

TOWN OF NEWLAND
05/02/2023
MONTHLY BOARD MEETING



ATTENDING:

Mayor: Derek Roberts

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

**Guests: Rick Flowe (N Focus Representative), Republic Representative Tracy
Nestes, Republic Representative Don Phelps, Virginia Foxx,
Teresa Foxx, Kenan Foxx, Nathan Gittner, William Costner,
Lily Kincaid, Sandy Lewis, Dane Phillips, Cobbie Palmer**

**Staff: Town Administrator Bill Bailey, Town Clerk Jennifer Beam, Police
Captain Michael Fields, Public Works Supervisor Gary Lewis,
Melisa Borkowski, Finance Officer Jessica Buchanan, Town
attorney Gerald McKinney**

The Mayor called the meeting to order at 6:00 p.m., reminded everyone of ethics awareness, and led the assembly in the Pledge of Allegiance. James made a motion to approve the April minutes; Christie seconded the motion, and all agreed by a show of hands and stating aye. James made a motion to adopt the agenda. Gail seconded the motion. All agreed by a show of hands and stating aye.

AGENDA:

N Focus

Bill quickly summarized N Focus planning and zoning and introduced N Focus representative Rick Flowe. He said he would like to bring in a specialist who is familiar with North Carolina's system and has an abundance of local knowledge. He said that because zoning takes a while, it would be wise to have the conversation right away. Rick began by discussing his expertise in

planning and zoning and then went on to dispel some misconceptions. Zoning, according to him, is more about establishing rules and specifications than it is about regulation. For Rick, planning and zoning lay the groundwork for structures in North Carolina and are more concerned with the community's character and aspirations for its future development. Rick emphasized the value of a comprehensive plan that takes into account all of the moving pieces in a community and said he thought moderation was the key to success. Lauren questioned Rick about the cost of developing a comprehensive plan. Rick went on to say that he was unable to give a price since Patty Raider runs the business and a development ordinance generally takes a year and a half to complete. Rick said there is mapping involved and a lot more that goes into it. Therefore, Patty usually sets things up over a period of approximately three budget years or three fiscal years. Rick stated that the company should do it in an enjoyable and beneficial way rather than trying to carve down their prices, and that Patty Raider will likely have something about the cost by the end of the week or possibly the next week to send to Bill.

Republic

Republic stated that everyone at the previous meeting had more questions than they could possibly address, so they invited Don Phelps, their senior municipal and job manager, who has a little more expertise in the municipal sector. Tracy discussed Republic's history, why Republic was a wise choice, and one of the town's best possibilities. She said Republic prioritizes safety and sustainability and that franchises have six costs, including fuel, depreciation, tires, and labor. She stated that the town's contract expires at the end of June and that she wanted everyone to know how much Republic gives back to the community by employing over 30 people and paying taxes, but not Newland. She stated that the Town of Boone's dumpster pricing is double what they charge Newland, and their residential collection pricing is competitive. She suggested signing a one-year extension and having workshops to create an RFP in September to be competitive by October. She told the board that due to supply chain challenges and inflation, it would take someone until then to buy the necessary machinery and also provide a competitive price, but nevertheless, Republic is still dedicated to serving the town safely and at the lowest cost. Derek wanted to know if the extension covered the town switching to Republic exclusively. Tracy confirmed that this is the definition of a franchise, and she offered to give the General Statutes. Additionally, she mentioned that it was in the contract that was finalized in 1998. Derek explained that this is the reason he used the word "mafia" and that he was shocked and amazed that the town signed that. Tracy mentioned that she could probably name close to 2,600 towns all throughout the country that had the same contract. Derek stated that he owns two small businesses that have been very successful for quite some time, but he cannot comprehend how Republic has the power to tell our townspeople what trash service they can use just because of what the board signed.

Tracy went on to explain that if we do not sign this contract with Republic, the town will lose access to a free service worth six thousand dollars, which entails that Republic will no longer pick up trash at the town hall or the library at no additional cost. Since this benefit will be taken away if the town does not sign with Republic, the town will need to factor this cost into its budget. Derek asked Mr. Costner his thoughts on whether he believed it acceptable for people in

the community to only be permitted to use Republic. William Costner said he was not okay with it, but the town does get a benefit. Tracy said yes, the town gets a benefit, and the town provides the lowest cost to the customers, and it was bid out. Derek said he didn't know if there was anybody competitively bidding back then. Tracy said that there was Highland and several more, and she could get that information. Kenny said he'd like to see that information. There was an energetic conversation about the RFP and opening it up to let residents come and talk about it. Derek said he's had people agree with Mr. Costner, but he sees both sides. Derek said he doesn't want to force his town's residents to use Republic because it's cheaper. Derek then says that Republic is great in one of his businesses, so he's not complaining. Don said Republic's fees for the township won't change whether it's a restaurant or a hardware store, but others will. Tracy suggested the town enter an open market first, then call Boone to determine pricing. James asked what Republic charged residentially. Tracy said they charge \$17.00 a month with once-a-week pick-up, and that Republic is giving the municipality plenty of leeway to research and come back with the best recommendation. Lauren asked Tracy for dumpster prices. Tracy said that is a part of the privacy contract and would vary on collections per week, but your regular 8-yard dumpster is \$4.01 per yard with a once-a-week pick-up. Lauren questioned what residents would pay for breaking the exclusivity pact. Tracy estimated double, stating that Republic invested \$350,000 on a vehicle, parts, carts, and dumpsters to serve the neighborhood.

Appalachian waste

Dane introduced himself and his partner, Cobbie. He discussed Republic's increased fees and dumpster trash pickup. He stated that he wants to better our community and assist the people because he grew up here and his children are growing up here. He indicated that he cannot compete with Republic but that he will do anything the municipality requires and that Appalachian Waste Management has everything necessary to make the changeover from Republic, including four-wheel-drive trash trucks capable of picking up in the winter. James asked what Dane's prices were. Dane stated that their monthly costs for an eight-yard dumpster with weekly pickup are \$250. And they would make certain that it was clean with no additional fees, and residential pickup would be \$35 per month. James asked if Dane had customers in town now and what kind of comments they had when they began service with Dane. Dane said customers have complained about missed pickups and overcharges. Lauren asked if Dane's density increased, would he be able to cut his costs? Dane said yes. Tracy stated that things like hydraulic spills and unsightliness around dumpsters could be included in a contract with Republic. James asked Kenny to talk about his experience with Republic. Kenny stated that there was an overflowing dumpster in town that had been parked in a handicapped parking spot for three months. The bin was overflowing with building materials, and there was debris on the sidewalk. He added that he and the Republic driver had an argument and that he had to phone the police department. Tracy expressed her appreciation to Kenny for sharing his story. Derek asked if he could get a motion to move forward with this as an open competitive situation. Jamey made a motion that on June 30th we terminate and do not renew the Republic contract, and we leave the trash service for the citizens and the businesses of Newland up to them. Kenny seconded the motion. All agreed by a show of hands and stating aye.

William Costner

The Newland Volunteer Fire Department's William Costner expressed his worries about communication between the town and the fire department. He stated that there were some comments implying that the Newland Fire Department may have provided water to some individuals. William inquired as to the accuracy of these remarks. Derek stated that the town is working on a budget and that the town will meter the fire department not to bill the fire department but to keep track of how many gallons the fire department is using because the town is losing roughly 900,000 gallons per year. Bill stated that the town is just trying to figure out how much the fire department uses in a year so that it can deduct that amount from the amount that the town can't figure out where it is because there could be leaks in the system, and his concern is this huge gap between what we say we bill and what we say we pump, but the town was not asking the fire department to do this in case of emergency. Bill predicted that the meter would most likely screw onto the hydrant.

William Costner stated that the fire department is willing to work with the town, but they could fill up on High School Road rather than at the station. He also stated that the fire department has many ways to get water that the town will never know about, but they have nothing to hide and they're here for the town. Bill expressed confusion because Mr. Costner said he did not mind the meter, but if the town made the fire department use it, they would go somewhere else to fill it up. Mr. Costner added that the town wasn't going to force them to do so but that the fire department would work together with the town, and he agrees. Kenny explained to Mr. Costner that the town is seeking to acquire a basic concept of a yearly average so that it can deduct that number from the 900,000 to get a sense of what they're looking for. There was a great deal of conversation regarding filling up in an emergency and filling points. Derek asked Mr. Costner if he could go back to his first question.

According to Mr. Costner, the Newland Volunteer Fire Department was not distributing any water at the time. Bill and Gary asked if Mr. Costner would be interested in watching the tape. Mr. Costner responded affirmatively when asked if he would be interested in viewing a video of the Newland Volunteer Fire Department hauling water. Bill said that the fire department was not the one hauling it, but rather they were giving it off to a private entity. According to Mr. Costner, this information was new to him. Derek asked if it was a hydroseeder being filled up. Gary said yes. Mr. Costner expressed his gratitude to Gary for the video and inquired about the destination of the water. Derek said that it was Angelo's truck, despite the fact that Angelo is not a resident of the area. Mr. Costner assured everyone that he would handle the situation and stated that the town should send an invoice to the person.

Kenny stated that again, the town would not get the total number from the meter. Mr. Costner said they will do the best they possibly can to meter the water, but in the heat of the moment, it is tough. James asked if Mr. Costner could prevent the others from filling up individuals. Mr. Costner said that he had previously spoken with them but that he was unaware that they had actually done this. Kenny expressed his faith that Mr. Costner would be able to handle the matter. Mr. Costner voiced his concerns about the rumor that utilizing water from outside of the district in the town of Newland for structural fires was forbidden. He inquired as to whether or not there

was any truth to this. Jamey, Derek, and Bill stated, that it is something that has never been brought up before. Bill stated that the town will not dictate the fire department's boundaries. For the sake of improved communication, Derek suggested that Mr. Costner hold a meeting with the town once a month. Derek shared that the town board has nothing but high praise for Mr. Costner, but that the board has a lot of problems with some of the leadership personnel, and that the town is interested in making the donation, but there will be contracts involved. Derek replied that there is a need for some additional communication because he thought Mr. Costner was aware of the problem regarding the water. Mr. Costner stated that he was aware of the situation, but not to that level. Mr. Costner suggested that any inquiries, criticisms, or complaints should be given to either the chief or himself, regardless of whether the citizens of the town approve of him or not. He stated they are not making any changes to their chief, and he's doing a great job. Mr. Costner was asked by Derek if there was going to be a problem if the town added training twice a year to get the roadways clean, and he responded that maintenance of large fire hydrants is not their job; rather, it is the obligation of the town. Jamey indicated that the town's maintenance department would handle it. Kenny suggested the town and the fire department work together for the benefit of the citizens. Mr. Costner replied that any inquiries should be directed to him, and he would be happy to answer them.

Utility Releases

Jennifer indicated that there were utility releases totaling \$6445.21 that were transferred into our new accounting system from Alpha, our previous accounting system. These accounts were determined to be inactive because people have moved or passed. Bill mentioned that many of these people have passed away, and their estates have been taken care of; however, the town has not taken care of the accounts, and there is no way to locate these individuals. He stated that the town could pay an attorney to help them skip trace everyone, but that would cause the town to spend more money than what the people are obligated to pay. Jennifer mentioned that she began with 7,345.21 cents when she first began, but she was able to apply other deposits that were already on the accounts as well. Jennifer and Bill have both mentioned that the majority of the releases are from as far back as 2013 and that this means that they are not current. Derek asked what Bill would like to do. Bill stated that they would like to write them off. Derek asked if he had the motion to do what Bill was asking. Christie made a motion to release the utility bills in the amount of \$6445.21. Kenny seconded the motion. All agreed by a show of hands and stating aye.

Tax Advertising

Jennifer stated the tax advertising total this year is \$30,784.00, with High Country Polaris accounting for \$10,800.00 of that total. Bill stated that he is asking permission to advertise. Kenny asked about the cost of advertising. Jennifer said the cost of advertising would be added to the account. Kenny made a motion that the town go ahead and advertise taxes. James seconded the motion. All agreed by a show of hands and stating aye.

Tax Releases

Jennifer stated that tax releases for this year were \$512.43, and there is no way to contact these people. She stated that the amount of \$512.43 is after penalties and interest have been added on. James made a motion to release the taxes in the amount of \$512.43. Gail seconded the motion. All agreed by a show of hands and stating aye.

Payroll/Howard Simon

Bill stated that the company that handles our payroll is ADP, which provides us with software and files our tax forms for the town and the individuals, but he has had many problems with them. If he gets an agent to answer the phone, he can't get a resolution to any of the issues. As a result of his frustration with them, he searched for and found a vendor that is here in the United States. He indicated that the town's annual cost for using ADP is \$4,675.55, but that the town's annual cost for using Howard Simon would wind up being \$2,900.00 for the same services. He would like to propose to the town that they switch, obtain a better time clock that actually functions, and receive customer support that truly responds to their problems. James made a motion to drop ADT and switch to Howard Simon. Gail seconded the motion. All agreed by a show of hands and stating aye.

Theresa Foxx

Theresa mentioned that she has been attending the board meetings for nearly two years now, and throughout that time she has observed various problems. She stated that she finds it quite unsettling that eight employees have departed the town in the past two years, and she would like the board to shed some light on the matter. She also stated she missed a meeting when there was a discussion about putting liquor by the drink on a ballot for the citizens. She stated that in that meeting there was no discussion or communication except to vote no, and she would like to know why. She indicated that she would like the subject to be brought up again before the board, and this time she would like for them to vote to put the question of offering liquor by the drink as an option on the ballot and allow the 514 registered voters of the town of Newland to make the decision. Lauren expressed that she was under the impression that the number was thirteen.

Derek asked if the board knew why employees were leaving. Gail said that she was unaware of the reason. Kenny indicated that it was their decision to do so. James stated that they left for more money. Derek mentioned that when he first became mayor, there was a significant issue with the manner in which the board was treating the staff, and he was able to get the board in order. He stated the board should go to the administrator with questions, not the employees, but he does want to applaud the board because they have done much better. Derek mentioned there was an issue, but the town is making significant efforts to correct the situation.

Derek went on to the next topic of conversation, which was about selling liquor by the drink, and he agreed. Theresa stated that although she believed it would most likely be defeated in

Newland, she still believed that it should be put on the ballot so that the residents could make the decision. There was a brief discussion regarding the prior meeting on the topic. Lauren stated that she would like to conduct additional research on the voting process in order to ensure that only those who reside in the town limits of Newland are eligible to vote on the issue. According to Kenny, the topic was a surprise to the board on that particular night. Jamey acknowledged that he was not present but stated that he supports holding a vote on the matter. There was some brief discussion regarding the rules and regulations that apply to ABC stores. James put forward a motion to allow voting on alcoholic beverages by the drink. Rick recommended to Bill that he come up with a resolution to prevent backlash. Kenny said we need to involve businesses as well. James withdrew his previous motion and made a motion to let Bill do a resolution to present to the board at the next board meeting for the possibility of liquor by the drink going on the ballot. Gail seconded the motion. All agreed by a show of hands and stating aye.

RFQ

Bill stated the town did get the AIA grant and he needs permission to advertise
Jamey made a motion to approve RFQ for the AIA grant. Christie seconded the motion. All agreed by a show of hands and stating aye.

Public Comments

None.

Public Works

Gary spoke about the work order program. He stated it's in the budget and it will be somewhere around \$3,000 a year. He also stated the town needs to look at getting someone to do an infrared scan on our treatment plant. He is working on getting a schedule down for mowing and getting someone qualified to spray round-up. Christie and Lauren thanked the public works crew for their hard work on Saturday.

Finance

Jessica spoke about moving the National Bank funds because the Linville Branch closed and that the town will have to go to the Boone branch pull it and put it into First Citizens. She stated she had talked with the auditor and she highly suggested not moving the accounts until July. Derek asked if we ever got our funds back from UCB. Bill said we did not and our next step is to give to issue to the lawyer. Jessica filed our semi-annual sales tax refund report and the town is getting around \$4,000.00 back.

Police Report

Police Captain, Michael Fields, gave the reports. There were six motor vehicle accidents, three assaults, four verbals of speech, one domestic, five trespassing complaints, eleven medical calls, six drug complaints, six ongoing investigations, and two arrests. The new officer was sworn in two weeks ago. Chief, Michael, and Chris went through Intox during the first of the month.

Administrators Report

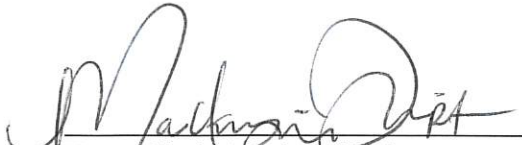
Bill stated that The Church of Jesus Christ asked if the town would be willing to swap property so they have the grass area where we have the events and the town has a playground. They're roughly the same size. They're looking to build a community center and it's much better if they build it outside the flood plain than inside the flood plain. It would be open to the public type of Community Center. Derek asked if Lauren was permitted to vote because she was a member of the church. Lauren stated she talked with Bill, and he said she could because she is not a deacon. She said that she believed the town was saving face by exchanging properties because our property is now a liability due to costly park maintenance. Derek asked Mr. McKinney, the town attorney, whether Lauren could take part in the decision-making process because she is a church member. According to Lauren, her church doesn't keep a list of its members; she just simply attends there the same way she would attend a ball game. According to Bill, she must be disqualified under ethical regulations if she has a financial stake in the outcome, such as if she serves as the church's financial officer. Kenny said that even though the park requires a lot of maintenance, the general public must be involved because they use it. Derek said the town is going to build a town park and a dog park somewhere else. Gary said there's plenty of park space in town. According to Christie, there are already two parks in the town that residents can use in the meantime, and repairs to the current park will be expensive. Everyone agreed it would be a good idea to look into it. Bill spoke about Robert Taylor Group taking over the town's benefits because our current provider is hard to communicate with. Lauren asked if the employees are going to be negatively impacted in any way. Bill said no because they are proactive so they're going to come to us and communicate better. Bill stated he thinks it is beneficial to the employees because it makes it a little bit simpler for them to understand. Alderman Caraway had to leave for a family matter. Lauren asked if there was any exclusivity. Bill said the town will have a contract for a year and then it can be changed. He also stated they are only managing our benefits not changing our plan because the town has a grandfathered plan. Jamey made a motion to let Bill replace the old system with Robert Taylor Group. Gail seconded the motion. All agreed by a show of hands and stated aye.

James made a motion to go into a closed session. Gail seconded the motion. All agreed by a show of hands and stated aye.


After returning from a closed session, James made a motion to move Ciara Mackenzie Tipton to the position of Town Clerk. Gail seconded the motion. All agreed by a show of hand and stating aye. Gerald asked for a motion to let Mr. Brinkley know he has until July 1st to pay the full amount High Country Polaris owes in taxes. James made a motion to allow the owner of the High Country Polaris building until July 1st to pay the full amount. Gail seconded the motion.

James made a motion to adjourn the meeting. Christie seconded the motion. All agreed by a show of hands and stating aye.

The meeting adjourned at 8:35 PM.



Town Clerk, Mackenzie Tipton



Mayor, Derek Roberts