

TOWN OF NEWLAND
06/06/2023
MONTHLY BOARD MEETING



ATTENDING

Mayor: Derek Roberts

Alderman: Kenny Caraway, Gail Haller, Christie Hughes, James Johnson
Lauren Turbyfill

Guests: Edward Dean, Casey Hartley, Chris Bohan, Nicole Hogan, Vanessa Lawson-Angrisani, Teresa Foxx, Kenan Foxx, Nathan Gittner, Dane Phillips, Cobbie Palmer, Republic Representative Sharon Parks

Staff: Town Administrator Bill Bailey, Town Clerk Mackenzie Tipton, Police Chief Byron Clawson, Police Captain Michael Fields, Deputy Chris Clark, Public Works Supervisor Gary Lewis, LPA Melisa Borkowski, LPA Jamie Bare, Finance Officer Jessica Buchanan, Town Attorney Gerald McKinney

The mayor called the meeting to order at 6:10 p.m., reminded everyone of ethics awareness, and led the assembly in the Pledge of Allegiance.

James made a motion to approve the May minutes; Christie seconded the motion, and all agreed by a show of hands and stating aye. James made a motion to approve the agenda. Christie seconded the motion. All agreed by a show of hands and stating aye.

AGENDA:

JULY MEETING

Bill advised rescheduling the July meeting due to the holiday. The meeting was to be rescheduled for Monday, July 3rd.

ADOPTION OF THE BUDGET

Bill requested approval after reviewing the budget. Derek asked if the board accepted the budget. Christie, Gail, Lauren, and Kenny said they were fine with the budget. Jamey disagreed.

MOTION: Gail made a motion to approve the budget. Christie seconded the motion.

Kenny and Lauren agreed by showing of hands and stating aye.

Jamey disagreed. The motion was successful.

Jamey stated his reason for voting no is because the budget has a \$137,000 shortfall, which implies a tax hike. Derek denied any tax increases.

MIKE TOLSON DRINKING WATER CONTRACT AND SEWER CONTRACT

Bill explained Mike couldn't make the meeting, but the AIA grant gave the town \$150,000 for wastewater and \$150,000 for drinking water. He stated the firm had applied on behalf of the town for five or six years and finally received it. He explained that there is currently a time crunch, and that the money would need to be spent by 2029. Therefore, the town would need to get projects started as soon as possible because engineering is required to receive the funds. Bill stated that the town must get the AIA grant because it is the engineering study for the actual handout of funds.

MOTION: Derek proposed selecting grant applicants. Gail made a motion.

Kenny seconded the motion. Christie and Lauren agreed by showing of hands and stating aye.

Jamey disagreed. The motion was successful.

WASTEWATER INFRASTRUCTURE GRANT

Bill stated the town was advised that they received and were approved for 1,550,000.00 for wastewater, but there needs to be engineering, so the time is ticking, and a resolution was made. Funding requires resolution approval.

MOTION: Lauren made a motion to accept the resolution to procure the amount of \$1,500,000.00.

Gail seconded the motion, and all agreed by a show of hands and stating aye.

THERESA FOXX

Theresa talked about how the town administrator cannot hire or fire. It seems to her that allowing the administrator to do so would take a lot of the politics and underhanded actions away from the board. She said amending the charter would be lengthy, but it would relieve the town board of strain. Derek agreed with Theresa and asked Bill about the process. Bill said his job description dictates what he can do. He stated that to do so, one line in his job description states he must

confirm with the board first. Lauren questioned when the job descriptions were written. Bill said he was not sure, but it was a binding contract between him and the board, and he assumed it was current. He said the town administrator title is a board creation and not in the statutes, and only the town clerk and town manager are non-board creations of the state. As a product of the board, the town administrator does everything the board lists out in the employee contract. The only things the board cannot give to the administrator are contracts and hiring and firing department heads. Theresa suggested that letting the administrator hire and fire would safeguard the board. Derek thought it was a control issue, while Theresa said it was a board miscommunication and a need for control. Gail said she is all for the administrator hiring. Kenny said he does not want to move away from this and go to the town manager, and that the people of the town vote for the board, and it is their responsibility, and he does not want to give away their responsibility to make their job easier. Lauren asked about the job description. Bill said he examines applications and submits them to the board. Christie stated that there is a process for firing before it is brought before the board. Derek said the procedure is too slow if the town must hire someone quickly. Lauren stated that she wanted Bill to be aware that if he did have this power, it would put him in a position to be the bad guy to not only the employees but to the board as well, and the board wants to make sure that he is comfortable making unbiased, sound decisions for the town, and she understands why he should have this ability. Bill stated that this is not going to the town manager. Christie stated she would discuss her reasons in private with Theresa. Jamey said he needed time for further research. Derek said the issue would be revisited. Theresa stated she next wanted to compliment the public works department because she thinks they are doing an excellent job with the mowing and there are a lot of responsibilities that come along with the job. Next, Theresa asked about a candidate forum for running for mayor or town board. Derek said there was not one, but it could be done next month. Theresa stated that it would be nice to hear from candidates. Derek said we could put one together. Theresa expressed her worry about the town speeding. She said local police equipment can only detect speed on a parallel plane, and she hopes the town will upgrade the radar equipment to help the police serve the community. She suggested a radar gun to detect speed, regardless of the plane. She suggested that it could help with money concerns. Christie stated that the board has never been asked for radar guns. Derek explained that he disagrees with the idea because the highway patrol currently does enough. Theresa and Christie said they rarely saw the highway patrol in town. Theresa wanted to know why the law enforcement personnel could not drive the patrol vehicles home. Derek said the town is working on that and will discuss it at a future meeting.

PUBLIC COMMENTS

Vanessa Lawson Angrisani stated she requested a street sign for Wanteska St. over four years ago and still has not gotten one. Bill said the county has a contract for all street signs and they have been contacted, but he does not know how far behind they are since they changed contractors. Derek asked if the municipality could special order a sign for her by the end of the week, as the sign has been a problem for four years. Bill said they will order a sign, but it will not be finished before the end of the week. Vanessa was concerned about Hardee's alleyway becoming one-way. She said she has frequently contacted the town about making it one way, but nothing happens. She said she now must replace the phone line because of a truck that passed through. Christie suggested a one-way street resolution. Derek indicated they had already made a resolution for it. Bill said it was on his list, but the county promised to do all the poles and signs.

Derek suggested getting the sign and billing the county. Bill said we could. Derek asked when. Christie asked Vanessa about Vanessa's wait time. Derek said four years. Christie stated Vanessa should not have to wait. Jamey asked about garage signs. Bill stated they do not meet DOT regulations, resulting in the wait. Vanessa said she will wait but wants a time frame. Bill agreed to order them but stated that stop signs took months to arrive because of supply chain issues. Vanessa asked about the alleyway paving bid. Derek indicated there was a miscommunication with the paving last year, but it will be resolved soon. Vanessa requested that the town address the issue with the kids on motorcycles who come in and out of the park. She stated they ride around, and she is sure they are distributing drugs, and by the time the authorities get there, the kids are gone. Michael reported talking to children and parents. Vanessa said there is too much activity where they are coming and going, and she talked to the chief, who knows the destination of the kids.

Appalachian Waste owner Dane Phillips addressed town trash service questions. Derek asked the board about garbage services because Republic's contract would expire on July 1st. Bill indicated both companies gave price quotes. Republic is \$2822.00, and Appalachian Waste is \$4260.00. Derek wondered if Republic ended exclusivity. Bill stated Republic will only pick up for town hall. Kenny advised choosing the best offer. Dane said he fully understands, and that Appalachian Waste cannot afford to offer those prices, but it is important to them that they can still operate in the community. Lauren asked if a decision needed to be made tonight. Bill said yes. Gail said if Republic is cheaper, the town should go with them if its residents can decide whom they prefer to use. Kenny questioned if the town would be under a contract with Republic. Bill said yes. Dane advised looking over Republic's fine print. Lauren asked Dane where Appalachian Waste was located. Dane said they haul trash from their Millers Gap Highway headquarters to Avery County and Boone landfills. Lauren asked Dane how long the contract would be if the town chose Appalachian Waste. Dane said Appalachian Waste does not do contracts. Derek explained that he earns \$500 a month clearing Republic dumpsters. Lauren asked if an agreement could be made with Appalachian Waste. Dane said absolutely. Republic Representative Sharon Parks said she forwarded all items to the bill and that overages may be added to a contract, adding that their typical charge includes liability for having a massive garbage truck on the highways and near structures. Sharon said that if a customer is charged for eight yards of trash and it overflows when the business takes it to the dump, they are charged for the overage, so that is where the extra charge comes in. Cobbie asked if overcharges were estimated by an image. Sharon answered yes, and each circumstance is reviewed. Derek asked if he could contact Sharon if a dumpster door was damaged. Sharon said yes. Jamey advised the town to collect their own trash to save money. Gail stated that she had changed her mind and would rather go with Dane. Kenny agreed with Gail and desired the local company. Lauren wanted to try Dane as well. Jamey suggested the town choose Republic as the lowest bidder. Christie also preferred Republic's lower rate.

MOTION: Derek asked for a motion to move forward with Appalachian Waste. Kenny made a motion to move forward with the local company. Gail seconded the motion.

Lauren agreed by a show of hand and stating aye.

Jamey and Christie disagreed. The motion held.

Nicole Hogan addressed town potholes. She said she lives and works in town, and the potholes were painted but never fixed about a year ago. Bill said the DOT painted and failed to fill all of the gaps. Bill said the town has a list and would prioritize and address them with money from the upcoming budget. Nicole requested a timeline. Jamey asked Bill about the asphalt that the state gave the town. Bill stated it was used to patch the major holes, and it was used quickly on the big holes by Cruz-Thru and in the old Lowes parking lot. Bill stated that the worst holes would be addressed first in July. Derek said the paving misunderstanding from last year will not happen this year. Nicole asked about the shredding of documents in the town. Christie advised shredding pickup. Bill said he was looking into it.

PUBLIC WORKS REPORT

Gary stated that they had an extremely busy month, and there were difficulties filling up the county pool because there was a leak. No one was made aware that the water was turned on Friday and left on all weekend. On Monday, Gary found a bad leak that used a lot of water. Well three had a bad backflow valve, but Gary fixed it. Gary added that he's been cleaning up the treatment plant and mowing a minimum of three days a week. Jamey questioned the three-day mowing. Gary said he's working on a mowing routine. Jamey asked about the sewer plant problem. According to Gary, there was a miscommunication, and it was thick. Jamey questioned the staggered schedule. Bill said there was no vote on it. Gary stated he'd only received one call after 3:30. Lauren stated that summer isn't the best time to start working later in the day. Christie suggested letting Bill make that decision. Jamey suggested one stay until 4:30. Derek stated that there is already a guy on call for after hours and they get paid for nine hours of on-call time for this reason alone. Bill said they seldom went over nine hours on call. Kenny asked if it was working. Bill said yes. Lauren thanked Gary for always being willing to do all the things she requested.

FINANCE REPORT

Jessica stated that she's been working on budgets, revenues, and expenses. A new account for First Citizens replaced the first national account. She is preparing for the 2021–2022 audit, and Cindy will be here on the 19th and 20th. Bill said payroll has been missing for years but is now complete and caught up.

POLICE REPORT

Bryon had a busy month and wanted to mention that Mr. Clark has been training with the donated dog and they are working on certifications. Derek asked if the chief could keep a car at Carolina BBQ, and the chief said he would.

ADMINISTRATIVE REPORT

Bill complimented the clerk and finance officer for their audit catch-up efforts. Bill developed a resolution to put a liquor-by-the-drink referendum on the ballot. Bill said he researched it, and it's a lengthy procedure. The resolution must go to the board of elections, and then they have a

procedure to follow. Bill asked the alderman to read the resolution carefully because he included that they are neither for nor against it. Derek clarified that this is simply for the public to vote. Christie suggested doing a petition instead. Kenny added that if they were provided with a petition with numerous names on it, the board would have an obligation to the public, but he doesn't believe that a single individual should be allowed to say they want something on a ballot and have it done. Bill said he was doing what the board asked. Christie stated she wanted to go with a petition. Jamey stated he was fine with the resolution. Lauren expressed that she would like to go with the petition. Kenny and Gail also agreed and stated they agreed with carrying out a petition.

MOTION: Jamey made a motion to accept the resolution.

The lack of seconding ended the motion.

Bill discussed the Church of Jesus Christ property exchange. The church wants to swap its front lawn for a playground behind it. Derek questioned whether this was the damaged playground. Bill replied, "Yes." Bill said the land is always wet but could be drained. Jamey incurred the cost. Bill stated that it has not been priced. Bill said the town does not own the stage, and the town doesn't own any of the property. Jamey asked about water and sewer. Bill said it would be a long route. Jamey argued that redoing the park would be cheaper. Derek inquired about the church's property plans. Chris Bohan, a Church of Jesus Christ deacon, introduced himself and said the church wishes to establish a community center for everyone. They have two spots but need to raise them to lay a foundation. Chris stated that this is a big project, and swapping could benefit both parties. Kenny asked about floodplains. Jamey noted that by swapping to the park, the town is swapping that section of the river-walk as well. Casey Hartley stated that section of the river-walk belonged to the church to start with. Derek said he thought it was a good idea. Christie agreed with Derek. Jamey stated it could be repaired at a cheaper cost, and if the town owned the bandstand, then it would be a good idea to swap. Right-of-way was discussed extensively. Kenny stated that he didn't see any problems with the swap. Jamey asked about closing that part of the river walk. Gary stated that if there was a path to walk, it shouldn't be a problem with the county. Mr. Bohan stated that the track around the park could be added to the community center, and they weren't going to have a problem with that. Jamey stated he'd be for this swap if the town owned the bandstand. Derek said they might give the bandstand to the town. Gail suggested the town switch.

MOTION: Derek asked for a motion. Gail made a motion to make the swap of property with the Church of Jesus Christ.

Kenny seconded the motion.

Christie and Lauren agreed by a show of hands and stating aye.

Jamey disagreed. The motion held.

Bill discussed Rick's comprehensive plan from last month's meeting, saying it's broken up across three years and he wants clarity on what to do. The plan was emailed to the alderman for review.

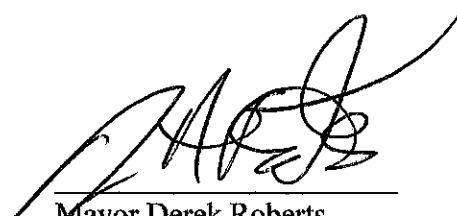
Bill again recognized the finance officer and clerk for putting together the town's finances. Bill requested the status of the tax lien. Gerald said he's working on it, and it should be paid by July 1st.

CLOSED SESSION

The meeting was adjourned at 8:10 pm



Town Clerk, Mackenzie Tipton



Mayor, Derek Roberts