

TOWN OF NEWLAND

1/7/2025

BOARD MEETING



ATTENDING:

MAYOR: Derek Roberts

ALDERMAN: James Johnson, Gail Haller, Christie Hughes, Dave Calvert, Kenan Foxx (absent)

GUEST: Vicki Caraway, Kenny Caraway, Vanessa Angrisani, Susan Johnson, Christy Ray, Butch Hughes, Theresa Foxx, Donetta McKinney, Andi Hammer, Nathan Gittner, Sara Hartzog, Sabrina Stout, Crystal Wise, Mr. Eggers

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

Mayor Roberts called the meeting to order at 6:00 p.m. and led the assembly in the Pledge of Allegiance. Alderman Johnson made a motion to approve the December minutes. Alderman Calvert seconded the motion. All agreed by a show of hands and stating aye. Alderman Hughes made a motion to adopt the agenda as stated. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. Mayor Roberts congratulated Mayor Pro Tem Haller on retirement after 43 years as a nurse.

JIM CARTNER – HOMELESS INDIVIDUALS

Mr. Cartner was unable to attend the meeting; however, Sandy had spoken to him beforehand. She stated he wanted to come and address the board about what we were going to do about the unhoused individuals in the Town of Newland. Mayor Roberts asked if anyone had any ideas so we could get ahead of the situation. Vicki Caraway stated Mr. Cartner's land adjoins the area where the individuals would camp along the river. However, she said she was not sure if that was the issue. Sandy stated we had an incident around Thanksgiving where an individual was camping in a tent, so we tried to get him some help. There is a homeless shelter in Boone, and they would not let him stay because he had a tent and some other equipment. Chief Fields stated that the Boone Police Department had contacted him and said they had bought the individual a bus ticket to go wherever he wanted. Chief said he had spoken with Mr. Cartner in the spring/ early summer, and they put a camera up on his property to keep the people from camping there. They got it to where nothing was really going on except for people walking the river to go fishing. After that, they took the camera down and moved it to another spot in Town to work on other things. However, since Helene, Chief stated he was not sure if anything had happened since then at Mr. Cartner's property. Sandy said he didn't say anything specific about his property; he had just seen them throughout Town. Mayor Roberts asked if anyone was going to get the dumpsters along the riverbank. Gary said he had called Republic three times and told them exactly where and how to get there six weeks ago. He said after

that, he just gave up calling and thought if they wanted them, they would get them. Sandy stated we could let Appalachian Waste have them, and they could re-paint them, even though we probably aren't allowed to do so. Gary said three dumpsters on the other side of Shomaker would not be complicated to get to. There are two behind the Mayor's old seal-coating building across the river. However, the three would have been pretty easy to access. Sandy said the next written notification to Republic could be if they don't get them within so many days, the dumpsters will become Town of Newland property to dispose of according to a resolution she is going to present to the board tonight. Alderman Calvert also mentioned giving them to Appalachian Waste or anyone else if Republic did not pick them up. Attorney McKinney stated that at some point, property does become deemed and abandoned. Andi Hammer stated that it doesn't work so well. Mayor Roberts said that was a vehicle. I know where you are going with this, and that is slightly different. Attorney McKinney stated he would need to research our options because they can't just leave it there. He said he knows if somebody leaves a mobile home on your property, there are ways you can get that off. He would look into it and let the board know what he finds.

RESOLUTION – LIQUOR BY THE DRINK

Sandy stated she was able to obtain our general election abstract of votes from the County and the sample ballot sent to the North Carolina ABC Commission. After that, they updated their legal sales area and she prepared the resolution per their recommendation. The board has to designate the Town Manager as the individual who will sign off any permits within the Town. For example, if Puerto wants to sell liquor by the drink, they apply to the ABC Commission for a permit. The ABC Commission sends the permit here, and Sandy will go to Puerto and say yes; it looks like a decent establishment. She will then sign the permit and return it to the ABC Commission, which will approve it. Sandy said we needed the resolution passed and signed so that the town manager could be the designated official for the Town of Newland. Attorney McKinney said the statute says you, as Town Manager, may do it. You don't necessarily have to; however, it's probably a good idea to ensure the Town is interested in ensuring that everything is compliant and good people. You can recommend or go against the applicant or property. Mayor Roberts said that was his question because what if Hell's Angels wants to open a bar across the street and is denied? He doesn't want them coming after Gary and Sandy. Sandy said she was going by standard practice, and right now, our designated official is Keith Hoilman. Alderman Johnson motioned to make the Town Manager in charge of permitting liquor by the drink. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. *(See the adopted resolution attached with the minutes.)*

RESOLUTION – OCCUPANCY TAX

Sandy stated she needed to postpone the resolution because we first needed a public hearing. She needs the board to call a public hearing at 5:00 pm on February 4th before our next board meeting. This is when we will discuss occupancy tax, and at that point, at that same meeting, we can vote to pass the resolution at the public hearing. After that, we will set up a tourism development authority and have members voted on. Tonight, you all will say when we will have the public hearing, and then we will advertise it. Alderman Hughes motioned to hold a public hearing at 5:00 pm on February 4th to discuss occupancy tax. Alderman Johnson seconded the motion. All agreed by a show of hands and stating aye.

ORDINANCE – DISPOSAL OF PERSONAL PROPERTY

Sandy stated this came about when we were making the resolutions for the shotgun sale and the police officer's personal weapons. We can pass a resolution for the Town Manager to dispose of any surplus personal property of less than \$30,000, and the Town's legal council has reviewed all of this. For example, the old tractor at Sokassa will be auctioned off or taken by the highest bidder. Chief is

working with Attorney McKinney on how to get rid of an old vehicle that has been sitting there forever. According to state personal property, it is \$30,000 and below. If an old air compressor has been sitting in the garage for years, we can auction it off or take bids for it. Alderman Hughes motioned to pass the ordinance to dispose of personal property of \$30,000 or less. Alderman Johnson seconded the motion. All agreed by a show of hands and stating aye. Andi Hammer asked who would dictate whoever gets the item at a certain amount. Sandy said the ordinance states that the Town Manager may dispose of such surplus personal property by any means which they judge reasonably calculated to yield the highest attainable sale price in money or other considerations. The surplus property shall be sold to the party who tenders the highest offer or exchange for any property or services useful to the Town if greater value may be obtained in that matter. Sandy said it doesn't necessarily need to be a sealed bid process; however, bids will need to be submitted. *(See the adopted ordinance attached with the minutes.)*

FLOOD PARCEL LEASE

Sandy stated we had received an application from Mike Nelson to lease what the State considered a buyout property. It is the parcel that sits over next to the laundry mat on Pineola. She spoke with the North Carolina Department of Public Safety and the emergency management folks there. On the application for the lease buyout property, it has the parcel number and the address. Mr. Nelson's information and the proposed use of the property are as follows: His reply was to use it as a radio-controlled car dirt track. The application asks how the property will be maintained, and he states he will mow it and keep it in good repair. Mr. Nelson understands he cannot place permanent or semi-permanent structures on the property, and impermeable surfaces or ground coverings are not permitted. He cannot have a paved track but a dirt track. Since it is a floodplain, he cannot build any solid fencing, such as wood. Sandy also provided copies of the deed and the original general North Carolina warranty deed, which says he must comply with all of the restrictions that are in the deed because these were the restrictions recorded when the Town of Newland received it from the Puckett's. We only lease the property because we cannot sell, swap, or trade it. We need to send a letter to the North Carolina Department of Public Safety to formally request permission to lease the above-referenced property to a citizen who owns property in the Town of Newland and is the adjacent land owner to use it for a radio-controlled car track. The citizen requesting the lease owns the adjacent property. The lease will be for X number of years, and the lease will pay X number of dollars for the lease term. The lease will require signing the attached agreement and abiding by all deed restrictions recorded in Avery County Register of Deed Book 403, page 793. There are no proposed activities of environmental concern. After the letter is sent to the State, the Department of Public Safety reviews the application and deems it permissible, and then FEMA will be the final lease approval. Alderman Johnson asked how many years we were going to lease it for. Sandy said the board had to decide that. Alderman Johnson motioned to accept a 99-year lease for the \$14,000 work Mr. Nelson completed on Watauga Street. Alderman Calvert seconded the motion. All agreed by a show of hands and stating aye.

PUBLIC WORKS REPORT

Gary stated his reports show work orders that have been entered. The second page shows repeating versus non-repeating. He has several that generate every week and the time he puts on the work orders. He said you can see the cost associated with each work order, including time and parts. Since August 1st, there has been \$166,000 entered, and that work does not include all of the Helene stuff going on because some of the work orders are not complete yet. Gary said that starting on page four, he had started a separate query for Helene's work orders, which had accumulated to \$121,000. He said they have had to go to the Ingles pumping station 2-3 times, and one pump is still not working. The pump appears fine, so we think it has more to do with the breaker or relay. He said most of the

\$74,000 line was the \$54,000 for the aurora pump installed at the Tweetsie pump station. He is trying to keep records the best he can for FEMA purposes because they said if you do not have accurate documentation, then you will not get anything back. Gary said Well one had a backflow problem a few months ago; however, it went away. Now, it is only pumping half of what it should be, and the last time that pump was addressed was in 1999. The pump and all the piping will need to be changed. Those parts have been ordered and will be replaced as soon as they come in. The pump in Well four was replaced; however, that was under warranty, so it didn't cost us anything.

POLICE REPORT

Chief Fields reviewed notable December calls, including three arrests, two reports of vehicle larceny, twenty-one requests to assist other agencies, and one report of stolen property. Officer K9 Lazlo located some methamphetamine on a traffic stop. Chief stated he was working with some property owners on the homeless situation and trying to clean up some properties in Town. Alderman Johnson asked Chief about the 195 business checks they had last month and if they left a card so the business knows they came by to check. Chief said they do not leave cards at every single one of them; however, they do leave some. Alderman Johnson said that if they leave some occasionally, it would be good for the business to see.

FINANCE OFFICER REPORT

Sandy informed the board for November, it always runs a few months behind; the sales and use tax is estimated to be around \$33.4 thousand, which should be here by the middle of January. Compared to November 2023, that is a decrease of \$5,772, so we are already taking the hits. The 2024 tax collection rate as of December 31st was at 80%, and Sandy said Jessica was doing a great job. She has also asked Jessica to pursue the collection of the \$17,800 in back taxes from 2020-2023. Jessica is going to reach out to other clerks in North Carolina to get an idea of what they do when collecting back taxes, as well as Andrea Turbyfill at the County. Mayor Roberts asked if this was property taxes, and Sandy replied yes, that it was personal and real property. Next, Sandy mentioned we had purchased road salt (sweet mix) back in October 2022, and the cost was \$5,800. She wanted to let the board know we would need to make another purchase soon, and since it would be over the limit the board established for routine purchases, she wanted to let them know. The cost is estimated to be \$6,000 or more. Andi Hammer asked when the Town was going to start salting the side roads. Mayor Roberts said there is never a reason not to salt flat roads. Mr. Hammer stated he pays extra taxes and cannot get either one of his roads salted or plowed. Mayor Roberts asked if it was a hill, and Mr. Hammer said yes. Mayor Roberts said we would put ice melt on that. Mr. Hammer said it had not happened in several years. Christy Ray said she knew that was a lie because her father lives up that road, and she saw it. Mr. Eggers asked if anyone had ever considered implementing sand to cut the salt cost because when the temperature gets below 20 degrees the salt will freeze back. Sandy said that's why we use sweet mix now because it works better. Mr. Eggers stated if you have sand mixed in with the salt, you have traction all the way down as it melts, even if it does freeze back. Mayor Roberts said he and Gary had previously discussed using some sand and asked Sandy if we were working off 2022 leftover materials. Gary said there were three different kinds of salt at Sokassa, and what we received in 2022 was mixed in with the rest of it by certain individuals. Mayor Roberts asked if we could go through the State and NCDOT to purchase some that is already mixed because you used to be able to do that. Sandy said she could call central procurement and find out. Sandy said we had received our second Powell Bill remittance for this fiscal year, which was \$16,500. Hopefully, we can do some road repairs from Helene and be reimbursed. She said that over the last two months, she and Gary have been working diligently with NCDEQ and our engineer from Mack Gay Associates. She is happy to report that we have received our first reimbursement for non-Helene and non-emergency repairs for water and wastewater, which was \$111,349 from the grant. The \$3.2

million grant is finally starting to come in. A citizen asked if Mike Tolson was still our engineer, and Sandy said yes. She said to receive any water grants, we would have to raise our water utility rates, and she would have to report back the amount we should be at to be eligible for those grants.

TOWN MANAGER'S REPORT

Sandy said there would be a follow-up FEMA meeting on Thursday morning at 9:30. If anyone ever wants to come to a FEMA meeting, you're more than welcome to, and there are usually 12-13 individuals in the room. There have been several complaints about the old Lowe's parking lot. Even though it is not a Town property, it is Northwest Regional Housing Authority property. However, citizens are concerned about it, so Sandy spoke to Chief, and he is putting some extra out, especially in the evenings, because people are dumping their household garbage there. Alderman Johnson asked who told them they could dump there to begin with. Sandy stated she didn't know. Christy Ray said she didn't think anyone told them they could, and they are taking it upon themselves to dump it. Sandy said she believes that when the County closed the collection sites for a few days, people took it upon themselves to dump it wherever they wanted. Vicki Caraway said there was wood debris from the Riverwalk in the old Lowe's parking lot. She wasn't sure if that caused people to think it may be a dump site. Sandy wanted everyone to know that the Town of Newland joined in a memorandum with some of the other smaller municipalities, with the County stating that they are in charge of the debris monitoring and collection contract. That was passed up to NCDOT to get permission from them to place stuff on the state right away, not the Northwest Regional Housing Authority parking lot. Alderman Johnson asked if Sandy would call the County to see if we could get that cleaned up, and she said she would. Alderman Calvert stated the County has signs posted in places that specifically say no dumping. Under the memorandum we agreed to, Mayor Roberts asked if it would say they would remove trees and stumps from side roads in Town limits, and Sandy said yes. He asked if they are going to get the big tree that is down behind the town sign by Wes Brewer Road and all the logs along the highway. Sandy said that's what I've been told, yes. Mayor Roberts said he knows their system and doesn't see somebody making enough money to cut that stuff up; it's too small and too much work. Gary said his neighbor had a few trees down, and they came and got those; however, they didn't take the logs, which are about five feet long. Sandy reiterated that when the town signed the memorandum with the County, it included side streets. However, she will verify that with Phillip and let the board know. Next, Sandy stated that we need to have some clarification on FMLA leave because there is nothing in our personnel policies. She knows the federal rules and is okay with that. She needs the board to help her decide when you want the twelve-month leave period: fiscal year or calendar year. Sandy said she thought the calendar year would be easier due to payroll, and if someone needs FMLA, they get twelve weeks in a twelve-month period. Alderman Johnson motioned to make FMLA leave calendar year. Alderman Calvert seconded the motion. All agreed by a show of hands and stating aye. Sandy said she would like to thank Vanessa and Julie publicly for decorating the town Christmas tree because it was really beautiful this year, and everybody commented on it. She also thanked Alderman Johnson and Melodie for playing Santa and Mrs. Clause. The kids loved it, and we had some dogs with pictures taken as well.

CITIZEN COMMENTS

No citizen comments were made.

COUNCIL COMMENTS

Alderman Calvert thanked everyone for their turnout at Carolina BBQ for the Toys for Tots sponsored fundraiser. Lynn Lear and Hope Harvey have been putting this together for many years, and they had the most successful drive this year in the County, at the restaurant. Mayor Roberts stated that Hank Phillips is asking the Town for the corner piece of property adjacent to Shomaker. It

is between Radio Shack and Carolina Pizza. He is interested in purchasing or taking over that small piece of property. The Mayor spoke with Gary today, and there are some utilities that Mr. Phillips understands he would have to deal with, as well as following all the guidelines. He believes Mr. Phillips is trying to clean up the area, possibly put more streetlights out there, and extend the parking lot. The next step would be getting all the information and letting Sandy send it out to all the board members so we can sell or put a lease on it. Gary said it was part of Shomaker, and Sandy stated we would have to clear it to ensure it was okay. Sandy will have to clarify whether it is a floodplain or not. If it is, we will have to do the same thing we did with Mr. Nelson and lease it. Mayor Roberts mentioned that while helping Gary with the Christmas lights, he noticed a lot of equipment sitting around and unused. He didn't think anyone would dispute that Gary needed some help. He told Gary during these snow events, he shouldn't be out by himself. He asked if Gary could make a list of things that the Town is not using or has not been used and is sitting around because there is a substantial amount of money. He said there are snow plows and mowers and would recommend selling the one-ton Dodge. Gary said we would need to make other arrangements if we get rid of the Dodge. We will probably need to downsize the excavator to something that can be pulled by a much smaller vehicle because we do not need that big one anyway. He said we didn't need the Dodge but still needed something with a dump bed in case he needed to get a load of gravel or sand. Gary said he would get a list of things that are sitting at the building. Mayor Roberts stated he appreciates what Gary is saying, but he shouldn't be operating a dump truck by yourself. When Gary gets hurt, he can assure our town attorney that he will say we were at fault because you were operating equipment alone. Gary said he didn't mean anything about having the help part. He just meant that if we get rid of the Dodge, we do not have anything to move the excavator with. Mayor Roberts said we should get rid of the excavator because we have only used it once. Gary said he has had to use it at the wastewater treatment plant and uses it to load salt. He needs one to use, just not that big of one. Mayor Roberts stated that the previous two town managers had worked on the sewage issue at the trailer park. He said he went by, and there was open sewage, and one of his employees refused to live there because of the issue. Chief Fields stated he spoke with Sandy and Attorney McKinney, explaining that it is one of the properties in Town they are working on trying to get rid of because of the sewage issue. Vanessa Angrisani asked if the Health Department was helpful, and the Chief said no. Mayor Roberts said some ordinances and laws show we can shut their utilities off. Currently, someone is going there daily, running a snake through the plumbing and letting sewage run into the yard. Chief Fields says he believes he has found a route that will work; however, it will take a little time. Sandy said the trailers do not have separate meters; therefore, they wouldn't be able to shut the water off because if we do, it will shut the entire trailer park off. Mayor Roberts said he thought each housing unit was supposed to have its own meter. Alderman Johnson stated he thought some properties were grandfathered years ago. That could be updated; however, we couldn't charge them for the meter since they are grandfathered in. He said another mobile home park runs off one meter and has had a leak for years, yet refuses to fix it. They split the water bill between all of the tenants in the park. Gary asked which one that was, and Alderman Johnson said it was the one near Mr. Caraway's house. Vanessa Angrisani said she believed that for compliance and the health and safety of the community, the Town would want to lean in to protect it. Allowing two or three to impact 700 seems like an imbalance, so why can't we fix it and place a lean on it? Alderman Johnson asked if she was talking about the sewer line, and she said yes. He asked Gary what they needed at the mobile home park. Gary said there were two cleanouts at the end of the trailers. Alderman Johnson asked how hard it would be to put it in the ground, and Gary said it was in the ground. He asked Gary how hard it would be to repair. Gary said he didn't know what the problem was. Chief said it had come loose from the trailer. Gary said it is typically the homeowner's responsibility, not the Town's, after it goes past the cleanout. Alderman Johnson asked if they owned the trailer, and Chief said four people were claiming it, and this was something he had been working on. Mayor Roberts asked if there was

a legal reason we could not shut the water off because this was very unhealthy. Alderman Hughes stated she didn't think we could due to the Hurricane. Gary said they could turn the water off, but then they would use gallons of water to pour down the drain, which would continue to make it go out into the yard. We are going to have to get rid of the trailer or the problem. Mayor Roberts asked if someone had mentioned something about a daily fine. Chief stated that Bill had asked him to go out and get pictures of everything and give them to him; however, that was the last he heard about it. Sandy said she, Gary, and Michael would get together tomorrow and come up with a solution. Donetta McKinney said they would bill the mobile home park owner for issues like this. Jessica said the utility bill is the responsibility of the mobile home park's owner. Mayor Roberts said he was trying to understand why Jessica was calling other Town Tax Collectors. He thought we had this battle back when the gentleman from the Polaris place was not paying his taxes. Sandy clarified she was not calling them. She sends out the listserv asking what letters they use when taxes are very delinquent. Then we will send those letters out, and if no action is taken, we will go to Attorney McKinney to ask if we can put liens on the properties. Christy Ray said that the property is considered foreclosable after taxes are due for so long. A citizen said it was three years. However, Attorney McKinney said we could do it sooner. After the newspaper advertises taxes as delinquent, he can send out a demand letter. Sandy said she had the list; however, Attorney McKinney said they should decide if the amount is over X dollars, then let's take certain action. He said most of the time, individuals will come up with the money to pay delinquent taxes. Sandy said there were around 60 people delinquent for 2023 and 40 people for 2022. Sandy told Attorney McKinney Jessica would review the list and get back to him. Alderman Johnson motioned to go into a closed session. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. At that point, Alderman Hughes requested her personal legal council be present in the closed session. Attorney Hughes spoke with Attorney McKinney asking if he needed to be present during the closed session. Attorney McKinney replied that his presence was not required.

CLOSED SESSION – CONSULTATION WITH TOWN ATTORNEY REGARDING PRIVILEGED MATTERS

Let the records show no action was taken during the closed session.

ADJOURNMENT

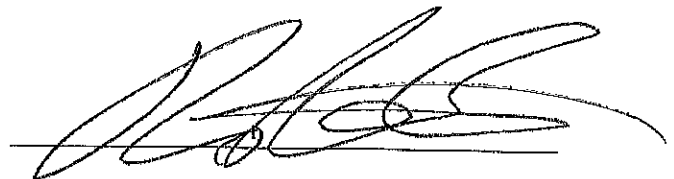
Coming back into the open session, Attorney McKinney stated to let the records show no action was taken during the closed session. He was given instructions which is appropriate for what was discussed. Sandy and all of the alderman thanked Mayor Roberts for the Christmas lights.

Alderman Hughes motioned to adjourn. Alderman Calvert seconded the motion.

Meeting adjourned at 7:15 PM.



Town Clerk, Jessica Buchanan



Mayor, Derek Roberts



RESOLUTION

Resolution of the Town of Newland, County of Avery, regarding the designation of an official to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications.

WHEREAS, G.S. 18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the Town of Newland, County of Avery, wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904(f);

BE IT THEREFORE RESOLVED THAT Sandra W. Lewis, Town Manager & Finance Officer, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the Town of Newland, County of Avery, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

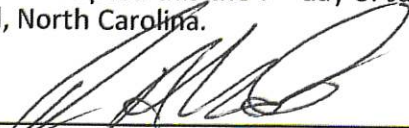
BE IT FURTHER RESOLVED THAT notices to the Town of Newland, County of Avery, should be mailed or delivered to the official designated above at the following address:

Mailing Address: PO Box 429, Newland, North Carolina 28657
Office Location: 301 Cranberry Street, Newland, North Carolina 28657
Phone Number: 828-733-2023

Alderman Kenan Fox x - Absent

VOTE: Aye - 4 Nay - 0

Passed and adopted this the 7th day of January 2025 by the Board of Aldermen of the Town of Newland, North Carolina.



Derek A. Roberts, Mayor

Attest: 
By: Jessica Buchanan, Town Clerk



**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**
(919) 779-0700

Location: 400 E. Tryon Road
Raleigh, NC 27610

Mail: 4307 Mail Service Center
Raleigh, NC 27699-4307

RESOLUTION OF THE CITY OF Town of Newland, COUNTY OF Avery, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the City of Town of Newland, County of Avery, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that Sandra W. Lewis Town Manager & Finance Officer
(Name of Official) (Title or Position)

is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Town of Newland, County of Avery, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Town of Newland County of Avery, should be mailed or delivered to the official designated above at the following address:

Mailing address: PO Box 429 Newland NC 28657
Office location: 301 Cranberry St
City: Newland, NC
Zip Code: 28657 Phone #: 828-733-2023

This the 7th day of January, 2025
[Signature]
(Mayor/Chairman)

Subscribed before me this the 7th day of January, 2025
Jessica L. Buchanan
(Clerk)





**ORDINANCE PRESCRIBING PROCEDURES
FOR DISPOSING OF
PERSONAL PROPERTY VALUED AT LESS THAN \$30,000¹**

BE IT ORDAINED by the Board of Aldermen of the Town of Newland:

Section 1. The town manager is hereby authorized to dispose of any surplus personal property owned by the Town of Newland whenever he or she determines, in his or her discretion, that:

- (a) the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);
- (b) the property is no longer necessary for the conduct of public business; and,
- (c) sound property management principles and financial considerations indicate that the interests of the town would best be served by disposing of the property.

Section 2. The town manager may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other considerations, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such a sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer or exchanged for any property or services useful to the town if greater value may be obtained in that manner, and the town manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the town manager may retain the property, obtain any reasonably available salvage value, or cause it to be discarded. No surplus property may be donated to any individual or organization except by resolution of the Board of Aldermen.

Section 4. The town manager shall keep a record of all property sold under authority of this Ordinance and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange.

Section 5. This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. § 160A-266(c).

Section 6. This Ordinance shall become effective upon adoption.

Adopted this 7th day of January, 2025.

VOTE:

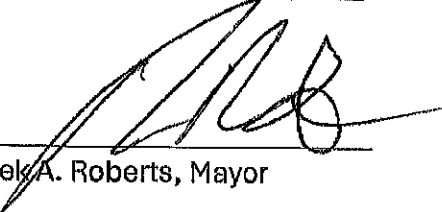
Aye

4

Nay

0

Alderman Kenan Foxx - Absent



Derek A. Roberts, Mayor

ATTEST:



Jessica Buchanan, Town Clerk