

**TOWN OF NEWLAND**  
**MONTHLY BOARD MEETING**

**October 4<sup>th</sup> , 2022**



**Attending:**

- Mayor:** Derek Roberts
- Attorney:** Gerald McKinney
- Alderman:** Kenny Caraway, Gail Haller, Christie Hughes, James C. Johnson, Lauren Turbyfill
- Guests:** Mike Nelson, Lily Kincaid, Nathan Gittner, Colby Benfield, Mr. Benfield, Shelby Taylor, George Church
- Staff:** Public Works Supervisor Gary Lewis, Town Administrator Bill Bailey, Town Clerk Jennifer Beam, Finance Officer Jessica Buchanan

The Mayor called the meeting to order at 6:00 pm, led the assembly in the Pledge of Allegiance, and reminded everyone of ethics awareness.

**Agenda:**

The Mayor asked the board for any additions or changes to the agenda. Kenny stated that there had been a lot added to the original agenda. He stated that the board needed enough time to look at items on the agenda to make an informed decision. Gail stated she did not receive her agenda until late in the afternoon after she had asked for it. The Mayor suggested to cut-off additions to the agenda at a certain time. The board agreed that agenda items should be placed the Friday before each meeting.

James made a motion to adopt the agenda. The board decided some items on the agenda should be discussed at a special meeting. James asked to add George Church to the agenda. The Mayor asked for a motion to adopt the revised agenda. Gail made a motion and Christie seconded. All agreed by show of hands and stating aye.

The Mayor swore in Bill Bailey as the new town administrator.

The board voted to make the alley beside town hall a one-way street. Bill also asked the board about the need to one-way Journal Street. He mentioned that large trucks have damaged property by turning onto

the narrow street. The Mayor asked for a motion to one-way Journal Street. Gail made a motion and Christie seconded the motion. All agreed by show of hands and stating aye.

Colby Benfield, fire chief of the Newland Fire Department came before the board stating they had not received their payment, which was dated July 1<sup>st</sup>, 2022, Colby continued "it was spoken to me when I talked to people that we were going to get seven thousand dollars." The Mayor stated it is seventy-five hundred dollars. Colby stated that he can read from the town minutes, "Lauren made a motion to change the contract to twenty thousand for 2022-2023. James stated we did not need to vote on it, we will just fit it into next year's budget." Colby continued that was the end of the speech and that it was voted on three aye and two nay for twenty thousand dollars. The Mayor stated that he did not believe that anyone voted for twenty thousand dollars. Colby disagreed stating that he knew for a fact that they did, and it was also in the newspaper stating that the Town of Newland approved to up the fire departments yearly contract to twenty thousand dollars. Colby questioned why they have not been paid? The Mayor asked the board if they did not agree to seventy-five hundred dollars? Gail said she would have to look back. The Mayor asked her if she feels she would have voted for twenty thousand dollars, she stated no, she does not believe so. Christie agreed it was voted to give seventy-five hundred to the fire department. Lauren stated she remembered raising a motion of twenty but no one else on the board was for it. Kenny said the motion was made but there was no vote. It was taken to the budget meeting, the board agreed to seven thousand five hundred dollars. Colby asked if the board meeting was recorded, and the Mayor stated yes. Colby stated that if the board were to listen to it, he would guarantee that they said twenty thousand dollars. The Mayor said he was not disputing the board said twenty thousand dollars, but without a doubt there was no vote. The Mayor asked Colby when did it become that the town must pay the fire department, the way that it is presented, it appears as if the town owes the fire department? Colby stated that the town has a contract with the fire department to provide fire service that re-ups every year on July 1<sup>st</sup>. The fire chief and town administrator sign the contract and then the town sends a check. The amount has not been updated since 1987 and now that he is chief, Colby would like to get what he can. James asked if there is a contract that has been signed this year. Colby stated no, and right now the fire department does not have to provide fire protection legally. Colby continued are we going to, yes, because we are good people. However, if he were to call the department of insurance and told them that they were not providing fire protection for the town of Newland, your insurance will go up ninety thousand dollars. Kenny asked if we don't pay this money and his neighbor's house is on fire, will we have to depend on Crossnore or Linville? Colby said no, he never said that. He is specifically talking about the Town of Newland to give the board an idea of how much hard work the volunteers put in to lower the Town of Newland's tax rate, now we come and want a little more money and don't get any. He mentioned that the people who were with him left because they had to go to a call, in town for an overdose using their money and vehicles. We

are just trying to get supplies and what they can to help people. The Mayor stated that no one in the room is saying that they don't want to support the fire department, the problem is the verbiage that the town must support the fire department. The fire departments get money from the fire tax that everyone is paying, and it is interesting that the fire chief would have the ability to say because I'm not getting whatever out of the Town of Newland, I am not going to take fire calls in the Town of Newland. Colby said he is not going to, and it is not pertaining to the Town of Newland. That is for the town's insurance and how much it would go up if we dropped our rating, we are not going to, we are going to help everybody we always have and we always will, but it's a big slap in the face from since 1987 we get a check every July and now, we get nothing and we are working harder than we ever have. Mr. Benfield mentioned that the fire department has lowered the tax rate as low as they can and saving every resident and every business over half on their fire insurance. Mr. McKinney asked if having the contract what helps give The Town of Newland a low rate. Colby answered yes. The Mayor said that Colby is misreading the room everyone supports the Fire Department, but no one voted for twenty thousand dollars. Colby said that we need to get the recording. Mr. McKinney asked if we have the minutes for that meeting, Bill stated that he asked the clerk to look at the minutes and there was nothing regarding a vote, until budget, the budget mentioned seventy-five hundred dollars. Bill stated that he needed something to tell him how much to write a check for, which we wrote and signed the day that the twenty-thousand-dollar invoice was dropped off. We held the check because of the dispute on the amount. Mr. Benfield asked if Bill read the Avery Journal. Bill stated that the Avery Journal is not the town's official record.

Mr. Benfield mentioned about six to eight weeks ago the town asked the fire department to haul water to the tank on Banner Hill. He spent over half a day hauling fourteen thousand gallons of water. He did not know that the water was to be used for consumption, was there a boil water alert put out before the water was hauled. The Mayor mentioned he spoke with Colby, and he stated that it was not potable water, and a boil alert was put out. Gail stated she got a boil alert that afternoon and Mr. Benfield stated that he hauled water the day before. Colby said that he did not want to get into a bunch of stink but he wanted the board to realize when he is told one thing and it does not happen he gets aggravated as anyone would. The Mayor mentioned he understood that because of the gutters not being cleaned out. Colby said they have done everything they could do because of how deep the grime was and businesses were getting mad because of it getting blown into their parking lots. Colby asked if the contract was for fire protection or cleaning streets. The Mayor asked how to resolve the issue. The board asked the clerk to pull the audio and minutes from the meeting. Bill stated the last contract that he can located is year 2019. Colby stated that he had a 2021 contract that he could email or bring to town hall. Lauren made a motion to go ahead and give the fire department the seventy-five-hundred-dollar check. Gail seconded the motion, all agreed by show of hands and stating aye. Colby asked when the board will be discussing this matter. Christie

said the clerk will go over the audio tomorrow. Colby asked when he could expect to hear from the town at least to settle this year's contract. Mr. McKinney stated that if the amount was not discussed at budget, then the board will have to amend the budget. If the seventy-five hundred was what was decided upon that is all they can do unless the budget is amended. Bill read the May Minutes. The Mayor stated that he knew the board voted on seventy-five hundred dollars in the budget meeting. Bill stated that the budget meeting is the policy meeting. Colby said he was told one thing and something else happened. The Mayor asked who told him one thing. Colby said he would not lie and that is why he is frustrated. Colby said to listen to the minutes.

Jennifer asked permission to hand over two delinquent taxpayers over to Mr. McKinney. High Country Polaris owing \$7,941.35 and Stanley Carver. \$2,772.44. James made a motion to hand the owed taxes over to the town attorney for foreclosure process, Gail seconded the motion all agreed by show of hands and stating aye. The Mayor asked about the rest of the people who owe and why is the town processing these specific people. Bill stated that these two are the highest amounts. Jennifer asked at what point would the board want to process delinquent taxes. Kenny asked if any of the people who owe are currently making payments, Jennifer stated no, all the people currently making payments were not included. Bill stated that in his experience taxes are handled inhouse, until three or four years, then it is processed legally. Kenny asked if board would want to set a two-year delinquent threshold. The Mayor asked why the town would allow someone to go two years and not pay taxes. Bill stated that the town technically did not have to allow any time. The Mayor asked Mr. McKinney's process for delinquent taxes. Mr. McKinney stated that he would bill the citizen for any additional work done to collect the owed taxes. Bill explained that the town would bill the citizen in a means to get reimbursement for paying Gerald for his time to collect the taxes owed. Mr. McKinney suggested the town employees try to collect the lower amounts because if he were to pursue them the town may lose money. Lauren made a motion to legally pursue people who owe delinquent taxes two years and one day or two thousand dollars which ever occurs first. Christie seconded the motion. All agreed by show of hands and stating aye.

Jennifer stated the tag office has not been charging a notary fee for notarizing a title and she asked the board if that were something they would like to implement. James stated it would be extra income from the tag office and made a motion to start charging a notary fee for notarizing titles, Gail seconded the motion, all agreed by show of hands and stating aye.

George Church stated he had a water bill over \$404.53. Bill mentioned that the bill has a balance that has been brought forward from previous months. James asked if public works has been out to the property, Gary said not since the leak, but they would go out tomorrow. Jennifer made mention that Sue Johnson came to her about her water bill, for the previous month Ms. Johnson's bill was \$1,425.00. Gary stated

that when the public works department went to her property, the meter read flow the whole time. They left for lunch and went back, and the meter showed no flow, and the plumber suggested that there was not a leak.

Bill explained Taylor's Taxes lease is up in February. He questioned if the board would like to continue to lease out offices and if so, would they like to consider raising the rate of the lease. James, Christie, and Kenny agreed that the offices were meant to be used as an incubator for upcoming businesses in town and that the tenants were to operate under town hall hours. The Mayor stated that the lease does not mention that the offices are incubators. Shelby stated that she is needing to know what to do because she cannot move in February which is tax season. She continued that the office was not advertised as an incubator and the board had authorized the administrator to renew every year if the tenant remained the same. Bill stated that leasing the offices offsets some of the cost of running town hall. Lauren asked how many offices the town has that can be rented. Bill stated that the town has the two leased to the state and one leased to Taylor's Taxes. Gail said that we should raise the rent and allow Shelby to stay. Christie suggested the rent needs to go up. Lauren stated she would like for the town to make money off the empty office. James suggested he thought the lease was supposed to be an incubator and the tenant had to be in office during town hall hours. If the lease were to be signed again, those stipulations would need to be enforced. Kenny spoke with a realtor and the realtor said that we are undercutting the market for renting an office especially with the amenities that are provided. The realtor also mentioned that he had lost a tenant to the town because of the low rates. The board asked Bill to get some comps around town that includes the same amenities that the town offers, so that the town might adjust the lease rates. James asked Shelby if she can do her business within town hall hours. The Mayor asked why it is so important for the tenant to only be in office from 8am until 4:30pm. Gail and Lauren stated that they did not care when the tenant was in office. James mentioned he cared because tenants in the past had events in town hall that were not approved. Kenny mentioned it was for the security of the building. Mike Nelson asked the board to allow Shelby to stay open later because he is her customer, and it is hard to make an appointment during normal business hours because he works. The Mayor asked for a motion to allow Shelby to stay until June with negotiation of rates after February when her original lease expires. Kenny, James, and Christie all stated they wanted the tenant to abide by the hours of town hall. Gail made the motion to allow her to stay until June with negotiation of rates after February when her original lease expires. Lauren seconded the motion. All agreed by stating aye.

Bill stated that the Meadowbrook Contract evolved from the special meeting at the RV Park. Bill continued if the town arranges the event, then the town with split net profits with Mike. Mike said he would like the Town of Newland seal in the center of the amphitheater Lauren asked about the water

usage over the period of the event. Mike suggested the town could calculate how much water is being used during a town event and adjust his bill accordingly. The board said that would be fair. James suggested if there were anything anyone would like to add to the contract to email it to Bill. Mr. McKinney asked about the contract that states after the town's half of the amphitheater is paid back the town renegotiate the contract. Mike stated no, it would remain the same even after the town has made their money back. Kenny stated he believed this is a good opportunity for the town.

The Mayor stated that the paving contract jumped up to forty-five thousand from a sixteen-thousand-dollar contract. We can pay Mike out of the general fund and reimburse the general fund with the Powell bill. James asked Mike if he was through paving. The Mayor asked for a motion to pay Mike out of the general fund, Gail made a motion, Christie seconded the motion all agreed with a show of hand and stating aye. The Mayor stated at no point should any town employee other than the administrator have the authority to negotiate with a contractor. Bill agreed and stated that this situation would not happen again. The town also received a bill for forty-five hundred dollars for mulch. No one is sure where the mulch was placed and the contract with the mowing company includes mulch. James suggested that someone get in contact with the mowing company and state that mulching is a part of the contract.

James asked Gary if all the meters have been changed to the new digital meters. Gary said there are not a lot that have not been changed. He believes only seven or less that have not been changed.

James made a motion to approve the September minutes. Christie seconded the motion. All agreed by show of hand and stating aye. James made a motion to approve the special meeting minutes, Gail seconded the motion. All agreed by stating aye.

### **Reports:**

Jessica gave the finance report. Tim Greene has finished the revenue for 2021. Jennifer and Jessica have been training in Southern Software and plan to go live on October 17<sup>th</sup>.

Chief Clawson was absent due to training. The Mayor mentioned the police department got the new vehicle and it is very nice.

Gary Lewis gave the public works report. Gary mentioned several citizens believe the town is responsible when they have a leak. He is concerned because several citizens have leaks and cannot afford to fix the leak. Also, grease traps need to be inspected at restaurants and schools.

Bill gave the administrators report. He met with the county, HCOG, and DOT and they are wanting to diagonal the parking throughout town. James asked about quotes for finishing the Sokassa Building. Bill mentioned we currently have one quote. Bill stated the town should get the doors for the building so that we can utilize the building this winter.

**Council Comments:**

The Mayor asked why there was no motion put forth on the alcohol referendum. The Mayor's statement was that it is unamerican and the people should be allowed to vote. Gail stated she did not feel that she should have to explain her decision, it was not to be unamerican but rather a personal decision. James was absent that day. Kenny did not have a comment, and Lauren said anyone who knows her knows why she did not vote. Christie stated it may be something to revisit in the future.

Kenny made the motion to adjourn. Gail seconded the motion. All agreed by show of hands and stating aye.

**Meeting adjourned.**

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**MAYOR DEREK ROBERTS**

**TOWN CLERK, JENNIFER S. BEAM**