

**Board of Aldermen
Regular Meeting
May 4, 2015
6:00 P.M.
Minutes**

Present: Mayor Dale Baldwin, Alderman Calvin Green, Alderman Tom Hartman, Alderman John Reeves, Alderman Stephen Shoemaker, Alderman Brett Summey, Town Manager Brantley Price, Finance Officer Heather Holdaway and Town Planner Matthew Levi were present. Several other Town employees, business owners and residents of the community also attended.

At 6:00 p.m. Mayor Baldwin called to order the meeting of the Board of Aldermen. Alderman Hartman then said the invocation and those in attendance stood for the Pledge of Allegiance.

Approval of May 4, 2015 Agenda- The Mayor said he would like to add the consideration for Priscilla Norris to conduct the Town audit for FY 2014-15 to the agenda. Alderman Shoemaker made the motion to approve the agenda with the proposed addition. Alderman Hartman seconded with a vote of 5-0 in favor.

Approval of Minutes- April 6, 2015 Regular Meeting

With no discussion, Alderman Hartman made the motion to approve the minutes as written. Alderman Summey seconded with a vote of 5-0 in favor.

Approval of Minutes- April 27, 2015 Special Meeting- Budget

Alderman Green made the suggestion to add to the minutes that there was consensus among the Board to leave the tax rate at \$.42 and not raise it to \$.43 as discussed at the budget meeting. Alderman Hartman made the motion to approve the minutes with the addition. Alderman Green seconded with a vote of 5-0 in favor.

ABC Board Report- Haskell McGuire

Haskell McGuire, ABC Board Chairman, gave the ABC Report for the 3rd fiscal quarter 2014-15. Haskell said the total sales for this quarter were \$328,115, a 7.66% increase over this quarter last year. Also a check was delivered to the Town for \$11,000 for the 3rd quarter. ABC Store member Tony Lyall recently attended the NC ABC Managers conference and the Annual Conference will be held in July. The ABC Commission will conduct a performance audit of the West Jefferson ABC Store on May 12th. Further, Haskell said no further action had been taken in Raleigh regarding NC House Bill 107 & NC Senate Bill 24 which would allow local businesses to distill & sale liquor. Haskell thanked the Aldermen for the resolution passed in opposition of these bills. The Board thanked Haskell for his report.

Consideration for Priscilla Norris, CPA to conduct Town Audit for FY 2014-15

The Mayor said the proposed audit contract for this year would have an increase of \$700, making the total amount \$20,500, up from \$19,800 over last year. This is the first increase in 4 years. With no discussion, Alderman Hartman made the motion to allow Priscilla to conduct the Town Audit, seconded by Alderman Shoemaker. The vote of 5-0 in favor.

Consideration of Street Closure for Centennial Car Show

Ricky Goodman of the Heritage Iron Club spoke to the Board on the Centennial Car Show planned for Saturday, May 30th from 10 a.m.-4 p.m. Ricky said they would like to close Main Street from Town Hall down to Badgers. The event should be finished by 4:00 p.m. Shelly Felder from the Honey Hole, whose business will be blocked off by this road closure, said she did not have a problem with this and she will

have a hot dog cart set up. Over 250 cars are expected at this event which will also feature entertainment, birthday cake and more. Alderman Shoemaker made the motion to close Main Street on Saturday, May 30th. Alderman Reeves seconded with a vote of 5-0 in favor.

Consideration of Street Closure for “Welcome Home to West Jefferson” Event

Lynn Rees-Jones, Centennial Commission Chairman, spoke to the Alderman on the West Jefferson homecoming event planned for August 1-2, 2015. Lynn first said the centennial mile race planned for June had since been cancelled due to a conflicting event with its organizer. Lynn then requested Main Street, from the Chamber up to Backstreet, be closed from 4:00 p.m. on August 1st until 1:00 p.m. on August 2nd to allow for a stage which will be used for music and a church service of several congregations. Lynn said the weekend plans for this celebration include a reunion of the West Jefferson school alumni on Friday, July 31st, a community picnic on Saturday, August 1st at the West Jefferson Park, a street dance/sock hop with music at the stage on Main Street Saturday evening and the church service on Sunday, August 2nd at the stage on Main Street. Alderman Green said he did not have a problem with this road closure. Alderman Reeves made the motion to close Main Street from 4:00 p.m. on August 1st until 1:00 p.m. on August 2nd. Alderman Shoemaker seconded with a vote of 5-0 in favor.

Consideration of Resolution for Sludge Dewatering & Well Project

Brantley said this resolution would increase the contribution by the Town for the sludge dewatering facility and the new water supply well from \$100,000 to \$120,000. The Town intends to request Appalachian Regional Commission grant assistance for at least one of the projects and is making an application to them. Also, the Town will provide and/or will secure any and all additional funding needed for the projects. Brantley said there is an 80% rule which states you can only receive 80% of federal funds with the other 20% coming from other sources. With the original resolution for \$100,000, it did not meet the qualifications, which is the reason for the increase to \$120,000. With no discussion, Alderman Summey made the motion to approve the resolution, seconded by Alderman Hartman. The vote of 5-0 in favor.

Consideration of Revised Noise Ordinance- Town Code of Ordinances Chapter 93

The Town noise ordinance has been revised as discussed by the Board at a previous meeting. Town Attorney David Paletta spoke on the current issues with the volume of the church bells at First Baptist Church. David said the Town's noise ordinance does apply to churches. He said the Town can determine and has decided that they are not in violation. David said a local jury, which would be made up of 12 local people, would most likely not find church bells in violation. He said it was not unusual for the Town to be taken to court. One option would for the Board to decide this is a private dispute between two property owners and propose an amendment to the current noise ordinance for nighttime quiet hours (11 p.m.-7 p.m.). Option two would be to leave the noise ordinance as is and find no violation and take no action. Option three would be to take no action on ordinance but find church in violation of noise ordinance. David continued to explain that a notice of violation is written and tells the property owner to stop and give deadline and penalty if not corrected. He questioned if the Town pursues option three, how would the church eliminate violation and who would decide what volume would the chimes be to not be in violation of the noise ordinance. He then said the Town Manager could decide, but it would put the manager in a bad position. The Aldermen could decide what noise level is acceptable, but they would be put in a difficult position down the road. David advises the Aldermen to listen to the chimes from Ms. Murrill's house. Ms. Murrill could decide the volume, but then the church would want to decide as well which would raise a precedence. David said small towns have more trouble enforcing ordinances than larger towns due to less staff and less distance between the Town Board and staff. Ms. Murrill's attorney had been in touch with David and the attorney has been sent a copy of the Town's current noise ordinance. Alderman Shoemaker said he was taken aback that the Board wants to change the ordinance. He says it's the Aldermen's duty to listen to complaints and he thinks that the ordinance is a good

ordinance and doesn't want to change it from 11:00 p.m. to 7:00 a.m. because a lot can happen during those hours and before those hours. He would like to keep the ordinance like it is. Alderman Green said he would like to think about it before any decision was made. Alderman Reeves would like to listen to the bells to see how loud they are and feels the ordinance shouldn't be changed. Alderman Hartman asked David Paletta if the ordinance is changed if the Town would be sued. David said option one was the most conservative option as it is logical to the town board that believes it is a private dispute. The Mayor said he would like to table for a future date. David said it is best to let the attorneys communicate, but the Aldermen determines public policies. No action was taken by the Board at this time.

Consideration of FY 2015-16 Budget Meeting

After some discussion the next budget meeting was set for Tuesday, May 12th, 2015 at 5:30 p.m. at Town Hall.

Police Report

Chief Rose gave a report on the Police Department. Chief said during the month of April 161 calls were dispatched through the communications center, 10 auto collisions were investigated, 6 people were arrested including charges of DWI, larceny, assault and drug related crimes. Further, the Chief said 3 persons were arrested for drug violations. The Board thanked the Chief for his report.

Water/Wastewater Report

See manager's report.

Maintenance Report

Eric said during the month of April, 29 one calls had been received, 3 sewer line issues had been found and repaired as well as 2 water leaks. The park is now open for the season. The salt and equipment has now been moved to the old rescue squad building. The department has been working on chipping brush, marking lines for the Highway 221 widening project, cleaning and mulching bumpouts. Eric spoke on issues with people blowing grass into the streets and blocking storm drains. Eric would like to draft a policy on grass in the streets. The street sweeper is in the paint shop and should be back next week. Jessica from the HCCOG has updated maps. The Board thanked Eric for his report.

Town Manager's Report

Brantley gave a short update on the WWTP for Charles Call. Brantley said there had been 7.45 inches of rain during April and repair on the vault at the WWTP. A lighting strike caused the SCADA system to fail at the filter plant which is why the consumer confidence report was mailed to all individuals due to the SCADA not recording the date. 80,000 gallons of sludge has been hauled off and the Greenfield pump station has been cleaned. Brantley said taxes collected to date is \$998,000 or 96.7% of the levy. The Virginia Tech design team would be giving their final presentation on May 11th at the Ashe County Arts Center at 5:30 p.m. Further, the City of Oxford brought 45 people to West Jefferson to see all of the streetscape West Jefferson has done. The TDA approved their budget for Fiscal Year 2015-16. Alderman Shoemaker said he would like to see trucks redirected for the Highway 221 widening project. The Board thanked Brantley for his report. Town Attorney David Paletta spoke on procedures of the salvage yards amendments to the zoning ordinance. Emails hadn't been getting to the Town. Mr. Blevins should've gotten the notice of the adopted amendments but didn't, so the planning board needs to do the process over again. Alderman Hartman made the motion to proceed with re-issuing the notice of amendments for salvage yards to the zoning ordinance. Alderman Shoemaker seconded with a vote of 5-0 in favor.

Public Comment

The Mayor opened public comment. Andy Guion of the Hotel Tavern spoke to the board about downtown signage. Andy said he felt good signage would help visitors find businesses off of Jefferson Avenue. Andy

presented a proposed drawing of a potential sign for downtown. Andy said he wishes to be on the agenda to discuss more signage. Alderman Shoemaker said he felt they are moving in the right direction.

Haskell McGuire, Town resident, then spoke to the Board on the noise ordinance. Haskell said with the church involved it makes it tricky. He doesn't think the ordinance should be changed. He said this started about 1 year ago when Ms. Murrill came to him about the issue to which he told her to talk to the church. Ms. Murrill did so and it didn't get anywhere. Haskell called his friends at the church to see if they could turn the chimes down which they did for about 2 weeks. He said its more than just one lady that wants the chimes turned down. He says the chimes are turned up so loud that they are distorted.

Dale Hamrick, new geriatric physician at Ashe Memorial Hospital, said he would like to help older residents in the Town. With no other public comment, the Mayor closed Public Comment at 7:40 p.m.

Aldermen Comment

The Aldermen thanked everyone for coming to the meeting.

Adjournment

With nothing further, Alderman Reeves made the motion to adjourn the Board of Aldermen meeting, seconded by Alderman Shoemaker with a vote of 5-0 in favor. The time was 7:42 p.m.

Dale Baldwin, Mayor

Wesley M. Barker, Town Clerk