

# TOWN OF NEWLAND

12/3/2024

## BOARD MEETING



### ATTENDING:

**MAYOR:** Derek Roberts

**ALDERMAN:** Kenan Foxx, James Johnson, Gail Haller, Christie Hughes,  
Dave Calvert

**GUEST:** Vicki Caraway, Kenny Caraway, Drema Hayes, Susan Rash, Nancy Davis, Vanessa Angrisani, Susan Johnson, Beverly Hoyle, Larry Hoyle, Faith Lacey, Christy Ray, Suzzannah Gittner, Nathan Gittner, Greg Gardner, Sabrina Stout, Butch Hughes, Theresa Foxx, Donetta McKinney, Mike Nelson, Maria Roberts

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

Mayor Roberts called the meeting to order at 6:00 PM. He asked everyone to speak up because the clerk has difficulty hearing through the system we use when she is doing minutes. He also asked everyone to silence their cell phones and led the assembly in the Pledge of Allegiance. Mayor Pro Tem Foxx made a motion to approve the November minutes. Alderman Johnson seconded the motion. All agreed by a show of hands and stating aye. MPT Foxx made a motion to accept the agenda. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye.

### RESOLUTION – SALE OF SHOTGUNS

Sandy explained to the board the resolution for the Police Department to sell five shotguns to Linville Land Harbor, which was discussed during last month's meeting. They have agreed to pay \$1,000 for the five Mossberg 12-gauge shotguns, and this is a resolution for the board to approve. We did discuss this in the past and have approved it. Alderman Calvert motioned to sell the shotguns to Linville Land Harbor. MPT Foxx seconded the motion. All agreed by a show of hands and stating aye. *(See the adopted resolution attached with the minutes).*

### RESOLUTION – SALE OF HANDGUNS TO NEWLAND OFFICERS

Sandy stated the Police Department purchased new handguns and would like to sell the five old handguns to the officers who were carrying those (Glock 23, Gen 340 Calibers) at \$100 each. This is a resolution for the board to approve or disapprove of selling those weapons. Mayor Roberts said he was going to disagree because traditionally, these handguns are typically sold for \$1.00 a piece if it goes to the officer who was carrying it. Alderman Johnson asked Chief Fields if the old handguns were worth more than that. Chief stated that when they purchased their new ones, he spoke with

someone about trading in the old ones, and that's why he was basing the price on \$100. However, at retail price, they were worth more. Alderman Johnson suggested selling them, and Sandy said we could; however, you have to go through the bid process. Mayor Roberts said police officers do not make a lot of money to begin with, and this is a gun that is important to them. That is why, traditionally, in other places, they are sold to the officer carrying it for \$1.00, which is why he is recommending it. Alderman Calvert asked if there were other handguns the officers were carrying. Chief Fields stated they purchased new ones this past year, and the old ones they would be selling were probably ten years old. MPT Foxx motioned to sell the old handguns to the officers who were carrying them for \$1.00. Alderman Hughes seconded the motion. The motion passed with a 4-1 vote. *(See the adopted resolution attached with the minutes).*

#### **RESOLUTION – ACCEPTANCE OF NCDEQ STATE EMERGENCY LOAN BRIDGE & NCDEQ FUNDING OFFER & ACCEPTANCE**

Sandy explained this was a resolution to approve the \$400,000 loan NCDEQ offered. It is a 20-year loan at zero percent interest. She applied for it because we have already made so many water/wastewater repairs, and you can only use this money for those repairs. She is asking for the loan to pay back the Town's general fund since we have already paid these bills. Once we are reimbursed from FEMA, we can pay off the NCDEQ loan. The next three documents are related to what they call a bridge loan, which means bridging our financial situation until we receive FEMA funds. Mayor Roberts asked Sandy if she knew when the \$3.2 million grant would start coming in. Sandy said she sent the document for our first reimbursement for over \$100,000 to the State and we hit another roadblock. Mike Tolson sent an email today stating they needed more information and that there may be more documents for the Mayor to sign. Alderman Johnson motioned to accept the NCDEQ state emergency loan bridge resolution. Alderman Calvert seconded the motion. All agreed by a show of hands and stating aye. *(See the adopted resolution attached with the minutes).*

#### **CAPITAL PROJECT ORDINANCE FOR NCDEQ LOAN**

Sandy said she would speak more on this during her finance report.

#### **FEE SCHEDULE**

Sandy proposed a fee schedule for everything except for the actual water and sewer rates. She sent it to the board a long time ago which was proposed back in August. It is to adopt a schedule of miscellaneous fees, administrative fees, police fees, business registries, and water fees. For example, disconnect and reconnect fees, meter costs, and pool filling. MPT Foxx motioned to approve the fee schedule. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. *(See the adopted fee schedule attached with the minutes).*

#### **REAPPOINTMENTS**

Reappointments for December include Town Clerk/Tax Collector, Interim Town Manager/Finance Officer, Town Attorney, and Mayor Pro Tem. Alderman Hughes motioned to reappoint Jessica Buchanan as Town Clerk/Tax Collector. MPT Foxx seconded the motion. All agreed by a show of hands and stating aye. Alderman Johnson made a motion to reappoint Sandy Lewis as Town Manager/ Finance Officer. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. Alderman Hughes asked to make the Town Manager position permanent instead of interim. MPT Foxx motioned to reappoint Gerald McKinney as the Town Attorney. Alderman Hughes seconded the motion. All agreed by a show of hands and stating aye. Alderman Johnson

motioned to appoint Alderman Haller as Mayor Pro Tem. Alderman Hughes seconded the motion. Alderman Calvert said he didn't have a problem with Alderman Foxx and declined to vote. Motion passed 3-2.

### **3- MINUTE RULE FOR PUBLIC COMMENTS**

Alderman Calvert said he thought we had this in place at one time. Alderman Hughes said we did; however, it has not been enforced. Alderman Hughes said this needs to be re-adopted and a rule that should be followed. Mayor Roberts stated the board could adopt it all they wanted. However, he would not stop the citizens from speaking after three minutes. Alderman Hughes said he would if they said he would. He said he doesn't mind to ask them not to yell, cuss, and scream. However, he will not be the type of Mayor to tell someone they cannot speak. Alderman Hughes made a motion to adopt the 3-minute rule for public comments. Alderman Johnson seconded the motion. Motion passed 4-1. Alderman Calvert suggested if citizens have something specific they would like to bring up, they can request to be on the agenda, which is different from public comments. Mayor Roberts said he appreciates what Alderman Calvert is trying to say; however, unless Attorney McKinney says anything, he will not stop them at three minutes. Alderman Haller asked that public comments be kept to speak about Town business matters, not personal attacks.

### **REQUEST FOR APOLOGIES**

Mayor Roberts said he would be skipping this item up for discussion. Alderman Hughes asked why we were skipping the request for apologies. The Mayor said it was because he knew she wouldn't apologize, neither would he (Alderman Johnson), and Alderman Hughes replied that was true.

### **PUBLIC WORKS REPORT**

Gary stated he had several things going on that had nothing to do with Helene. He will be doing meter reads tomorrow because the snow pushed that back. There were eight 811 tickets last month. He said something is in the works to replace the High School Road culvert with a bridge since it has washed out twice in ten years. Well four is down because the pump stopped last week; however, it was just replaced in May or June of 2023. Therefore, it should be under warranty. Well one is having some issues, and Gary thinks there may be a hole in the pipe because it does not hold pressure. However, nothing has been done to this well since 1999. The leaking manhole on Main Street is a water line that goes to the church and funeral home, and the water will be cut off tomorrow. It is a cast line that will probably fall apart when they get to it. Gary said he took the F250 to Mountaineer to have the plow worked on. Mayor Roberts asked if we put fluoride in the Town water. Gary replied no.

### **POLICE REPORT**

Chief Fields stated that, for November, his department had 543 logged calls for services, including five ongoing investigations, nine calls for suspicious persons, three domestics, and two unwanted persons. During one of the investigations, Officer Isaacs located some stolen property in Watauga County and got a search warrant serving that property along with some Watauga deputies. He was able to retrieve some of the property back. Mayor Roberts asked if we had recently lost an officer. Chief replied yes. The Mayor asked what the plan was to move forward, and Sandy replied that it would be discussed in a closed session.

### **FINANCE OFFICER REPORT**

Sandy stated the current balance in the general fund at the end of November was \$68,700. She explained to the board the worksheet she completes daily, and as of today, the available balance is \$51,400, and we have \$240,000 in anticipated bills along with Friday's payroll. She said she sent the board an email on Monday stating she would be removing funds from the two investment accounts to pay vendors this week and payroll. Our next anticipated revenue will be a little over \$51,000, which includes the sales and use tax and the franchise tax. Sandy met with two representatives from the Department of the State Treasurer's office from the LGC. They told her we needed to decrease our budget again by \$25,500 because we overestimated our 2024 tax revenues. Since the 2023 audit has been finalized, you can only use your tax collection rate from your latest audit, which was 94.17%.

### **MANAGER'S REPORT**

Sandy said we would have our FEMA recovery scoping meeting on December 11th. This is where they will meet with FEMA representatives to discuss damaged inventory and any documentation they require to support our public assistance requests and claims. They will send side inspectors to look at the areas where we have damage and have already had to do repairs. The state-level Department of Public Safety has sent someone to help with our FEMA public assistance documentation. Cory Osborne from HCCOG is helping as well. Sandy asked the board if they would pass a motion for her to be able to bring action items pertaining to the \$3.2 million grant to the Mayor for direct signature and approval instead of calling a special meeting each time. Alderman Johnson motioned to allow the town manager to take these documents directly to the Mayor for signature. Alderman Foxx seconded the motion. All agreed by a show of hands and stating aye. Sandy said she would like the Town and citizens to consider joining an events committee. We used to have Lauren Turbyfill, who loved doing events, and Sandy would like to have a committee in charge of events such as festivals and parades. Alderman Calvert asked who would select the individuals to be part of the committee. Alderman Hughes said she thinks whoever wants to be on it can. Donetta McKinney, Christy Ray, and Vicki Carraway volunteered to be on the committee. Alderman Johnson motioned to allow the town manager to set up an events committee. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. Sandy said we would advertise this on our Facebook and Town websites. Mayor Roberts asked Sandy if she would address a letter given to her, and she said it would be read during closed session. Mayor Roberts said he gave his word that the letter would be read during the open session. Sandy replied that when they return to an open session, she will read it.

### **CITIZEN COMMENTS**

Drema Hayes asked the board members, with the exception of Aldermen Calvert, since he was not on the board a year ago. If they remembered her asking them why they wanted to be on the board. She said they all answered to better the Town. Ms. Hayes said her comment tonight is that you are not here to better the Town; you are here to try and make yourself look good. Vanessa Angrisani stated she had questions for Attorney McKinney about reappointing a new Mayor Pro Tem. She said Attorney McKinney is probably way more familiar with 160A – Article 5 regarding what governs the reassignment to vote in a Mayor Pro Tem. She asked if he could talk about what the Town Council can do if they decide to vote unanimously to declare Mayor Roberts incapacitated. What powers does that give the Mayor Pro Tem if that should happen? Attorney McKinney stated that, generally, the Mayor Pro Tem takes the place of the Mayor in the Mayor's absence. Ms. Angrisani asked if the council could unanimously vote that Mayor Roberts is incapacitated. Attorney McKinney replied no. Ms. Angrisani stated that is not what it says because she wants the citizens to understand the level of power play that goes on and is working for the betterment of the citizens in the Town. A councilman

servicing as a Mayor Pro Tem shall be entitled to vote. Therefore, Alderman Haller will be entitled to vote on all matters as if she were sitting on the council if the Mayor should become physically or mentally incapable of performing the duties of office. She continues by saying the council may, by unanimous vote, declare that he is incapacitated and confer any of his powers and duties onto the Mayor Pro Tem. Upon the Mayor's declaration that he is no longer incapacitated, he can slip back in. However, the council has direct control of that, and she wants the Town to understand the council can do this if they choose to do so. She reiterated that you could find the information in NC G.S. 160A – Article 5. Mr. Hoyle asked if the Mayor has to declare himself as incapacitated. Ms. Angrisani replied no, the council can unanimously vote to say he is incapacitated. Mr. Hoyle asked how they could do that if he weren't incapacitated. Angrisani replied that if he was not present, they could do it. Christy Ray asked if that also meant with health care. Angrisani replied correct. Christy Ray stated she did not believe that is how it works regarding health care. Attorney McKinney stated that incapacitated is a loaded word; it is not saying incompetent but also that the Mayor is not capable or able to carry out their duties. His suggestion, unless it is something really bad and obvious, it would be a bad briar patch to get into trying to declare someone incapacitated. Alderman Calvert said there is another section about the removal of a Mayor. Attorney McKinney says you can see a Mayor that is removed file a lawsuit saying I'm not incapacitated. Angrisani said we are not trying to touch on that or an emotion; this is about the ability of the council itself to manipulate things. Vicki Carraway said that's always been the case. Angrisani says she understands; however, we are on our second Mayor Pro Tem. First, Alderman Johnson was voted down, Alderman Foxx was voted in, and now back to Alderman Haller. And that is within the last two years. Alderman Calvert stated it has to be reappointed every year regardless. Mayor Roberts said he understands what she is driving at, which was one reason why he worked in the past to remove Alderman Johnson as Mayor Pro Tem. Any time the Mayor was out of Town, it seemed like a meeting would be called to try and fire someone or discuss something without him there.

#### **COUNCIL COMMENTS**

Alderman Johnson stated last month that we lost a great citizen in Town, and I would like to ask if we have a moment of silence for Ms. Frances Banner. Everyone took a moment of silence for Ms. Banner. Alderman Calvert asked where we were at with the land exchange. Attorney McKinney said he would try to have something for the board by the next meeting. Mayor Roberts asked if we needed a motion for that, and Attorney McKinney said he had already been authorized to do so; he just needs to draw it up and send it to UNC Health. Mayor Roberts stated that we have a proposal from Mr. Nelson for the Town. He is offering to waive his fee for fixing the culvert on Watauga Street in exchange for a piece of property the Town has beside the Quick Shop. Mayor Roberts thinks it is a fabulous idea because it will save the Town \$25,000, and it is a piece of property the Town does not use nor are we going to maintain. Sandy said she has contacted the NC Department of Public Safety, who has advised the Town that we cannot do anything with a parcel considered a flood parcel, and this one is designated as one. These parcels cannot be traded, swapped, or sold, and the only way that could happen is if the County owned the property and wanted to give it to the Town. The Town cannot put any permanent structures there, and she reiterated that it cannot be traded, swapped, or sold. Mayor Roberts said we could lease it for a lifetime lease for \$1.00 a year. Sandy asked if he heard that from the Department of Public Safety. He replied I actually just made it up. Sandy said she had an email she would send to the board tomorrow. Attorney McKinney said he had not seen the email, and Mayor Roberts asked if he thought they could do this. He said they didn't say you

couldn't give it to him. Alderman Hughes said it needs to be looked into further. Alderman Johnson and Alderman Haller stated they thought it was a good deal. However, they need to make sure it is done legally. Alderman Calvert said if we can save money and get rid of a piece of property we don't use or maintain, then it's a no-brainer. He asked Attorney McKinney if he could look into this more, and he replied yes. Alderman Johnson made a motion to go into a closed session referencing personnel. Alderman Foxx seconded the motion. All agreed by a show of hands and stating aye.

#### **CLOSED SESSION**

No action was taken during closed session.

#### **ADJOURNMENT**

Coming back into open session, Alderman Johnson explained that the State says we have to cut another \$25,000 from our budget. We recently had an officer resign and at this time, Alderman Johnson made a motion to freeze that officer's position. Alderman Haller seconded the motion. All agreed by a show of hands and stating aye. Alderman Hughes said they are looking for other funding and reiterated the position was frozen and not eliminated. Suzzannah Gittner asked how we got into this position because we always talk about how we are down. Sandy stated that the prior administrator overspent the Town's budget to the tune of \$800-\$900,000. Ms. Gittner said that is why the board is here to approve spending. Alderman Hughes said he never brought it to us, and we have been going over this for over a year. Many things were not pre-audited; checks were written and signed for money we didn't have. Sandy said there were also no project or budget ordinances done for anything. Mayor Roberts asked if we had ever pre-audited anything. Donetta McKinney said when she was on the board, they did. The Mayor asked why did they stop. She replied that she wasn't sure but was on the board until 2017. Alderman Calvert stated that they always submitted their audits on time when he was previously on the board, and he wondered how we got so behind on those. However, he said at the end of the day, he thinks we all know the answers to all the questions she just asked.

Alderman Calvert made a motion to adjourn. Alderman Johnson seconded the motion. All agreed by a show of hands and stating aye.

Meeting adjourned at 7:30 PM.



**Town Clerk, Jessica Buchanan**



**Mayor, Derek Roberts**