

**TOWN OF JAMESVILLE
SPECIAL BOARD MEETING 8/16/2021
MINUTES**

The following is an account of the minutes taken at the Special Board Meeting held between 7:00 p.m. & 7:49 p.m. on 08/16/2021 at the Jamesville Town Hall, 1211 Water Street, Jamesville, NC 27846. Due to the COVID-19 Pandemic, social distancing measures were made available to all. Virtual meeting attendance was provided for public access through Zoom meeting.

Attendees:

- Dennis Anton - Mayor
- Willis Williams - Mayor Protem
- Rachel Craddock – Commissioner
- Larris Tolson – Commissioner
- Mary Allen – Commissioner

Absentee:

- Carolyn Martin – Commissioner

- Minutes Recorder – Kimberly Cockrell, Town Clerk/Finance Officer

I. Mayor Dennis Anton called the meeting to order. Commissioner Larris Tolson offered the prayer. All were welcomed to the meeting.

II. Adoption of Agenda

- Commissioner Larris Tolson made the motion to adopt the agenda. Commissioner Willis Williams seconded. Motion unanimously passed. 4 Ayes - 0 Nays.

III. Public Comment

Mayor Dennis Anton opened the meeting to public comments. There were none.

IV. USDA Community Facilities Direct Loan & Grant

1. Ms. Kim Daniels, Community Programs Specialist, United States Department of Agriculture (USDA) – Rural Development explained via ZOOM conference that under current conditions, USDA was able to exceed the \$50,000 limit for projects of this type because of leftover funding at year end and the Town needs. Ms. Kim Daniels proceeded to explain the conditions of the loan/grant offer would not exceed \$36,000 loan and \$108,200 grant at an interest rate 2.25%. Stating, if the interest rate were less at the time of closing, the Town would receive the lower rate but in any event the rate would not exceed 2.25%. The direct loan would be scheduled to be repaid over a period not to exceed ten (10) years. The Town had the choice of repaying in monthly or yearly installments. (Example: closing date 9/30/21 monthly payment due 10/15/21; yearly, payment due 9/1/2022, one year from date of closing.) Payment would be drafted from account and notification sent before payment would become due.

Ms. Kim Daniels continued to say the Town must adopt an operating budget after approval by Rural Development. Ms. Kim Daniels may the Board aware of its rights to refinance the unpaid balance of its debt for a lower interest rate. However, Ms. Kim Daniel commented she did not see that happening with this loan.

Ms. Kim Daniels briefly discussed the following certifications required as a condition of the loan/grant and must be executed prior to approval/closing:

- Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions
- Certification Regarding Debarment, Suspension Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (Contractors, suppliers, and/or dealers)
- Certification Regarding Drug-Free Workplace Requirements (Grants)
- Applicant Certification/Federal Collection Policies for Consumer or Commercial Debts

Ms. Kim Daniels commented the Town must keep information on the SAM (System for Award Management) current, at least annually and more frequently if required by changes in information, until the final financial report required under this award and all grant funds under this award have been disbursed or de-obligated. Equipment cannot be resold for a high price than the loan amount or USDA may require repayment.

Ms. Kim Daniels also covered the following requirements which must be met:

- Compliance with special laws and regulations.
- State population control or environment protection agency standards.
- Consistency with other development plans.
- State agency regulation water rights.
- Civil Rights Act of 1964. (Board & employee makeup-race, gender, age)
- Title IX of the Education amendment of 1972.
- Section 504 of the Rehabilitation Act of 1973.
- Age Discrimination Act of 1975.

At the completion of her presentation, Ms. Kim Daniels asked for questions and congratulated the Town of Jamesville. Ms. Kim Daniels expressed her pleasure in being able to assist in this transaction. All thanked Ms. Kim Daniels for working with the Town to acquire the equipment. Commissioner Larris Tolson made the motion to adopt the following resolution of acceptance of the loan/grant, which must be a part of the official minutes of the Town Council. Commissioner Rachael Craddock seconded. Motion unanimously passed. 4 Ayes - 0 Nays.

RESOLUTION NO: _____

BE IT RESOLVED

That the Town of Jamesville accepts the conditions set forth in a Letter of Conditions dated August 16, 2021 and Form RD 1942-47, "Loan Resolution (Public Bodies):

That the Town Council of the Town of Jamesville approves the budget as shown on, Form RD 442-7 – Operating Budget.

That the Mayor and Town Clerk be authorized to execute all forms necessary to obtain a loan and grant from Rural Development, including, but not limited to the following forms:

Form RD 1942-47	Loan Resolution (Public Bodies)
Form RD 1942-46	Letter of Intent to Meet Conditions
Form RD 442-7	Operating Budget
Form RD 400-1	Equal Opportunity Agreement
Form RD 400-4	Assurance Agreement

Form RD 1940-1	Request for Obligation of Funds LOAN and GRANT
Form RD 1910-11	Applicant Certification Federal Collection Policies
Form AD-1047	Certification Regarding Debarment Primary Covered Transactions
Form AD-1048	Certification Regarding Debarment Lower Tier Covered Transactions
Form AD-1049	Certification Regarding Drug Free Workplace (Grant)
1940-Q, Exhibit A-1	Certification for Contracts, Grants and Loans
RD Form 3570-3	Grant Agreement
Unnumbered Form	Certificate of Compliance

That if the interest rate charged by Rural Development should change between this date and the date of actual approval, the Mayor and Town Clerk be authorized to execute new forms reflecting the current interest rate and revised payments as required by Rural Development.

That the Town Council elects to have the interest charged by Rural Development to be the lower of the rate in effect at either the time of loan approval or loan closing.

This resolution is to become a part of the official minutes of the Town Council meeting held on August 16, 2021.

MOTION MADE BY: Commissioner Larris Tolson and
 SECONDED BY: Commissioner Rachel Craddock THAT THE
 RESOLUTION BE APPROVED:

MOTION PASSED 4 FOR AND 0 AGAINST:

BY: _____
 Dennis Anton, Mayor

Attest: 8/16/21 BY: _____
 Kimberly Cockrell, Town Clerk

V. AIA Water/AIA Wastewater Grants

1. The Town of Jamesville had already been approved by the State and the Town Board voted unanimously to accept the Viable Utility Reserve AIA Water and Wastewater Study Grants for \$150,000 each. The Town of Jamesville, although not deemed a distressed location, was strongly being encouraged to support a grant for a study for the AIA Merger/Regionalization/Rate Study, as the State would only award one such grant per county.

The Board took discussion. Commissioners Rachel Craddock and Larris Tolson expressed frustration because Martin County Manager James Bennett reported to the State (Governor Roy Cooper) that the Towns of Jamesville and Everetts were being uncooperative. Commenting, it to be a misrepresentation of the facts and a betrayal of sorts. (While the Town of Jamesville by resolution voted at the June 14, 2021 Regular Board Meeting unanimously to be a part of the study by sharing information, it had no desire to merge/or regionalize.)

Commissioner Willis Williams informed the Board that he had contacted Town Attorney Evan Lewis to make sure the attorney was informed of the situation. Commissioner Willis Williams stated Town Attorney Evan Lewis commented there was nothing illegal about the Town accepting the Viable Utility Reserve AIA Water and Wastewater Study Grants.

However, if the Town voluntarily gave the grants away, then it would change the dynamics. According to Commissioner Willis Williams, Town Attorney Evans Lewis expressed his willingness to discuss the matter with the County's Attorney, if the Board desired, so there would be a smooth transition.

Commissioner Willis Williams suggested the Board develop a MOU (Memorandum of Agreement), plan of action, going forth stating how the Town Board would like to see this progress go. Legally, there is no way the Town can be made to merger/regionalize. Commissioner Willis Williams also suggested creating a written fact sheet of past practices which have affected the Town of Jamesville such as:

- Water Districts have been established for a long, long time
- District 3 has not seen a pipe
- Town of Jamesville paying the same taxes as District 1 & 2
- Customers are still here for District 3 and need to be included now
- Jamesville previously benefited from taxes paid by Weyerhaeuser, which were discontinued by the County and took monies away from the Town of Jamesville

Commissioner Willis Williams commented the AIA Merger/Regionalization/Rate Study was contingent on all water systems in the county cooperating in the study and suggested a letter be sent to the State.

Commissioner Larris Tolson suggested annoying what was done in the past, to move on and to do what needed to be done to rectify the situation. Commissioner Rachel Craddock suggested as a Board, to let Town Attorney Evan Lewis speak for the Town of Jamesville (regarding the merger/regionalization).

Commissioner Larris Tolson made the motion to instruct Town Attorney Evans Lewis to write a letter for the Board's perusal (AIA Merger/Regionalization Study) to be sent to the State so that the Town could "nip this thing in the bud". Commissioner Rachel Craddock seconded. Motion unanimously passed. 4 Ayes – 0 Nays.

VI. Resolution for Additional Funding for Water Plant

1. As stated in the resolution, the Town of Jamesville has need for and intends to construct a Water Treatment Facility with no increase in capacity. The Town of Jamesville intends to request additional state grant/loan assistance to cover bid overruns for the project. The resolution also would name Commissioner Rachel Craddock as the authorized official to execute and file an application on behalf of the Town of Jamesville with the State of North Carolina for a grant/loan to aid in the construction of the project. Municipal Engineering Services would act as administrator of the loan/grant application. Commissioner Larris Tolson made the motion to approved the Resolution for Additional Funding for Water Plant as shown below. Commissioner Rachel Craddock seconded. Motion unanimously passed. 4 Ayes – 0 Nays.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Drinking Water Act and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of replacing WATER TREATMENT FACILITIES, and

WHEREAS, The TOWN OF JAMESVILLE has need for and intends to construct a WATER TREATMENT FACILITY with NO INCREASE IN CAPACITY, and

WHEREAS, The TOWN OF JAMESVILLE intends to request *additional* state GRANT / LOAN assistance to cover bid overruns for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF JAMESVILLE:

That TOWN OF JAMESVILLE, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the TOWN OF JAMESVILLE to make scheduled repayment of the loan, to withhold from the TOWN OF JAMESVILLE any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That RACHEL CRADDOCK, COMMISSIONER, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant/loan to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 16th of August, 2021 at Jamesville, North Carolina.

(Signature of Chief Executive Officer)

Mayor

(Title)

VII. Board Comments - None

Commissioner Willis Williams stated two days after buying a dolly from Lowes, the wheel came off. Commissioner Willis Williams sought the Board's blessing on getting employee Robert Cockrell to solder the wheel back on. Adding, he was willing to pay the Town whatever was charged to have it done. Commissioner Larris Tolson made the motion to approve the soldering at no cost. Commissioner Mary Allen seconded. Motion unanimously passed. 4 Ayes – 0 Nays.

VIII. Adjourn

Commissioner Mary Allen moved to adjourn at 7:49 p.m. Motion unanimously passed. 4 Ayes – 0 Nays.

Respectfully submitted by:
Kimberly Cockrell
Town Clerk/Finance Officer