

**MINUTES OF THE WHITSETT TOWN COUNCIL**  
**May 11, 2010**  
**Whitsett Town Hall Building**

**REGULAR COUNCIL MEETING**

The regular meeting of the Whitsett Town Council was held at 7:00 p.m., Tuesday, May 11, 2010, at the Whitsett Town Hall. The following members of the Town Council were present: Mayor Richard Fennell, Mayor Pro Tem Andy Brown, Council members Jerry Rice, Cindy Wheeler, and Lee Greeson. Also present were Town Administrator Gary Deal, two members of the media, and 4 citizens. Absent was Planning Board Chairman Bob Maccia.

Mayor Fennell called the Council meeting to order at 7:00 p.m., and noted that a quorum was present. Council member Jerry Rice offered the invocation.

**SPEAKERS FROM THE FLOOR**

Mayor Fennell asked for any speakers from the floor; and Delton Agnor of 268 Brightwood Church Road was recognized and invited to the floor. He stated that he had a couple questions with regard to the process used in selecting the firm of Benchmark CMR, Inc. to provide administrative services to the Town in overseeing the installation of water lines using the Community Development Block Grant (CDBG) funds.

Agnor explained that the April minutes he had in hand, the Town-adopted procurement policy, and the referenced 24 Code of Federal Regulations (CFR) Part 85, to a degree, explained the steps followed; but, he wanted to hear more on how the Town justified awarding a contract with a proposed bid of \$21,000 more than the lower bidder who submitted a \$48,452 proposal.

Mayor Fennell first stated that the Town had followed the procurement guidelines presented by the State grant representative from CDBG, and the Town having had no experience in dealing with any kind of grant, made all efforts to follow the policies and procedures explicitly. Mayor Fennell further explained that federally-funded grants allow 12% of the total grant level, which in this case is \$750,000, to be allocated for administrative services.

Benchmark's proposal of \$70,000 was 9.3%—lower than maximum allowed. When the proposal from The Wooten Company came in at \$48,000—markedly outside of the normal competitive range—it raised a red flag, enough to prompt a call to The Wooten Company to ask why. The explanation from Wooten was that Benchmark

had done a significant amount of preliminary work and follow up to secure the grant;

so much so, that Wooten could afford to take the risk of submitting so low a bid. To further quantify, Mayor Fennell stated that Benchmark, to date, had completed a conservative estimate of \$10,000 worth of work, which would cut the \$21,000 difference to almost by half. Given the working relationship established between Benchmark and the Town, Benchmark's familiarity with the project, and Benchmark's success in securing the grant, the margin could be well supported in selecting Benchmark to carry on.

Moreover, the procurement process for administrator is exempt from the more familiar "sealed bid" type competitive process; the applicable regulations with respect to the administrator selection clearly state that "price shall not be the sole consideration for award of contract."

Delton Agnor then asked one final question—that being, if efforts were made by the Town to solicit qualified small, female, and/or minority firms. Mayor Fennell replied that the Town is required by statute to publish public solicitations for RFPs in a well-circulated newspaper. This was done, making the Town in compliance.

Mr. Agnor, stating his satisfaction, thanked the Mayor and other Council members for their time. The information will help him explain to other inquiring folks.

## **OLD BUSINESS**

### **1. Adoption of the Minutes**

Mayor Fennell asked for any changes to the April 13, 2010 public hearing minutes; and with none made, asked for a motion to adopt the minutes. Motion made by Council member Jerry Rice to adopt the minutes as written; motion Council member Lee Greenson. Adoption carried by unanimous vote.

Mayor Fennell asked for any changes to the minutes from the April 13, 2010 regular meeting. With none, a motion was made by Council member Jerry Rice to accept the minutes as written. Motion seconded by Council member Lee Greenson; and motion passed unanimously.

### **2. Any Other Old Business**

Mayor Fennell asked if there were any other old business; and there was none.

## **BOARD AND COMMITTEE REPORTS**

### **1. Planning Board**

With this month's Board meeting cancelled, no report was given.

### **2. Enforcement Committee**

Town Administrator Gary Deal reported that no committee activity had taken place.

### **3. Enforcement Officer**

Enforcement Officer Deal reported that no development permits had been issued since last month's meeting.

### **4. Town Administrator**

Town Administrator Deal reported that he had met with his contacts at Pyramid Environmental, the company obligated to the Whitsett Mini Mart for periodic contamination testing. Pyramid, for some years, has been working towards the UST Tank Fund to pay for Town tap fees and household hookups for not only the current list of some 20 or so households slated for water line hookup using the CDBG funds, but for all dwellings within a 1,500 ft. of the contaminated area at the intersection of highways 70 and 61.

Prior to Tank Fund coverage, Pyramid would need to secure 100% commitment by the residents within the 1500 ft. radius to hookup to public water; and the company had been drafting those letters of consent. Even though the majority of these households are beyond the scope of the currently planned water lines funded with grant monies, the letters still need to be executed for when water lines are extended in years to come.

Council member Cindy Wheeler asked why the 100% participation; and Deal said so that Pyramid can wash its hands of any further obligation should the contaminated plume become more widespread. All Council members agreed that Pyramid's efforts are exemplary, much needed, and much appreciated.

Town Administrator Deal then reported that the contract extension for the Town's garbage collection, which the Council approved at last month's regular meeting, had been received from Republic Waste and would be forwarded to the Town's attorney for review. This extension was a more-than-reasonable offer from Republic while the Town is still deliberating the final route for its recycling program, which since last October has been fee free.

Deal then gave a brief update on the drop-off site bins, which continue to be at maximum capacity. In one instance, the bins had been overloaded with cardboard that protruded out of the top, and in another, a great number of plastic landscaping pots had been disposed of—both incidents suspect of commercial use. Council member Cindy Wheeler asked about staking up some signs that would read "For Whitsett Residents Only" or "Not for Commercial Use" and Deal agreed that the Town does need new signage provided it stays with the drop-off site, and even then, all wondered how effective a deterrent that may or may not be.

Most agreed that the best way to prevent outside and/or commercial use would be to go to curbside—not considered to be currently affordable—or to gate the drop-off area and have more consistent policing or total manning of the site. The latter, however, would recognizably cost as much, if not more, as curbside.

## **NEW BUSINESS**

### **1. First Baptist Church Septic System**

Mayor Fennell stated that until documented information is furnished to the Town, discussion on this agenda item would be postponed.

### **2. Formal Presentation and Discussion of 2010-11 Proposed Budget**

The proposed budget was formally presented to Council members, though still in spreadsheet format to show the spending trends year-to-date and the forecasts for the remainder of the fiscal year that will end June 30, 2010.

Consensus was that expenditures had been shaved as much as they could be in the discretionary areas, which are aside of direct costs that cannot be controlled. The reinstated County assessment to the Town for its animal shelter and control services will be fought as a conglomerate by affected municipalities; and the recycling dilemma for the Town will be open to public comment and followed by Council action next month. Those outcomes could hurt or help the budget.

Council member Jerry Rice stated that the only line item he could see possible for a cutback, may be the ball field—from \$2,000 back to its original \$1,000 of three years ago. This decrease will be made at the Council's direction.

Mayor Pro Tem Andy Brown stated that the Town Hall's generator is in need of major service, and again raised the concern about the dire need for the schoolhouse's structural soundness. These two major items, falling under the umbrella of Repairs & Maintenance – Public Buildings and Grounds, which also includes lawncare, pest control extermination, fire extinguisher inspection, etc., suffer since little can be earmarked for major repairs.

Revenues, which had fallen lower than expected at the beginning of the current operating year, may only slightly rebound, if at all, for 2010-11.

All in all, the proposed budget, at this point, results in the Town dipping into its reserves by almost by \$22,000 to fund 2010-11 expenses. The proposed budget will now be the subject of a meeting with the Town's accountant, Finance Officer, Town Administrator, and Town Clerk before being converted to its final form for adoption on June 8.

### **3. Set Public Hearing Date for June 8, 2010 for Public Comment on:**

- 1 2010-11 Proposed Budget
- 2 General Ordinance Amendments on Nuisances
- 3 Development Ordinance Amendments on Accessory Buildings
- 4 Development Ordinance on Environmental Regulations
- 5 Topic of Recycling

Mayor Fennell asked for a motion to set the annual public hearing date; and Council member Jerry Rice made a motion to set the hearing for Tuesday,

June 8, preceding the regular monthly Council meeting. Motion seconded by Council member Cindy Wheeler. Motion carried by unanimous vote.

**4. Any Items from Council Members**

Mayor Fennell asked for any items from Council members; and Council member Lee Greeson thanked Reverend Agnor for his presence and inquiries, and hoped that he would encourage others to attend monthly meetings to become more aware of Town business.

**5. Announcements**

Mayor Fennell asked for any announcements; none heard.

**6. Speakers from the Floor**

Mayor Fennell asked if there were any speakers from the floor; and no one asked to be recognized.

**ADJOURNMENT**

With no further business before the Council, Mayor Fennell invited a motion to adjourn. Motion was made by Council member Jerry Rice to adjourn; motion seconded by Council member Cindy Wheeler. Motion passed unanimously; and the May 11 Town Council meeting was adjourned at 7:35 p.m.

A public hearing will be held at 7:00 p.m., Tuesday, June 8, 2010 at the Whitsett Town Hall, followed by the regular monthly meeting of the Town Council.

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Jo Hesson, Town Clerk

Richard Fennell, Mayor

**APPROVED:** June 8, 2010