



Town of Green Level Regular Meeting

**Green Level Municipal Building
Thursday, January 11, 2018**

The regularly scheduled meeting of the Town of Green Level Council was held on Thursday, January 11, 2018 at 7:00 PM in the Green Level Municipal Building located at 2510 Green Level Church Road.

GOVERNING BODY MEMBERS PRESENT: Mayor Reмония Enoch, Mayor Pro Tem 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 there needed to be any changes to the Consent Agenda. There were none.

The Mayor asked for a motion to accept the Consent Agenda, Council Member Trollinger, seconded by Pro Tem Graves-Henry. The motion carried unanimously. (5-0)

Mayor Enoch asked for a motion to approve the November 9, 2017 minutes. Council Member Trollinger made the motion, seconded by Pro Tem Graves-Henry. The motion carried unanimously. (5-0)

Mayor Enoch asked for a motion to approve the November 16, 2017 Call Meeting minutes. Council Member Trollinger made the motion, seconded by Pro Tem Graves-Henry. The motion carried unanimously. (5-0)

Public Comment

No one spoke.

New Business:

Administrator Reports

Audit Presentation

The Administrator introduced Mr. Tony Brewer, Eddie Carrick, CPA, PC, to give the presentation of the audit report for the fiscal year July 2016 to June 2017 to the Council. Mr. Brewer thanked the Council for allowing his firm to do the audit. He stated that on page #1 is the Audit Opinion. The Town of Green Level received an unqualified, clean opinion. That's the best opinion that can be received. He stated that was based on the finances, with the books and records of the Town of Green Level as of June 30, 2017. He continued to say that on page #3 is the Management's Discussion and Analysis and is written in more of a layman's terms. This tells where the Town is going and where it has been. This is a good place to give the residents. Mr. Brewer talked about page #45 and said the General Fund had a good year, in 2017. He continued to say that the Water & Sewer had a good year, in 2017.

Public Safety Training Facility

The Administrator presented the Council with information concerning the ACC Training Facility. He stated that the facility will cost 10.4 million dollars with three ranges. A rifle range and two extended ranges. The ranges will be inside the facility. The Administrator presented the Council with a copy of the Modular Range. He stated that this building will also be used for EMS, fire training and police organizations in Alamance County.

The Administrator made a recommendation to have a public hearing on January 25, 2018 at 7:00 PM and another one on February 8, 2018 at the regular meeting. The Council agreed.

The Mayor stated that the community needs to have an input. Council Member Woods asked if ACC is going to put in the water and sewer. The Administrator said that this will be a volunteer annexation of the property within the Town. The Town will not be able to tax the buildings because ACC will be the custodian of the building and the Town cannot tax schools. If the land is donated to ACC then the Town will not receive any taxes. If the land is lease from Martin Marietta then, the Town will receive \$9,000 per year in taxes for the land.

Council Member Trollinger stated that the range on 49 has been there for 14 or 15 and years they have never had anything to escape that facility. He said that the walls are lined with steel. He said this facility that ACC is going to have is more of a state of art. Council Member Trollinger stated that where this facility is located, you would be more likely to be hit by lightning than hit by a bullet.

The Council was in agreement to hold a public hearing.

Annexation of Bedford Hills III

The Administrator stated that the Council has authorized Bedford Hills to add the additional houses. He said the ordinance is to annex the houses into Green Level:

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF GREEN LEVEL, NORTH CAROLINA**

WHEREAS the Town Council has petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Green Level Town Hall at 7:00pm on January 11, 2018, and

WHEREAS the Town Council finds the petition meets the requirements of G.S. 160A-21;

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Green Level, North Carolina adopts the annexation of:

BEING all of that certain tract or parcel of land containing 6.26 acres, more or less (including 5.75 acres, more or less, located outside the right of way for Mebane Rogers Road, and 0.51 acres, more or less, located within the right of way for Mebane Rogers Road), as shown on that certain plat of survey entitled FINAL PLAT FOR RECOMINATION FOR GREEN LEVEL GROUP. LLC recorded in Plat Book 77, Pages 277 and 278, Alamance County Registry, reference to which plat of survey is hereby made for a more particular description; together with any and all improvements located thereon and any and all easements, privileges, and right to appurtenant thereto,

The above described tract or parcel of land is a part of Lot 4 as shown on that certain plat of survey recorded in Plat Book 23, Page 82, Alamance County Registry, conveyed to Grantor by North Carolina General Warranty Deed dated October 5, 2010 and recorded in Book 2590, Page 338, Alamance County Registry,

The above-described tract or parcel of land was acquired by Grantor by instrument in Book 2590, Page 338, Alamance County Registry,

Upon and after January 11, 2018 the above described property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Green Level and shall be entitled to the same privileges and benefits as other parts of the Town of Green Level. Said property shall be subject to municipal taxes according to G.S. 160A-58. 10

The Mayor of the Town of Green Level shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of the State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with duly certified copy of this ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Remonia Enoch, Mayor

ATTEST: Sandra McCollum, Town Clerk

Marissa West, Town Attorney

Municipal SEAL

The Mayor asked for a motion. Pro Tem Graves made a motion to approve the ordinance to approve the annexation of Bedford Hills III, seconded by Council Member Woods. The Mayor asked for a show of hands: Mayor Enoch – yes Council Member Woods - yes
Pro Tem Graves-Henry – yes Council Member Howard – no
Council Member Trollinger – yes

New Town Hall Financing

The Administrator stated that the financing for the new Town expired on January 6, 2018 so new terms had to be updated. The tax rates moved from 2.45% to 3.18%. The Administrator stated that this is the only change and is asking for approval from the Council the financing with BB&T in the amount of \$1,147,900 not to exceed 3.18%. Council Member Trollinger asked what is the different in the dollar amount. The Administrator answered \$6,445.00 for the life of the loan. The Mayor asked why the rate changed. The Administrator replied that the Town’s finances from the Town Accountant was not given to the Town’s Auditor in time of the deadline which was missed by two days. The Accountant firm knew that the audit was due by GS and was not done. The Administrator stated that he will look for other Accountant firms.

The Mayor asked if the Council is in agreement show hands:
Mayor Enoch – yes Council Member Woods - yes
Pro Tem Graves-Henry – yes Council Member Howard – yes
Council Member Trollinger – yes

Resolution # 2017-12

Resolution Approving Financing Terms

WHEREAS: The Town of Green Level, (the “Town”) has previously determined to undertake a project for the interim financing of the town hall project, (the “Project”), and the Town Administrator has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated October 23, 2017 and Addendums dated November

17, 2017 and December 21, 2017. The amount financed shall not exceed \$1,147,900.00, the annual interest rate shall not exceed 3.18%, and the financing term shall not exceed eighteen (18) months from closing.

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 the Town 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. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer 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 Officer is authorized to approve changes to any Financing Documents previously signed by Town 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 Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town 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. The Town 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. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town 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 ___11th___ day of ___January___, 2018.

Mayor_____

Town Clerk_____

SEAL

The Administrator asked for approval to use the new rate and term from BB&T. The Mayor asked for a motion. Council Member Trollinger made the motion to accept the new terms for the New Town Hall, seconded by Pro Tem Graves-Henry. The Mayor asked for a show of hands:

Mayor Enoch – yes

Pro Tem Graves-Henry – yes

Council Member Trollinger – yes

Council Member Woods - no

Council Member Howard – no

Council Retreat

The Administrator stated he had a meeting with one of the professor's at the School of Government for holding a retreat for the Council. There are two dates available, March 3 or March 17 at 9:00 AM to 4:00 PM. He said that he is asking the Council to choose one of the dates. The retreat is not mandatory. Council Member Trollinger and Pro Tem Graves-Henry stated that the 17th would be good for them and Council Member Woods and Council Member Howard stated that they will be available either date. The Mayor stated that she is available as long as everyone will be in attendance. The Administrator stated that this is important because fee will be \$2,000.

Otter Creek/Florance Rd. Pump Station UpGrades

The Administrator reported that there were four company that came out for the bid. The lowest bid was from TA Loving Company with a bid of \$1,223,700. The Administrator recommended using TA Loving Company.

The Mayor asked for a motion, Council Member Trollinger made the motion to accept TA Loving Company with the bid of \$1,223,700, seconded by Council Member Woods. The Mayor asked for a show of hands:

Mayor Enoch – yes

Pro Tem Graves-Henry – yes

Council Member Trollinger – yes

Council Member Woods - yes

Council Member Howard – no

Alamance/Burlington School Crisis

The Administrator introduced Auriel Cowan, Green Level Deputy Clerk, to give the Council information concerning the schools in Alamance County.

Council Discussion

Marissa West, Town Attorney, said it was brought to her attention that some of the Council Members are not happy with the actions of Council Member Howard. She said some of the things brought to her attention was that Council Member Howard have been going out into the community claiming that other Council Members or the Town is being dishonest or accused other Council Members of acts that are illegal or immoral. Council Member Howard also has contacted USD, who is providing the loan for the Town Hall and stated to them, in his capacity as a Council Member, that the information given to them was one of the things that has to certify to them is whether the Town has pending legalization with untrue. She continued say what was told to her he was trying to get them to

resist the loan, not loan the Town the money. And also, mis-representing things for the Town, trying to get quotes on projects that need to be publicly bid. She said she was contacted as the Town Attorney and given these concerns and asked what actions can be taken if the Council Members are not happy with the action of a Council Member and the main action that can be taken is a resolution for a censor. She said it does not have a legal effect but, what a resolution censor does is if Council Members want to take that action, it says we are not happy, this is wrong and don't do it again, like a public reprimand. She said that was the information passed to her and was asked to draft a propose resolution for censor if the Town Council wants to do this.

The Mayor thanked the Attorney and asked for Council discussion. Council Member Woods stated that he does not have anything to say. Council Member Trollinger said that my question would be since Mr. Howard was censored in 2016 or 2017 and it says that the censor is to allow Mr. Howard to know that there are members of the Council that is not satisfy or approve of his action. He said if Mr. Howard has already been censored for this type of behavior that the Attorney have spoken of in her letter, what good does the censor do, he has been censored once before and we voted for a resolution to censored him again. Like you said it's like a public slap on the hand, what is to stop that behavior?

The Attorney replied it would be just a slap on the hand since this is what a censor is, a public reprimand and put it out there that the Board does not approve of this action and that the Town Council has a commitment to correct information and that you disapprove of that being done. The Attorney stated that there are a few of other actions, but they have not been widely used. "Amiton" was over turned in court but the concept of using it was upheld in 2013, before that had not been used before the turn of the century and that was down near Wilmington. She said that the other is the legislative, these elective officials are elective by the people it is a harder process.

Pro Tem Graves-Henry said that she understands the censor but previously when Mr. Howard was given an opportunity to reply and he did not reply then. She said are we allowed to ask for a reply for the things that are alleged? The Attorney replied yes because this is Council discussion.

Council Member Howard thanked Pro Tem Graves-Henry and said this is nonsense. Council Member Howard said to the Attorney that what you read out, he would like to have a copy of it. He said I said it then and I am is saying it now, he asked a question what is legal and what is not legal to various entities that I talk with. He said they are looking into it and will get back with their findings. He said to the Attorney that what I am hearing know is that you have not read out conclusion that any of the entities are USDA or wherever for them to come back and say a compliant come in from Mr. Howard, ext. He continued to say bids are a compliant that I can prove that was illegal according to many work act, a document you sent me that did not substantiate that when I asked you to email that to me. He continued to say I was more or less saying that what you said they wrote up and gave to you to bring to this meeting. He continued to say who ever is out there in the street they need to be here. He said if I went to somebody and they approve me talking to them about anything, that's their business they could have told me and I would have said this conversation ended. But as far as bringing in something with no witness here or either from USDA, what they said, and that's why I want a copy what you presented tonight, and we will take it from there. As far as Council Member Trollinger said earlier, what happen back in 2016 or 2017, the first time you all came with this, you were contacted since you came on board to present the records that you never had according to my knowledge,

responded to the Attorney and I think this is awful for you to be sitting it tonight to try bring out something new that you have not taken care of what was old, and that have not gone away and I am hearing different bits and pieces from different ones, I thought that this was over with. That's still pending, let's get through that first phase and see what happen there before you start looking into something else. And what else you are looking into, it's all about me asking questions and saying my opinion or it appears to be and you can't do nothing with that. And as far as whoever hands it falls into to do the investigation, they will do the investigation and find that is it feasible or true or whatever, then they will take it from there and the evidence will fall where it may.

The Administrator asked the Mayor if he could ask a question. The Mayor replied yes. The Administrator asked Council Member Howard did you contact USDA and speak to Mr. Allen Hart and said that there is a pending litigation within the Town of Green Level? Council Member Howard replied that there is a pending investigation. Its two phases here, you got in there what Mr. Hart is talking about, there is not a suite yet filed, the investigation have never ended. The Administrator stated that the investigation is different from the litigation. Council Member Howard said that he did not say it was. The Administrator said that the document that was going to be signed by our Attorney said there is no pending litigation. So I am asking a specific question, the document that has to be signed, does not have anything to do with investigation, its litigation, you just said two different things. So, being that's two different things, did you say with yes or no that's pending litigation against the Town of Green Level and the document that the Attorney signed was false? Council Member Howard replied that I do not know of a document the Attorney signed. What you are saying it's a back page to what I am hearing you say and I am not at liberty to answer that.

The Mayor said Mr. Howard, the reason the Attorney was asked to do that because as a Council for the Town of Green Level, we are trying to work together for the betterment of the Town, and our goal is to do the best job we possible can do for the Town. We were hoping to come together to find out what the problem is and why a member of the Council would go to the USDA with untrue information that could possibly be detrimental to what we are trying to do for the Town. And that information that they came back to you with was untrue, so that was why we reached out to our Attorney to clarify so that we can clear up and make everybody is on the same page. Because we want to move forward and everyone understand that is our goal. The information that the Attorney read out is the information that was given to us. We hope you will come forward and work with us. The Council can make a decision on how they want to move forward with this.

Council Member Howard said that he would like to say he cannot dispute what she said, the only thing he said was that he would like to have a copy. He continued to say that he would like to be able to prove anything that he said what is illegal or what was not and that is my priority. He said if I have that opportunity Then that make me be a failure. But whatever I complain about and it is true then it's the truth. He said we can move on and have the record crystal clear about it.

The Mayor said I think we have been crystal clear Mr. Howard. When the Attorney came to the Town and asked for the information we gave him the information he asked the Town for, the Town does not have any litigation against it.

Mr. Howard said he is not talking about the Attorney in 2016, he is talking now. He asked who

is familiar with the Mini-Brooks Act. He said this is a statute that you cannot hire an engineer or architect to do work for a municipality without taking bids if their price is over \$50,000. If it is under \$50,000 the Administrator can hire an architect or engineer without putting it out to bid. He said this is why he did not vote on the sewer project because the engineer that you hired was \$145,000 you did not get bids on that and Mr. McConnell engineer price was \$89,640.

The Administrator said that is not true sir. The price for two different companies. We combined the two for professional services. The Administrator Young Architect is owned by Joseph Young. Mr. MacConnell owns MacConnell Associates. Mr. MacConnell is receiving \$40,000 or \$48,000 and Mr. Young is receiving the rest. We combined them to save space. Council Member Howard said I caught one price and I see what the split is. The Administrator stated that I will show you a receipt. Council Member Howard said what about the other engineers?

The Mayor said this is what I am saying. When we have Council discussion, I ask each Council Member and you Mr. Howard do not have anything to say. She said you will not give input but you will come back and you try to catch people in things, not being a part of the team. She said you have the information because you have studied it so you can say hey I caught you, I got this. She said you can be a wealth of information but you do not want to give it to us. She said if you would be a part of the team then we can move forward, that is my opinion and I have a right to my opinion. She said you want hold on and be negative. We are going to move on with or with you.

Council Member Trollinger stated I hope this will bring us together instead of pulling us apart. He said this has been a struggle for the last eight years He said it looks like it's been a rip on this Council. He said that the people that elected us elected us to work for the betterment of the Town and not to make it seems like it is about us and the fighting. He said Mr. Howard you said something that I had never heard of. He said Mr. Howard this could have been some value information with the Mini-Brooks Act. What if you would have said to the Town Administrator, Town Attorney, or the Mayor, I have been doing some research on the Mini-Brooks Act and I feel like the Town is about to go into error, versus waiting until a vote is taken. This Council voted 3-2 to go forward with USDA with the Town Hall, I have no problem with how anybody vote. The majority rules. The why this government rules is once a vote is taken that is the decision. He said based on statements you made to USDA about litigation, we could have lost that funding. It would have been better if you work with the other members of this Council, you took an oath to serve this Town. If you have valuable information, bring it to the Council. But when one member of an organization causes harm to the rest of the organization by their actions, whether those actions are intentions and for the betterment or improvement or hindrance, it makes us all look we do not know what we are doing about the business of the Town. I would rather be on board with you than against you. My heart tells me that your intentions were probable good, it was how you went about it.

Council Member Howard said I have approached Mr. Douglas, I have approached you early on when this came about. I came to you and said I do not recall us voting in the meeting for bids for the engineers and you said, no! You did not give any information on documents on is why you did have stipulation. If you had given that to me, as you are talking tonight, Mr. Howard we are going to split this I would have said this not to one person, that we are in our guild line, I am just hearing this tonight what she read out, I would not dare go elsewhere, I would have come to you first. But when I think you are going to send me out in left field I got to follow up.

The Administrator said Mr. Howard I have given you every information you have asked me for except one and that was when you ask me to give you the dollar amount as a private citizen, how much Otter Creek water bill. He said I have no problems you asking me question, but if you ask me a direct question I will give you a direct answer. Your question was do we have to bid it out and your answer was no. I do not give extra information that is how I am taught to do. I answered your question no. I have no problem giving you the information if you request if you ask me to break out every single piece dollar amount we paid out to the engineers I will give you that because you are a Council Member you have a right to know that inside these chambers. But I am not going to sit it and allow you to sit there and accuse me of lying to you not giving you information and sending you out in left field. One thing you will know that I am not going to lie to. You ask me if that Town Hall would to be bid out and I said no. I knew the reason why. I look at the finances. Do not try to use be as bargain chip or a butt hole in whatever you are trying to do I want to work for the Council and Green Level. We are going to move forward with five Council Members. I am encourage you if you have questions, bring it up in Council Meeting and I will glad to answer those questions in Council Meeting. So, I am saying only two people knew about the act brought up, you and me. If you had brought this up in Council Meeting everyone could have and they could have done their own research, I could have said this man is right.

Council Member Howard said I brought you information in the meeting about what is going on in Bedford Hills the setbacks. I could have gone elsewhere. I brought this to you.

Pro Tem Graves-Henry said that I wanted to hear what you had to say and I also understand why it was brought forward. Sometimes it seems that there is a sabotage the information. I think the concern as a Council Member to work together. We want to work with us instead of trying to find out what is wrong. We want to know about. She said that things that are said in the community is saying that you said it and it is not true. She said you have your right and opinion when you vote. As Mr. Trollinger said when the vote is final if something is truly wrong, then bring it to Mr. Douglas or the Mayor. You cannot tell the community what is or not law.

Council Member Trollinger said some years ago when I came on Council I thought that we as Council Members could not go out and ask about bids that have been authorized by the Council or Mayor. He said I think what we agree, what we do as private citizens we do a private citizens and not as not recognizing ourselves as Council Members. I thought we took as gentlemen and ladies an agreement as this Council that if we had any questions or concerns, we would direct them to our Administrator she or he who it may be at the time, to direct these question to the Administrator and the Administrator would direct the questions to keep down the cost and not the Council Members. He said I think if you could hold to that we would be in standards.

Council Member Howard said the only thing wrong with that statement is that was regards with a Council Member going out to represent the other Council Members in the way of promoting something in that matter. I has nothing to do with a Council Member wanting to make a complaint about something. He said I have rights also, I took an oath if my oath is in violation, I do not have to sit with my mouth zipped and can't talk. That is belittling me. You can say what you want as long as you are telling the truth.

The Mayor asked the Council if you wanted to take any action for the censoring because personally I am done with this. All Council Members said they are done. The Mayor thanked the Attorney For her help.

Town Attorney Updates:

The Attorney had no updates or reports.

Town Council Comments:

Council Member Woods, no comments.

Pro Tem Graves-Henry, no comments

Council Member Trollinger thanked Public Works Department for the good job they did when the snow storm came to make the streets safe.

Council Member Howard, no comments.

The Mayor thanked everyone for coming out. The Mayor asked the Administrator if there were any damage during the snow storm. The Administrator replied that the concrete at the women bathroom at the Park, cracked and the door cannot be opened. This will have to be repaired. The Mayor asked if the Park is in use during the weather months and who is checking the Park? The Administrator replied that Parks and Rec. is responsible for the Park. The Mayor asked if any hiring going to be? The Administrator said that Jay sent the advertising and will start hiring in the spring. The Mayor said that going into the New Year, she would like more information about what is going on and the Town need to hire more people.

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)

Remonia Enoch, Mayor

ATTEST: Sandra McCollum, Town Clerk