



Town of Green Level Regular Meeting
Green Level Municipal Building
Thursday, December 14, 2017

The regularly scheduled meeting of the Town of Green Level Council was held on Thursday, December 14, 2017 at 7:00PM in the Green Level Municipal Building located at 2510 Green Level Church Road.

GOVERNING BODY MEMBERS PRESENT: Mayor Remonia Enoch, Council Woman Carissa Graves-Henry, Council Member Theodore Howard, Council Member Michael Trollinger and Council Member Richard Woods.

GREEN LEVEL STAFF PRESENT: Town Administrator Michael Douglas and Town Clerk Sandra McCollum.

GREEN LEVEL TOWN ATTORNEY PRESENT: Marissa West.

Mayor Enoch called the meeting to order, Council Member Trollinger gave the invocation.

Mayor Enoch asked if anything needed to be changes to the Consent Agenda.

The Administrator requested to change #5 Swearing in of Elected Officials to Organizational Meeting.

The Mayor asked for a motion, Pro Tem Graves-Henry made the motion to change #5 to Organizational Meeting, seconded by Council Member Woods. The Mayor asked for a show of hands. The motion carried unanimously. (5-0)

Mayor Enoch asked for a motion to approve the October 12, 2017 minutes. Pro Tem Graves-Henry made the motion, seconded by Council Member Trollinger. The Mayor asked for a show of hands. The motion carried unanimously. (5-0)

Public Comment

No one spoke.

Organizational Meeting (Swearing in of Elected Officials):

Council Woman Graves-Henry and Council Member Michael Trollinger was given the oath by the Town Clerk.

The Mayor asked for a nomination form the Mayor's position. Council Woman Graves-Henry made the nomination for Mayor Remonia Enoch for the Mayor's position. Council Member Woods made the nomination for Council Member Trollinger for the Mayor's position. Council Member Trollinger nominated Mayor Enoch to remain the Mayor. Mayor Enoch accepted the nomination, Council Member Trollinger accepted the nomination. Mayor Enoch asked for a show of hands for Mayor Enoch for Mayor Enoch:

1. Council Woman Graves-Henry
2. Council Member Trollinger
3. Mayor Enoch

The Mayor asked for a show of hands for Council Member Trollinger for the Mayor's position:

1. Council Member Woods
2. Council Member Trollinger

Mayor Remonia Enoch remains the Mayor.

The Mayor asked for a nomination form the Mayor Pro Tem's position. Mayor Enoch made the nomination for Council Woman Graves-Henry for Mayor Pro Tem. Council Member Trollinger nominated Council Woman Graves-Henry to remain Mayor Pro Tem. There were no other nominations for the Mayor Pro Tem position.

The Mayor asked for a show of hands for Council Member Graves-Henry:
The motion carried unanimously. (5-0)

Council Woman Graves-Henry will remain the Mayor Pro Tem.

New Business:

Town Administrator Updates

Sewer Financing (Otter Creek and Florence Road Pump Stations Replacement)

The Administrator stated that he sent the sewer project out for bids and only received two bids. The NC General Statues states that the bid has to be resubmitted. The Administrator presented the Council with information submitted by BB&T. The rate to be financed will be \$1,304,600.00. BB&T offers the tax-exempt fixed rate options:

Option A: 3.73% which is not subject to change due to changes in the federal corporate income tax rate.

Option B: 3.00% which is subject to change, until the final maturity date, based upon changes in

the federal corporate income tax rate as described below:

If at any time the date hereof there should be any decline in the maximum marginal rate of federal income tax applicable to the taxable income of BB&T, its successors or assigns (“BB&T Tax Rate”), as a result of any change in law, rule, regulation or other action by appropriate federal government authorities; then, the interest rate stated under **Option B** above will be adjusted to preserve BB&T’s after tax return.

Payments shall be annual, or as requested.

If necessary, the financing proceeds shall be deposited on behalf of the Town in a project fund a fund account with Branch Banking & Trust. Earnings on the project fund shall accrue to the benefits of the Town for use on Project costs or interest payment.

The interest rate stated above is valid for a closing not later than **January 31, 2018**. Closing is contingent upon completing documentation acceptable to BB&T and upon the equipment.

The Administrator explained to the Council what the interest rate may drop to and he recommended doing the 3.73% rate that will be over 15 years at an annual fee of \$117,000.

The Administrator stated that PNC Bank is the other bank that submitted a bid. The rate is 3.95% over a 15 year time period and that rate will not change. They also have an ordinate fee of \$7,500.00 at an annual fee of \$129,000.

The Administrator made a recommendation to the Council to allow BB&T to finance the sewer project for Otter Creek and Florence Road.

The Mayor asked for Council discussion. Pro Tem Graves-Henry stated that she would like to use BB&T for the financing because the Town will have longer for the payback. Council Member Howard asked if he was asking for a vote to approve this amount to with BB&T and he said he was thinking that the Administrator was going to get the quotes in so the Council will know the actual cost was going to be. The Administrator replied that the actual cost is not yet determined, but this is for no more than \$1,304,600.00. It will not go higher than that. If it goes higher then he will have to come back to the Council to request additional funds and he said that he does not anticipate on doing that. There were no other questions or comments from the Council Members.

The Mayor asked for a motion. Pro Tem Graves-Henry made a motion to go with BB&T to finance the upgrades for the pump stations with Option A, seconded by Council Member Woods. The Mayor asked for a show of hands:

1. Mayor Enoch – yes
2. Pro Tem Graves – yes
3. Council Member Trollinger - yes
4. Council Member Woods - yes
5. Council Member Howard - no

The Administrator read the resolution.

Resolution Approving Financing Terms for Upgrades to Otter Creek and Florence Rd Pump Stations

Resolution Approving Financing Terms

WHEREAS: The Town of Green Level has previously determined to undertake a project for the financing of Pump Station Upgrades, (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. Green Level hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal November 29, 2017. The amount financed shall not exceed \$1,304,600.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.73%, and the financing term shall not exceed 15 years.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of Green Level are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Green Level officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. Green Level shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. Green Level hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. Green Level intends that the adoption of this resolution will be a declaration of Green Level's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. Green Level intends that funds that have been advanced, or that may be advanced, from the Green Level's general fund, or any other Green Level fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Green Level officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 14th day of December, 2017.

The Administrator asked the Council to vote on this resolution so the Town will be able to receive the reimbursements owed to the Town. The Mayor asked for a motion. Pro Tem Graves-Henry made the motion to approve the Resolution Approving Financing Terms for Upgrades to Otter Creek and Florence Rd Pump Stations, seconded by Council Member Woods. The Mayor asked for a show of hands:

1. Mayor Enoch – yes
2. Pro Tem Graves – yes
3. Council Member Trollinger - yes
4. Council Member Woods – yes
5. Council Member Howard – no

The Administrator read a RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20. He said this resolution is important pertaining to #6.

The increase in taxes necessary to meet the sums to fall due under the proposed contract will be 0 cents per \$100 valuation and is not deemed to be excessive.

The Mayor asked for a motion. Council Member Trollinger made the motion to accept the resolution that the Town will not have to a tax increase to LBC, seconded by Council Member Woods. The Mayor a for a show of hands:

1. Mayor Enoch – yes
2. Pro Tem Graves – yes
3. Council Member Trollinger - yes
4. Council Member Woods – yes
5. Council Member Howard – no

Riparian Buffer Protection Ordinance:

The Administrator stated that this ordinance was adopted on November 4, 2010 and revised December 14, 2017. The Administrator stated that there has been some modification to this ordinance. On page 2 section 7 #3: For the purpose of this Ordinance, a surface water is defined as being present if the feature is approximately shown on any of the following:
Page 4 #e. Projects that have a vested right per NC GS 160A-385.1. Page 16, Utility, electric, aerial, other than perpendicular crossings * Impacts in Zone Two * Impacts in Zone One is marked exempt. The Administrator stated that Alley, Williams, Carman, & King has been doing the Town's Buffer Ordinances since 2010.

The Administrator asked the Council for a vote for the Riparian Buffer Protection Ordinance.

The Mayor asked for a motion for a vote. Pro Tem Graves-Henry asked for a vote to approve the Ordinance, seconded by Council Member Trollinger. The Mayor asked for a show of hands. The motion carried unanimously. (5-0)

Fraud Audit Questionnaire:

The Administrator stated that the 2017-2018 Audit is in the process of being completed and this fraud questionnaire is needed to be completed by each Council Member.

Town Clerk Reports:

The Clerk stated that she had complaints about the Town not being clean. The Clerk asked if a line could be placed down Anderson Rd. to keep drivers from driving in the middle of the street. Council Member Woods stated that a line is also needed on James Boswell Rd. The Clerk continued to say that there has been complaints about the poor service that Republic Waste is doing for the Town. Council Member Trollinger asked the Administrator if the contract could be renegotiated. The Administrator replied no. The Clerk had other concerns on the daily operations of the Town. The Mayor replied that a better job needed to be done.

Town Attorney Updates

Attorney West stated that she reviewed documents for the New Town Hall.

Council Discussion

Council Member Woods asked the Administrator if he could contact the State and ask if stop lights could be placed on Hwy. 49 because the Town has Bedford Hills and he does not want to see someone else get killed on Hwy. 49. He said he knows that DOT is not going to lower the speed limit.

Pro Tem Graves-Henry thanked everyone for the votes she received. She said she has enjoyed serving and she read a statement about voting.

Council Member Trollinger stated that it is an honor to sit in his seat. He said his prayer for 2018 that every decision made among this Council and residents of this Town that the Council will be respectful and courteous with times to agree to disagree. He said if a Town representative Council Member, is to go out into the Town and talk to people about issue, he hopes that that the Council Member will have enough respect as well as for the Town Staff and Administrator that the Council will direct the question to them so they can give factual information. He said sometimes things need to be told and somethings will have to be investigated. He said his integrity is the only thing that he will take with him and he works very hard for his integrity. He said there are residents in this Town that said this Council Members are crooks and take kickbacks based on information they have been given. He said that he respects every Council Member and they do not do this for money, but because they love the Town. He said he hopes that the Council Members will help him protect his integrity because he will protect their integrity when something is said that is not true.

Council Member Howard, no comments.

The Mayor stated that she has enjoyed serving as Mayor for the Town. She said she has tried hard to do her best and to serve honorably. She said she has also encountered some obstacles. She said she knows there has been some talk about the New Town Hall cost and the Town not needing one. She said there is a great need for a Town Hall and this has been talked about since 2014 when the Mayor was Mayor Larry

McCollum. She said that somethings were said in the Town that is not correct and this needs to be corrected. She read the minutes: “The Council was in agreement that a new building is needed and the numbers will have to be looked at along with talking to Bobby Massey, Town Accountant, the Council was in agreement”. She said at the time the Council was Mayor Larry McCollum. Pro Tem Michael Trollinger, Council Woman Remonia Enoch, Council Woman Graves-Henry and Council Member Theodore Howard. She said on February 12, 2014, the Council talked about a preliminary concept for a New Town Hall. The Administrator stated that he was negotiating with a firm, Stonewall Construction. He said that this is the only firm that has been proactive in working with him. He said he contacted Carolina Building with no avail concerning the project. Mayor Enoch stated that the contractors did not want to do a small project. She continued to read that a proposal was sent from Stonewall Construction for budgeting purposes only. A detailed breakdown of work associated with each building was presented. The cost of the Town Hall building was to be \$362,455. The cost for a multipurpose building was to be \$341,000. This cost would have excluded landscaping, data, security system, fire alarm, unsuitable soil removable, rock removable or any item not mentioned in the scope of work. There would have been a saving if the buildings are built at the same time. The Mayor continued to say if the two cost were combined, it would have been close to a million dollars. This cost did not include anything but two empty buildings. She read minutes at another February meeting; “the Administrator stated that he had been working with Daniel Gerald trying to find some Green Grants”. She continued to say that Council Member Trollinger came to the Council with a proposal from Central Builders for a Town Hall, a metal building, at a cost of \$600,000. She read minutes from the December 13, 2014 meeting; “the Administrator stated that he is negotiating for a New Town Hall”. She said she thinks the Council has been good stewards trying to get a Town Hall to be a brick building.

She said that she is going to piggyback on what Council Member Trollinger said, when you go out into the community and talk about what is going on in the community, make sure you take the facts and the whole story what the Council is doing and know what you are talking about. She said if you want to know what the Council is doing, come out to the meetings. She said no one is putting anything in their pockets only trying to make a better place to live.

There being no further business.

The Mayor asked for a motion to adjourn the meeting. The motion was made by Council Member Trollinger, seconded by Council Member Woods. The motion carried unanimously. (5-0)

Rmonia Enoch, Mayor

ATTEST: Sandra McCollum, Town Clerk