the motion. Alderman Ruffin seconded it. All were in favor. Motion passed unanimously.

Open Session:

The meeting was opened to the public.

Motion to Close Regular Meeting:

Mayor Flowers asked for a motion to adjourn. Alderman Spivey made the motion. Alderwoman Lewis seconded it. All were in favor. Motion passed unanimously.

The meeting ended at 9:40 p.m.

Encouraging Quote: "People will throw stones at you. Don't throw them back! Collect and build an empire."– Unknown

W. Darron Flowers, Mayor

Shannon L. Daly, Town Clerk