

TOWN OF NEWLAND
09/03/2024
MONTHLY BOARD MEETING



ATTENDING:

MAYOR: Derek Roberts

ALDERMAN: Kenan Foxx, James Johnson, Gail Haller, Dave Calvert

GUEST: Kenny Caraway, Vicki Caraway, Karen Bounds, Susan Rash, Vanessa Angrisani, Sammie Jones, Donetta McKinney, Nathan Gitter, Theresa Foxx

STAFF: Interim Town Manager/Finance Officer Sandy Lewis, Police Chief Michael Fields, Police Captain Chris Clark, Public Works Director Gary Lewis, Town Attorney Gerald McKinney, Town Clerk Jessica Buchanan

Mayor Roberts called the meeting to order at 6:00 p.m., reminded everyone of ethics awareness, and led the assembly in the Pledge of Allegiance. Mayor Pro Tem Foxx motioned to approve the July minutes; Alderman Calvert seconded the motion. All agreed by a show of hands and stating aye. Mayor Pro Tem Foxx motioned to approve the agenda. Alderman Johnson seconded the motion. All agreed by a show of hands and stating aye.

RESOLUTION AND CAPITAL PROJECT ORDINANCE FOR SRP-W-ARP-0329

Sandy stated she had the resolution and budget ordinance for Derek's signature. This is for the American Rescue Plan grant we received for water and wastewater. However, this is just for the wastewater side. Alderman Johnson motioned to accept the resolution for half the grant to go toward the wastewater side. MTP Foxx seconded the motion. All agreed by a show of hands and stating aye. Alderman Johnson motioned to accept the North Carolina DEQ infrastructure professional engineering services for procurement. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye.

NCLM RESOLUTION TO APPROVE MUNICIPAL ACCOUNTING SERVICES

Sandy presented a resolution from the North Carolina League of Municipalities to enroll the finance officer in the AIM program, which is like a mentorship program through the League. This one is so important to get into because they will pay for our FY 23-24 bank reconciliations and our audit to be completed. Alderman Johnson motioned to pass the resolution for the finance officer to join the AIM program with the League. MPT Foxx seconded the motion. All agreed by a show of hands and stating aye.

PUBLIC WORKS REPORT

Gary stated a tree fell in the road two Sundays in a row on Elk Street. There was a leak at Structall, which Iron Mountain fixed. There was also a leak at Bojangles, which was on us. It

looked like a meter from the old building that used to be there, but they got that fixed. He said a transformer from well five needed to be changed out by Mountain Electric. AT&T analog lines at the Ingles and Tweetsie pumping stations went from \$150 to \$700 monthly. So those are now cellular lines costing \$100 a month instead. There was a leak at the Elementary school last week, and they used a ton of water. Iron Mountain arrived to fix it, and we supplied most of the parts. Gary gave Mike Buchanan a list of the costs, who said they would reimburse us for \$6,100. He is spending around 30 hours a week on work orders. Mayor Roberts asked about his water. Gary said he would try to have Same come out this week and asked what he wanted. The Mayor said water and sewer at his man cave at 415 Watauga Street. He said to go ahead and do the one he paid for, and then he might go ahead and do more. Gary said you can only put four on an acre. The Mayor asked who said that, and Gary said the ordinances. The Mayor stated we don't have ordinances because he has seen chickens in this Town.

FINANCE / ADMINISTRATOR REPORT

Sandy said she had sent the board a list of past-due utility bills. 21% of our average monthly utility bills are 31-90 days past due, and they have yet to pay them. The total amount for utility bills for August was \$44,500, and right now, the past due amount is \$9,500. Sandy recommended implementing a strict payment plan for those past due 31-90 plus days. Mayor Roberts asked Alderman Johnson what the rule was when he first became Mayor when it came to cutting off water because he was paying some Aldermen's water bills. Alderman Johnson said he thought it was 60 days, and you had to pay a reconnect fee. Sandy stated our code book currently says citizens have ten days after receiving the bill to pay; however, the current billing system gives them 25 days after the billing date. The bill's past due date is usually the 26th of each month. We also checked the clerk's utility billing book, which states that we have every right to cut off the water if it is not paid by that due date. We are trying to show a little grace and let the citizens set up a payment plan; however, be stricter instead of just letting them pay whatever they want. Sandy recommended they pay \$50-\$100 weekly until the old balances are paid. The Mayor asked why information, such as names, were redacted. Sandy said, according to the LGC, that information should remain private. A guest from the audience asked if these people were habitual and not paying their bills, and Sandy said yes. Alderman Johnson said anything after fifty days should be cut off. Sandy said we give them notice by placing door hangers on their doors stating the amount that needs to be paid or the water will be shut off. Alderman Calvert suggested anything after sixty days to be shut off. Sandy said everyone on the list would be notified and asked the board if she should shut off anyone with a past-due balance between 31-90 plus days. Mayor Roberts asked how much the reconnect fee was. Sandy replied \$50 plus you have to pay the amount of your bill. Mayor Roberts stated that if someone is genuinely struggling, they need to speak with the finance officer. **After much discussion, the board agreed to send anyone with a past due balance after thirty-one days, on the 30-60-90 report, a door hanger.** Kenny Caraway stated there have been times when he doesn't get his bill in the mail for three weeks and several bills are returned to the Town. Mayor Roberts stated the door hanger would notify them to come in and pay their bill. Sandy also explained we had started doing something new by putting a notification on the digital sign outside of Town Hall. Alderman Calvert mentioned being unable to pay his bill recently because he had a credit card. Sandy stated the clerk can set up a RevoPay account online, and you can use your credit card that way. Mayor Roberts asked if it cost anything to pay online, and the clerk stated that it was only a small percentage (3%).

Sandy updated the board on swapping the art park behind the church for the area by the bandstand. She heard back from the president and CEO of UNC Health Appalachian, and Mr. Mantooth said his initial feedback is that there are no issues with releasing the restrictions. However, he must take this to the board for official action on September 26th. We should hear something by the end of the month or by our next board meeting. Attorney McKinney explained, from his understanding of the letter, that there is a condition on the land stating it can only be used for a park, and they are okay with releasing that.

Sandy informed the board they have a sample of the ballot, showing liquor by the drink will be there. Voting will be in November. She also asked about fireworks this year for the July Fourth event. JECO reached out to us last month asking if we wanted to be on their schedule, and Jessica reached out to the board asking for your thoughts. Alderman Calvert said Mike's campground is willing to take over all functions, as they have a huge stage and would like to do so. This is also where the parachute group flew in last year. Sandy stated this would also align with the LGC's memorandum to the Town, saying the board has to consider draconian efforts to curtail discretionary spending immediately. Sandy said the fireworks were budgeted; however, it just depends on how much money is left in budget lines at the end of the year. She has to move money from certain line items to pay certain bills, and events are one of the line items she considered moving money from. Gary said he would be happy for Mike to do the fireworks this year because that would keep him from cleaning up the mess at Shomaker. Several people walk their dogs over there and want to ensure they don't pick up a piece of something lying on the ground. Kenny Caraway wanted to ensure Mike cleaned up everything from his fireworks this past year. Gary said he didn't mean that Mike did not clean up; he just wanted to let people know there could be smaller pieces that the wind could blow around. Mayor Roberts asked if anyone knew when Mike would be holding the event for the Fourth this year. If we have any money left over from the event line item, we could donate some to Mike for fireworks. The Mayor also wanted to ensure everyone understood the Town was handing over an event to a private business and that we would lose all control if any issues arose. He suggested we go into this event with Mike and help however we can, whether it be helping with dumpsters, porta johns, or donating funds for fireworks.

Sandy presented her finance report, including the bank and investment account information and the budget versus the actual (expense) report pulled from Southern. Jessica has collected 21.7% of taxes this year, and we are only in the second month.

POLICE REPORT

Chief Fields stated they had 709 calls for service and four arrests. The department received their new body cameras and stated that it was some of the best money they had spent. All officers are scheduled for their annual firearms qualification next week. Chief stated they have had several issues with dogs running loose on Shady Street and entering the campground. The dog's owner has been issued citations according to Town ordinances regarding dogs running loose. She has yet to come in to pay the citations, and the Chief would like to know how the board wants him to proceed with this issue. Attorney McKinney stated he thought this would be a civil penalty, not a criminal one. Vanessa Angrisani asked McKinney if you could seek judgment on a civil penalty and apply a lien. Mayor Roberts asked if we could change the fine amount. Chief said every time a citation is written to the same person for the same issue, the citation charge increases.

Alderman Johnson asked if this dog was dragging around a chain. Chief stated no, and the owner was not home. They searched the area but could never find the dog. Alderman Johnson asked if

they were pit bulls, and Chief said he believed they were. The location they keep getting calls to is where one of his officers got bit a few months ago. That dog is not there anymore. However, two others continue running loose, barking and growling at others. He also mentioned to the board that they made him capable of declaring a dangerous dog, and then it becomes a criminal offense if the dog leaves the property again. Sandy verified that Michael has been appointed as the animal control officer for the Town of Newland and that the board has been appointed as the animal control appeal board. If a dog is declared dangerous, they can appeal it to the board within ten days. Vanessa Angrisani asked if we could adopt the County's existing procedures. Chief said he had contacted them when one of his officers was bit and was advised to use the Town's procedures. Angrisani said the County's procedure was termination, and the owner has no say in the situation. After looking through the ordinance, Attorney McKinney stated that any person violating any provision in this chapter may be found as a class two misdemeanor and be charged criminally.

COUNCIL COMMENTS

Alderman Johnson mentioned the Christmas parade doesn't cost anything and would like to confirm a date. Mayor Roberts mentioned having it the Saturday after Thanksgiving. Sandy said it would cost the Town overtime. Mayor Roberts said the date for the Christmas parade would be November 30th at 5:00 pm. Alderman Johnson said we used to do pictures with Santa in Town Hall and would volunteer his time to come and do that. He would do the first three Thursdays in December from 5-7 pm. Mayor Roberts asked Sandy where we were at with the hardware for the street lights. Gary stated it was all in the garage. Mayor Roberts said the VFW and DAV would like to hang some flags. Gary said you must know where to put the hardware and what size flags or banners you want because you cannot keep taking the hardware off and on. Mayor Roberts said the school also wanted to hang some banners and would find out when everyone would have their banners/flags in. Sandy asks that they all be the same size so the hardware isn't being moved.

Mayor Roberts stated that if anyone in the Town has a special thing going on in their family, like a birthday or someone retiring, they should call the town clerk and let them know. It is not just reserved for board members. Sandy asked if he was talking about the e-sign outside of Town Hall. The Mayor said yes, and nothing makes kids happier than seeing their name on a board saying Happy Birthday. The Mayor said he had agreed with the VFW to leave their flags up past Memorial Day, and he agreed that if any of their flags become tattered or torn, he would replace them. Therefore, he purchased 38 new flags but did not purchase the ones with metal poles, which upset the VFW. So he bought 38 more flags with metal poles for them and said that, as the Mayor, he would be the owner of a lot of flags. They will stay up until Veteran's Day, and the Mayor's employees will take them down afterward.

Mayor Roberts asked Sandy what we needed to do to proceed with the chicken issue, which had been ongoing for several weeks. Sandy stated her suggestion to the council would be to meet with all parties involved and settle it once and for all. The Mayor asked when she would like to have that meeting because he thought that was happening tonight. Sandy said everyone got an email asking what they wanted placed on the agenda, and nobody replied. The Mayor stated that since he came in and conversed with her face-to-face about this issue, he felt he didn't need to send an email. Sandy apologized. She did not understand he wanted it on the agenda because, since she started, they talked about chickens a lot. The Mayor asked what they needed to do to motivate her to move this issue forward because they had all the information, and the Town

needed to move forward. Sandy reiterated that all parties involved need to come before the board and present their case so that the board can make a decision. Alderman Calvert asked if she had specifics when she said all parties were involved. Sandy stated that she would just be putting the meeting together. Alderman Johnson clarified it would be everyone who has chickens within the Town limits. Sandy asked if we should have a public hearing to discuss chickens before next month's regular board meeting. Alderman Johnson said it was amusing that \$480,000 (just poof) and we are sitting here worried about kids FFA chickens. Mayor Roberts said he supported chickens to the point that he had conversations with the town manager, town attorney, and other town citizens about changing the ordinance if the Town wanted to allow chickens. And then he would buy a thousand guineas to put in his yard. Vicki Caraway asked why there couldn't be a compromise because many people are not raising chickens commercially anymore; they raise them as pets. Mayor Roberts said that was fine, so let's change the ordinance. His problem is that they are being lied to about a program that is not happening. Alderman Johnson said everyone received the same emails with the certificates and letters. Mayor Roberts asked if they were doing this tonight. Sandy stated no. Kenny Caraway said there was more than one family within town limits with chickens. The Mayor said he had asked the town manager to send a letter to everyone who owns chickens. Kenny asked how are you going to find out who all has chickens. The Mayor said the way we started finding out was by complaints. Kenny said he could hear chickens in different sections where he lived; however, he had no idea who owned them. Again, the Mayor reiterated they could change the ordinance, and he would buy his thousand guineas. Alderman Calvert stepped in and said you're going to do something like that; you're just going to get blackballed by the Town. That's about the stupidest thing I've ever heard. It sounds like if it's not going your way, then I will do it. It's BS; you can take those two letters however you want, but at the end of the day, be more professional. Alderman Calvert stands up and continues to say that in the Town of Spruce Pine, it is against the law to honk your horn in the middle of Town. When he tried moving back to the area, his girlfriend at the time (who later became his wife) was not allowed to live together according to the law because they were not married or related because of the law. At the end of the day, we need to address things as a Town, vote as a Town board, and whatever the decision is, that's where it lands. We don't need to worry about someone putting \$2,000 worth of birds on the courthouse steps. So grow up. Alderman Haller said thank you, Dave. Mayor Roberts asked Alderman Calvert if he was okay with being lied to. Alderman Calvert replied, saying this isn't about being lied to; it's about having town ordinances that need to be discussed. The Mayor asked if a town resident complained about another town resident having chickens and told them to deal with it. Alderman Calvert said he would tell them that the Town has had an ordinance on the books for the last thirty years, which nobody abides by. The Mayor said he was saying: take it off the books. Alderman Calvert said to do so, we have a public hearing, and if it passes, we shouldn't have to worry about you letting loose 100 guineas. The Mayor said he wants to ensure everyone understands that if we change the ordinance, we will no longer live in a town where we don't have to look over our shoulders at chickens. Vicki Caraway stated there should be a certain number of chickens you should be allowed to raise, and the Mayor said that would also be included in the new ordinance. MTP Foxx motioned to have a public hearing at 5:00 pm before the next board meeting to discuss the ordinance about fowl. Alderman Johnson stated all livestock ordinances. The Mayor asked if we were now going to allow donkeys. Alderman Johnson said Attorney McKinney already went through the ordinance once before, and this is all about taking personal shots. Phillip Banner has come in here and spoken before. I have sent in all of the letters from my son's FFA projects and the projects

teachers have signed off on. Alderman Johnson asked Attorney McKinney to read general statute 81.09, which states:

“No person may keep with the Town any Livestock and/or Fowl except in accordance with this section.

- 1. It shall be unlawful for any person to maintain, keep, house or stable any: horse, mule, pony, cow, sheep, goat, swine or any other livestock including ducks, geese, turkeys, guineas within the corporate limits of the Town.**
- 2. It shall be unlawful for any person to maintain, keep or house any cattle, goat, horse, swine, ducks, geese, turkeys, guineas or any other livestock with the corporate limits of Town.**
- 3. Any existing farm areas will be grandfathered in to this ordinance. If nuisance laws are violated action can be taken to remove area’s privilege.**

Alderman Calvert asked when the ordinance was written. Attorney McKinney said it was adopted on April 7, 2015. MPT Foxx once again motioned to have a public hearing at 5:00 pm to discuss the ordinance regarding fowl before the next board meeting. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye.

CLOSED SESSION

Coming out of the closed session, no decision was made. MPT Foxx motioned to adjourn. Alderman Calvert seconded the motion. All agreed by a show of hands and stated aye.

Meeting adjourned at 7:58 PM.

Town Clerk, Jessica Buchanan

Mayor, Derek Roberts