

**MORDECAI TELL BAREFOOT ENDOWMENT AGREEMENT**  
**January 1, 2012**

**THIS ENDOWMENT AGREEMENT** is between James P. George (Donor) and The Town of Princeton, North Carolina. The donor wishes to establish an endowment of Twenty thousand dollars (\$20,000.00) as of January 1, 2012 as well as an agreement which the Princeton Appearance Commission/ Town shall administer. This endowment is created in honor of Mordecai Tell Barefoot, Maternal Grandfather of the donor. All persons and organizations making contribution to this endowment fund, and those who administer it shall be bound by the terms of this Agreement.

**Terms of Agreement:**

1. **Name of Fund:** The endowment fund hereby created shall be known as the M.T. Barefoot Beautification Fund hereafter referred to as the **M.T. Barefoot Fund or Fund.**
  
2. **Investment and Expenditure of Principal and Interest:** It is the intent and purpose of the parties to this Agreement that the principal of Twenty thousand (\$20,000.00) as of February 1, 2012 and subsequent additions will be maintained in perpetuity as a PERMANENT endowment fund. The income from which is to be used to support projects undertaken by and at the direction of the Appearance Commission/Town consistent with the provisions of this Agreement. Only The Town of Princeton **shall be** responsible for the investment of the funds, the security of the funds, and disbursement of the funds from the endowment.
  
3. **Purpose and uses of the Funds:** The Fund is to be used to support beautification projects undertaken by **individuals (first priority)**, civic clubs, non-profit organizations, (including churches), Appearance Commission, and the Town of Princeton to beautify "**neighborhoods**" and other public places in the Town of Princeton. To that end, **ONLY** the Appearance Commission/Successor or the Town can expend only the ANNUAL income (interest, dividends, earnings) from the endowment principal during any given fiscal year toward approved projects in that fiscal year. Any income that is not either spent or encumbered by the end of the fiscal year in which it is earned shall be added to the principal endowment to ensure growth of the Fund, to account for inflation and to assure that the income is being spent annually. The term "encumbered" shall mean that a purchase order has been issued prior to June 1st of the fiscal year, and that the bill is rendered for payment by June 30 th. The term "fiscal year" shall mean the Town of Princeton's fiscal year. This Fund is "an ADDITION, not to supplant any other funds or Town expenditures". The endowment Fund is NOT to be spent!
  
4. **Types of Projects:** The type of project on which the interest income may be expended in this Agreement is as follows:
  - a. Planting of trees, shrubs, bushes, flowers, vines, vegetable gardens, flower gardens and grass lawns. The cost of labor, materials, transportation and other site preparation expenses (including cutting down trees and grinding up its stumps for replacement only of another tree)

Completion photos are mandatory.

b. Funds may also be expended for **OUTDOOR** hanging baskets and their contents, benches, flower planters, sculptures, statues, clocks, rock gardens, water gardens or pools, fountains, large concrete planters, ornamental street signs, "Welcome to Princeton" town limit entrance signs, hanging street banners and U.S. flags {Stars and Strips}(BUT not any U.S. flags for U.S. Business 70 (Doctor Donnie H. Jones, Jr. Blvd.) and commemorative plaques with base in town parks only . Completion photos are mandatory.

c. The cost of inserts in town mailings and newspaper ads will be a legitimate expense to the Fund.

d. Any items **NOT LISTED** in the above three (3) sections (a., b and c) are **FORBIDDEN** as a qualified expense.

e. All projects must be within the public rights-of-way, or public property within the contiguous municipal boundaries of the Town of Princeton.

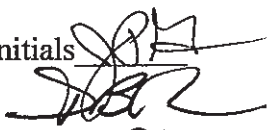
f. Any party utilizing these funds for projects will be responsible for property damages, misfeasance, misappropriation of funds and/or property and shall not hold the Town of Princeton liable for such actions.

g. If the recipient of the funds is someone other than the Town of Princeton, that individual or group will be responsible for the maintenance of the project upon completion. This includes regular pruning, watering, and other necessary actions to maintain the project in its original condition.

h. These funds cannot be used for salaries of town employees. The Town of Princeton is to assume responsibility for future repairs and maintenance to infrastructure items (item 4.b.) that are installed under this agreement from the Town 's own general operations budget.

5. The Appearance Commission, Town of Princeton, civic organizations, non-profit organizations and individual town citizens (**first priority**) shall have a **right to request** funding for a specific project by a specified deadline date by application form. (See Exhibit A).

6. In view of the fact that the Appearance Commission (successor) has the **plenary authority** to disburse these funds--- **ONLY** the Appearance Commission can approve projects or expenditures from this Fund. If there is NO Appearance Commission, then **ONLY** the Mayor can approve projects and expenditures. **NEITHER** the Town Council, Town Manager, nor town department supervisors or anybody else can approve projects or expenditures. The Town Council may at its discretion **reject** any projects. All the parties must request projects through the same application process to the Appearance Commission. Appearance Commission and Town **MUST** make a "good faith effort" at least annually to notify the town citizens, civic and non-profit organizations of the availability of these funds but not limited to:

Initials   
DB  
CMB

- a. The Town **MUST** post on its Internet Web site an **application** form which can be downloaded or printed. (See Exhibit A). Also the “**purpose and use of funds**” and “**type of projects**” items **4a, 4b** and **locations**. Also a telephone number to secure and application by U.S. Mail (See Exhibit B).
  - b. The Town **MUST** place the **first sentence** in item 4a at least four (4 )times annually in April in the local newspaper (Princeton News Leader or its successor). (See Exhibit C) {**Legal Notice**}.
  - c. The deadline for individuals, civic, and non-profit organizations SHALL preferably be July 1st, but at the latest--the First Appearance Commission meeting of the new fiscal year! The Town and Appearance Commission must submit applications at or after the First Appearance Commission meeting of the new fiscal year.
  - d. The cost of the town insert mailings and newspaper ads WILL BE a legitimate expense to the M.T. Barefoot Fund.
  - e. This agreement **MUST** be posted in its entirety(including exhibits) on the Town Web site {**Legal Notice**}.
7. The Appearance Commission can make funds available to the applicants set forth in paragraph 5 by any of the following methods:
- a. Direct grants;
  - b. Reimbursement of expenditures after completion of projects;
  - c. Matching funds for projects.

**All expenditures must comply with state and town laws, ordinances, and regulations.**

8. The Appearance Commission can:
- a. Set monetary limits;
  - b. Request necessary data, such as site plans, description, cost estimates, photos, and time schedule as part of the application process;
  - c. Specify live plant types;
  - d. Specify shape, size, colors, materials, etc. of non-plant projects.

The Appearance Commission OR Town is responsible to verify that the expenditure of the funds is in accordance with the approved project application.

9. A copy of this Agreement, Town Appearance Commission Ordinance, and the Appearance Commission By-Laws shall be given to each Appearance Commission member any new members as they join the Commission.
10. Within ninety (90) days from the end of the Town's fiscal year, the Appearance Commission/Mayor **SHALL issue** a detail annual summary of the income, projects, the sponsors, expenditures, and remaining balance from the M.T. Barefoot Fund for that Fiscal

*[Handwritten signatures and initials]*  
 DS  
 MVA

year just ended. This **annual report** (See Exhibit D) shall also contain mandatory photos & a listing of any income for the previous fiscal year. The annual report of the Appearance Commission, a public document under N.C. General Statute 132-1, shall be given to the Town Manager, Mayor, Town Council and posted on the Town's Internet Web site. The M.T. Barefoot Fund shall also be included in the annual financial statements and audit of the Town of Princeton. The Town of Princeton shall have a separate listing of the M.T. Barefoot Beautification Fund in the annual AUDIT REPORT of the Town of Princeton. Copies of all reports shall be made available to the public upon request. In the event that the Appearance Commission is unable to furnish an annual report, the town Manager or his designate shall.

11. This Agreement may be amended in part or in total with the agreement of the Appearance Commission, the Town Council and the Donor.

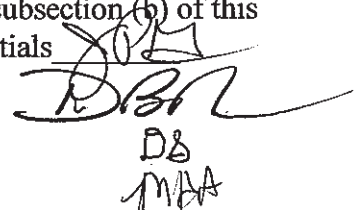
12. This Agreement WILL NOT be printed nor posted on the town web site in any other language than **ENGLISH** by the Town of Princeton, the Town Appearance Commission or any of its employees or members.

13. The parties to this Agreement hereby acknowledge that the lawful residents of the Town of Princeton, collectively and individually, are its intended beneficiaries and that the provisions of this Agreement are to be interpreted to that end. Any lawful resident of the Town of Princeton shall have standing to enforce the Parties' compliance with the provisions of this Agreement and entitled to legal fees for enforcement of this Agreement.

14. (a) Upon the unwillingness or inability of the Appearance Commission and or the Town to administer the Fund in accordance with this Agreement, the Town may assign this Agreement, and the Fund itself, to any legal entity within Johnston County with a demonstrated commitment to preserving and enhancing the beauty of the Town of Princeton, another municipality in Johnston County and /or Johnston County in a manner consistent with the types of projects authorized in this Agreement and entitled to legal fees for enforcement of this agreement.

(b) Upon the failure of the Appearance Commission and/or the Town to administer the Fund in accordance with this Agreement or to assign it in accordance with this Agreement or to assign it in accordance with subsection (a) of this paragraph, the Donor or his designee(s) shall have the discretion to require the Town to assign this Agreement, and the Fund itself, to any legal entity of the Donor or his designee(s)' choosing within Johnston County with a demonstrated commitment to preserving the enhancing the beauty of the Town of Princeton, another municipality in Johnston County, and/or Johnston County itself in a manner consistent with this Agreement. The Town shall make such assignment within ninety (90) days of notice from the Donor or his designee(s).

(c) In the event the Town fails to assign this Agreement pursuant to subsection (b) of this paragraph, this Agreement shall be dissolved without further action by the Donor or his designee(s), and the Fund shall automatically revert back to the Donor or his designees(s) in its entirety, provided, however, that any expenditures duly approved pursuant to the terms of this Agreement as of the date one day prior to the Town's receipt of notice under subsection (b) of this

Handwritten initials and signatures. The word "Initials" is printed above a large, stylized signature that appears to be "DBA". Below this signature, the initials "DB" and "MAA" are written in a smaller, simpler font.

paragraph shall be funded in accordance with the provision of this Agreement. In the event of dissolution of this Agreement under this subsection (c), the Town shall pay the monies in Fund to the Donor or his designee(s) within (30) days of dissolution.

15. The Town of Princeton shall reimburse the M.T. Barefoot Beautification Fund for any misappropriations or expenditures of this Fund not approved in accordance with the provisions of this Agreement.

16. If any part of this agreement is found to be null and void by the judicial system then the other sections shall remain Legally binding upon the parties.

17. The documents that make up this Agreement consist of the following:

- (a) The terms and conditions and officials photos as contain herein:
- (b) Exhibit A Application Form (pages 7 & 8);
- (c) Exhibit B Purpose and Uses of the Fund to be posted on the Town Web site(page 9);
- (d) Exhibit C Public Notice to be placed in the local newspaper four (4) time annually in April (page 10):
- (e) Exhibit D The Annual Report and mandatory photos given to the Town Manager, Mayor and Town Council and posted on the Town Web site (page 11).

**IN TESTIMONY WHEREOF**, said parties of the first part have hereunto set their hands and seals the day and year first above written

1/10/12  
 And By: James P. George James P. George (donor)  
Donald B. Br... 1/19/2012  
 Town Mayor

David Starling 1 / 21 / 2012  
 Town Mayor Pro Tem

Mark H. Ashurst 1 / 18 / 2012  
 Appearance Commission Chairman  
 Town Administrator

Attested by: Kay Camp (Seal)  
 Town Clerk



Pic Feb. 15, 1990  
 Initials SPK  
DB  
MHA

**TOWN OF PRINCETON'S TOWN COUNCIL**  
**503 Doctor Donnie H. Jones, Jr. Blvd. W.**  
**919-936-8171**

**JANUARY 3, 2012**




**DAVID STARLING    JAMES P. GEORGE**  
**MAYOR PRO TEM**

**WALTER MARTIN, JR.**  
**COMMISSIOR**

**BRANDON HOLLAND**  
**COMMISSIOR**

**DONALD B. RAINS**  
**MAYOR**

**LARRY WITHROW**  
**COMMISSIOR**

Initials   
DB  
MKA

TOWN OF PRINCETON

MORDECAI TELL BAREFOOT APPEARANCE FUND APPLICATION

NOTICE: Deadline for this application is JULY 1st for individuals, civic organizations and nonprofit organizations.

Name of Applicant/Group:
Contact Person If Group:
Mailing Address:
Project Name:
Project Description:

- 1. ALL projects must be within the public right-of-way...
2. Any party utilizing these funds for projects will be responsible...
3. If the recipient of the fund is someone other than the Town of Princeton...

This application must be accompanied by:

- 1. A sketch plan that illustrates the nature of the request.
2. A cost estimate of the project.
3. A list of planting materials and other materials...
4. The addresses of all property involved...
5. Type of Grant requested: Direct Grant; Reimbursement; Matching Funds
6. Do you propose to attach items to Utility Poles?
7. If yes to item 6, do you have written permission from the appropriate utility?

Signature of Applicant/Contact Person Date
Telephone Number E-Mail Address

TO BE COMPLETED BY THE TOWN OF PRINCETON

Handwritten signature/initials: MHA JPE

Exhibit A  
**TOWN OF PRINCETON**  
**MORDECAI TELL BAREFOOT APPEARANCE FUND APPLICATION**

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Name of Applicant/Group: \_\_\_\_\_

Project Name: \_\_\_\_\_

Grant Amount: \_\_\_\_\_

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**TO BE COMPLETED BY THE TOWN OF PRINCETON**

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Needs more information \_\_\_\_\_

Comments:

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Approved by:

\_\_\_\_\_  
Chairperson or Secretary Appearance Commission  
OR Mayor

\_\_\_\_\_  
Date

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MMA

Exhibit B

NOTICE: This information must to be posted verbatim on the Town Web site.

This information sheet is to be included with an application.

**Purpose and uses of the Funds:** The Fund is to be used to support beautification projects undertaken by **individuals (first priority)**, civic clubs, non-profit organizations (including churches), Appearance Commission and the Town of Princeton to beautify "**neighborhoods**" and other public places in the Town of Princeton.

**Types of Projects:**

a. Planting of trees, shrubs, bushes, flowers, vines, vegetable gardens, flower gardens and grass lawns. The cost of labor, materials and transportation and other site preparation expenses (including cutting down trees and grinding up its stumps for replacement only of another tree). Completion photos are mandatory.

b. Funds may also be expended for **OUTDOOR** hanging baskets and their contents, benches, flower planters, sculpture, statues, clocks, rock gardens, water gardens or pools, fountains, large concrete planters, ornamental street signs, hanging street banners, U.S. flags {Stars and Stripes}(BUT not any U.S. flags on Doctor Donnie H. Jones, Jr. Blvd.), commemorative plaques with base in town parks only. Completion photos are mandatory.

**Location of Projects:**

ALL projects must be within the public right-of-way, or public property within the contiguous municipal boundaries of the Town of Princeton.

Call 919-936-8171 for information and an application by U.S. Mail

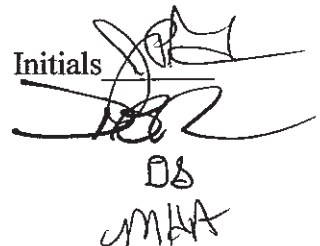
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Exhibit C

This Public Notice must be placed in the local newspaper four (4) times annually in **APRIL**.

**NOTICE TO PRINCETON CITIZENS**

You may make application for the M.T. Barefoot Beautification funding for this year. This involves planting trees, shrubs, bushes, flowers, vines, vegetable gardens, etc. Call 919-936-8171 for information and application. Deadline for filing is July 1st.(Cut and Save this notice)

**OR**

**NOTICE**

Princeton Citizens may make application for the M.T. Barefoot Beautification Fund for this year. This involves planting trees, shrubs, bushes, flowers, vegetable gardens, etc. Call 919-936-8171 for more information and an application. Deadline for filing is July 1st. Cut & Save this!

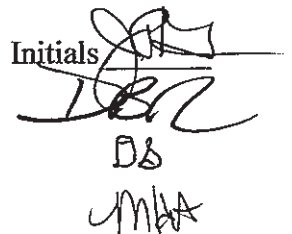
  
DS  
MBA

Exhibit D  
ANNUAL REPORT

The Annual report to the Town Manager, Mayor and Town Council MUST contain the following information: There was advertising in the 'Princeton News Leader'; applications received; projects and the amount; the beginning Endowment Balance; Interest income for the year; Expenditures; the ending balance at the close of the fiscal year and posting on the Town Website w/photos & when Available or desirable by the town audio can be added.

Format Wording

Mayor and Town Council  
Town Manager  
Dear Councilmen,

This ANNUAL REPORT is to inform you of action taken by the Appearance Commission/ Mayor regarding the M.T. Barefoot Beautification Endowment Fund for the fiscal year July 1, 2\_\_\_\_ to June 30, 2\_\_\_\_.

The Town has advertised in the "Princeton News Leader" four times in April about the availability of beautification funds. YES\_\_\_\_ or NO\_\_\_\_

There were no applications by individuals, etc. Neither the Appearance Commission nor the Town of Princeton submitted any project applications. (OR)

There were two applications--XYZ Garden Club and the Downtown Club.

The beginning Endowment balance on July 1, 2\_\_\_\_ was \$\_\_\_\_\_.

The annual earned income for the year was \$\_\_\_\_\_.

There were no expenditures/disbursements during the year. (OR)

There was expenditures or (\$\_\_\_\_\_ for benches on 3<sup>rd</sup> Street and \$\_\_\_\_\_ for \_\_\_\_\_ Dogwood trees on Mayberry.

The ending Endowment Balance on June 30, 2\_\_\_\_ was \$\_\_\_\_\_.


This Annual report will be posted on the APPEARANCE COMMISSION page on the Town' Website with photos of completed projects and possible audio effects when feasible.

If you need any more information please contact me.

Sincerely,

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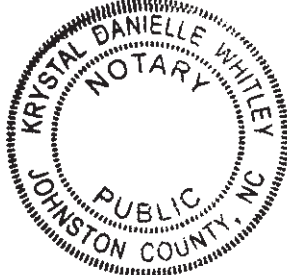
Appearance Commission Chairperson, or Mayor or Town Staff member

Initials   
DB  
MAA

North Carolina, Johnston County

I, the undersigned, a Notary Public, do hereby certify that Kay Earp  
Personally came before me this day and acknowledged that she is the Town Clerk of the Town  
Princeton, a North Carolina municipal corporation, and that by authority duly given and as an act  
of he corporation, the foregoing instrument was signed in its name by its Town Manager, sealed  
with its corporate seal and attested by her as its clerk.

Witness my hand and official seal, the 19<sup>th</sup> day of January, ~~2009~~ <sup>2012</sup>.



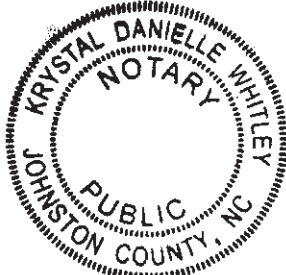
Krystal Danielle Whitey  
Notary Public

My Commission Expires March 27, 2013

North Carolina, Johnston County

I, the undersigned, a Notary Public, certify that James P. George, personally appeared before me  
this day and acknowledged the execution of the forgoing instrument.

Witness my hand and official seal this the 4<sup>th</sup> day of January, ~~2009~~ <sup>2012</sup>.



Krystal Danielle Whitey  
Notary Public

My Commission Expires March 27<sup>th</sup> 2013