

**Town of West Jefferson - Board of Aldermen
Regular Meeting Minutes
September 12, 2016 | 6:00 p.m.**

Board Members Present: Mayor Dale Baldwin, Alderman Calvin Green, Alderman Jerry McMillan, Alderman John Reeves, Alderman Stephen Shoemaker, Alderman Brett Summey

Town Staff Present: Town Manager Brantley Price, Town Clerk Wesley Barker, Police Chief Jeff Rose, WWTP Supervisor Charles Call.

Several other residents of the community also attended.

At 6:00 p.m. Mayor Baldwin called to order the meeting of the Board of Aldermen. A moment of silence was given to honor the 15th anniversary of the September 11th, 2001 attacks. Those in attendance then stood for the Pledge of Allegiance.

Approval of the September 12, 2016 Agenda- With no changes, Alderman Reeves made the motion to approve the agenda as presented. Alderman Summey seconded the motion with a vote of 5-0 in favor.

Public Hearing- Rezoning of Parcel # 19227-088 from H-C to R-15 (220 Beaver Creek School Rd.)- The Mayor stated the owners of this property have an offer on their house and the prospective buyers are attempting to gain financing to purchase the house through a FHA loan. However, because this parcel is zoned Highway Commercial, FHA will not loan on property classified as commercial. Therefore, the property owners are requesting this parcel be rezoned in order for sale of the property. The Planning Board unanimously approved to recommend to the Aldermen to rezone the property from H-C to R-15. The potential buyers plan on this house being their primary residence, not for commercial use. The Mayor then opened public comment at 6:04 pm for anyone wishing to speak on this item. With no public comment, the Mayor closed public comment at 6:05 pm.

Approval of Minutes- August 1, 2016 Regular Meeting- With no comments, Alderman Summey made the motion to approve the minutes as written. Alderman McMillan seconded with a vote of 5-0 in favor.

Consideration of Removal of Parking Space on W. State St. - Brantley explained to the Board that Brandon Vannoy, owner of Mountain Outfitters at 102 S. Jefferson Ave., has the former Burgess Furniture warehouse, located directly behind Mountain Outfitters, under contract. Brantley says Mr. Vannoy plans to expand his business into this old warehouse and plans to spend money to renovate the dilapidated building for his expanded business. Mr. Vannoy is requesting the Town eliminate one parking spot on W. State St. so he can make an entrance/exit to the building on State St. With no discussion, Alderman Green made the motion to approve eliminating the parking space on W. State St. to construct an entrance/exit for the renovated store. Alderman Summey seconded with a vote of 5-0 in favor.

Consideration of Engineering Agreement with USDA- Well/Dewatering/W&S Extension Project- Brantley Price explained to the Board that after further discussions with USDA & Town Attorney David Paletta, USDA requires the Town to use the standard EJDC engineering agreement for their projects. Attorney David Paletta has agreed for the Town to approve this agreement for these projects, but states if the Town has another USDA project in their future, he plans to discuss his issues with the USDA attorney. To move forward on these projects, the Board will need to approve this agreement. Alderman Shoemaker made the motion to approve the USDA engineering agreement as presented. Alderman Reeves seconded with a vote of 5-0 in favor.

Consideration of Town Engineering Policy- Brantley Price explained that due to Attorney David Paletta's concerns over the engineering agreements and protecting the Town, Mr. Paletta recommends the Town approve a Town engineering policy which requires the engineering firm to: 1) carry errors and omissions insurance in the amount of \$500,000 or total cost of the project, 2) only do business with engineering firms who will sign the agreement prepared by the town attorney and, 3) engineer is to submit a draft of all bid documents to the Town's attorney for review two weeks prior to advertising for bids. Alderman Green expressed concerns over future funding that this policy could knock the town out of receiving because a firm did not want to comply with the Town engineering policy. After some other discussion, the Mayor tabled this item until the next meeting and for the Board to discuss this proposed engineering policy with the Attorney when he is present.

Consideration of Rezoning Parcel # 19227-088 from H-C to R-15- With no comments from the Board, Aldermen Reeves made the motion to approve the rezoning of parcel 19227-088 from Highway Commercial to Residential-15. Alderman McMillan seconded with a vote of 5-0 in favor.

Consideration of Statement that Shows Consistency with the 2008 Land Use Plan- With no discussion, Alderman Shoemaker made the motion to approve the statement that shows the rezoning of parcel 19227-088 is consistent with the Town's 2008 Land Use Plan. Alderman Reeves seconded with a vote of 5-0 in favor.

Consideration of Zoning Ordinance Text Amendment- Tattoo & Body Piercing Services within the Highway Commercial District- The Mayor stated Mason Harris, owner of The Joy of Vaping at 911 South Jefferson Avenue came before the Planning Board to request that tattoo and body piercing services be allowed in the Highway Commercial District by Conditional Use Permit (CUP) only. The Planning Board, on a split decision, voted to recommend an amendment to Section 904 in the Town Zoning Ordinance to state the following:

Section 904- Tattoo and body piercing services- Tattoo shops or similar businesses that place, mark or draw on a person's body any type of body art and/or that perform any type of body piercing are prohibited within the Town, but are permitted within the Highway Commercial zoning district, by obtaining a conditional use permit from the West Jefferson Board of Adjustment.

Further, the Planning Board recommended to include that the Town would have authority to intervene with business operations if not up to Town expectations. The Board of Aldermen could now decide on whether to adopt this proposed text amendment to the Zoning Ordinance. It was noted that the decision made at this meeting by the Aldermen was to only adopt the proposed text amendments into the Zoning Ordinance and the decision made was not approving Mr. Harris' to open his tattoo & body piercing shop, as it still had to go before the Board of Adjustment for final approval per the CUP procedure. After some discussion, Alderman Shoemaker made the motion to approve the proposed text amendments to the Zoning Ordinance Sections 904 & 507 for tattoo & body piercing services. Alderman Reeves seconded the motion. Alderman Green spoke on a prior request for tattoo & body piercing services by an individual, which was turned down by the Town and felt it would not be fair to now approve these amendments if it was denied before. The vote was taken, 4 in favor and 1 opposing to approve the proposed text amendments to Section 904 & 507 within the Zoning Ordinance for tattoo & body piercing services. Alderman Green opposing.

Consideration of Statement that Shows Consistency with the 2008 Land Use Plan- The Mayor stated the Board would need to approve a statement that shows consistency with the 2008 Land Use Plan for the zoning amendments. Alderman Shoemaker made the motion to approve the statement that shows

consistency with the 2008 Land Use Plan for the Zoning Ordinance text amendments to Section 904 and 507. Alderman Reeves seconded the motion. The vote of 4 in favor and 1 opposing. Alderman Green opposing.

Consideration of Planning Board Appointment- The Mayor said Joy Campbell's term on the Planning Board expired in August and she is willing to accept another three year term or the Board may appoint someone else. With no discussion, Alderman Shoemaker made the motion to reappoint Joy Campbell to the Planning Board for another three year term. Alderman Summey seconded with a vote of 5-0 in favor.

Consideration of ETJ Planning Board Appointments- The Mayor said the terms of Shawn Horton and Delmer Roten had expired as ETJ members on the Planning Board. Both Shawn and Delmer are willing to accept another three year term if the Board desires. Whomever the Board appoints/reappoints, it will then be sent to the County Commissioners for their approval since it is the ETJ. With no discussion, Alderman Reeves made the motion to reappoint Shawn Horton and Delmer Roten as ETJ members for three year terms and to send to the County Commissioners for approval. Alderman Shoemaker seconded with a vote of 5-0 in favor.

Consideration of Budget Amendment #1- FY 16-17- Brantley explained this budget amendment includes construction of the base for Pocahontas for a cost of \$10,500 (with \$2,670 given from the Centennial account), construction of sidewalks for \$8,700 and \$6,000 for additional paving. The amendment will require \$16,350 from Fund Balance, \$6,000 from unbudgeted ABC Distribution and \$2,670 from the Centennial transfer. With no discussion, Alderman Reeves made the motion to approve the budget amendment as presented. Alderman McMillan seconded with a vote of 5-0 in favor.

Consideration of NC DOT Supplemental Agreement for \$130,000 Awarded for Streetscape at Jefferson Ave. & Second St.- The Mayor stated Representative Jonathan Jordan's assistance in getting the Town \$130,000 of contingency funding through NCDOT for the Streetscape Project at Jefferson Ave. & Second St., requires the Town to adopt a supplemental agreement with NCDOT. Once adopted the Town will receive the \$130,000 for the project. With no discussion, Alderman Shoemaker made the motion to approve the Supplemental Agreement with NCDOT. Alderman Reeves seconded with a vote of 5-0 in favor.

Consideration of DOT Street Closure Ordinances: The Mayor explained NCDOT has a policy for closing state roads for an event and the Town must give NCDOT the event dates and section of roads to be closed to ensure the event does not interfere with NCDOT construction or activities. The Town must then pass an ordinance for each event requiring a street closure and submit to NCDOT. The proposed street closures are for the Antiques Fair on September 16-17 and the Holiday Parade on November 19. With no discussion, Alderman Shoemaker made the motion to approve the street closure ordinances for the Antiques Fair and Holiday Parade as presented. Alderman Reeves seconded with a vote of 5-0 in favor.

Consideration of Tax Releases- The Mayor stated these tax releases were for two properties that are not in the city limits (Triple A Land LLC and Roten Insurance Agency) and two properties that the Town purchased for the new parking lot from Algonquin Investments. Alderman Shoemaker made the motion to approve the 4 tax releases as presented. Alderman McMillan seconded with a vote of 5-0 in favor.

Consideration to Appoint Wesley Barker as Zoning Administrator- The Mayor said to comply with the Town's Zoning Ordinance, the Town needs to appoint a Zoning Administrator. The Town Attorney and Brantley feel Wesley Barker, Town Clerk, is the best candidate for this appointment as he works with zoning issues. With no discussion, Alderman Shoemaker made the motion to appoint Wesley Barker as Zoning Administrator. Alderman Green seconded with a vote of 5-0 in favor.

Consideration to Award Bid for CDBG Project- Brantley explained to the Board the bid opening took place today for the CDBG project. The requirement for awarding bids is that there needs to be two or more bidders and the bids needed to be under budget in order to award to a contractor who has the lowest bid. Brantley said 3 contractors bid on this project that included Mathis & Son Construction (\$509,060), Vannoy Construction (\$507,516.33), and Carolina Grading (\$374,715). Carolina Grading was the lowest responsive bidder and was also under the CDBG budget. Brantley said the Board just needs to formally award Carolina Grading the contract for construction for the CDBG project. Alderman Green made the motion to award Carolina Grading the construction contract for the CDBG water project and to allow the Mayor to sign the appropriate paperwork. Alderman Shoemaker seconded the motion with a vote of 5-0 in favor.

Police Report- Chief Rose gave a report on the Police Department. Chief said during the month of August, 231 calls were dispatched through the communications center, 12 auto collisions were investigated, 11 people were arrested including charges of DWI, larceny, assault and drug related crimes. Further, the Chief said 5 persons was arrested for drug violations. Alderman Green introduced Officer Michael Miller to the Board stating he is one of the best new officers the Town has and he has had good training and does good patrolling of residential areas. The Board thanked the Chief for his report.

Water/Wastewater Report- Charles Call spoke briefly on the WWTP stating no major issues were reported. He also spoke on the recent water plant inspection & the filter plant status, which should be back online soon as it was cleared by the State.

Maintenance Report- absent.

Town Managers Report- Brantley Price gave his report to the Board. The new well site/belt press project can now move forward as USDA funds have been obligated and Mike Acquesta can begin working on the project with hopes to bid in early 2017. Brantley said the Town is waiting on the report from the State on the water plant inspection but spoke on comments by the inspectors of WWTP employees Charles Call, Jody Walters and Brandon Patrick good operation of the Town's water system. Taxes collected to date were \$523,356 or 47.6% of the levy. The sidewalk replacement between Ashe Street & State Street has now been completed. The WJ Tourism Development Authority (TDA) will be doing a fall promotion with Pandora Radio which was beneficial during the first promotion this spring. The TDA revenues have increased 34% over last year due to occupancy taxes being paid & this allows TDA to promote West Jefferson in a professional manner. The Board thanked Brantley for his report.

Public Comment- The Mayor opened public comment at 6:56 p.m. Michael Angelo, property owner in downtown, spoke to the Board on a trash can that is placed up against his building at 107 N. Jefferson Ave. Mr. Angelo stated the trash can was moved to its current location a few years ago and asks if it can be moved out to the bumpout, as the trash can attracts insects that get into his building. Mr. Angelo said he had asked the Town for several years to move this and asked why it can't be moved. Further, Mr. Angelo commented on the paved alley behind Town Hall and asked if this can be done in other alleys. He

stated the alleys behind buildings have been built up and some doors can't even be opened because of added gravel in alleyways when crews are working and fix back the area.

Pastor Jeff Brown of Emmanuel Baptist Church was next to speak to the Board stating the days of Andy Griffith are narrowing here in the county. He then read a letter to the Board in opposition of the proposed tattoo business. [Entire letter attached at end of minutes]

Michael Angelo spoke again stating he agreed with Mr. Brown's comments and feels people do come to West Jefferson for things we don't have, and says he feels the tattoo parlor creates a bad image for the Town.

A gentleman spoke next, who is a member of Emmanuel Baptist Church, stating he has lived in Ashe County for 35 years and likes it the way it is speaking of safety and the small town feel. However, he said it is not like it used to be. He loves Ashe County and the quiet setting and doesn't like all of the outsiders moving in.

A lady spoke next, also a member of Emmanuel Baptist Church, stating she moved to Ashe County in 2008 from Maryland because of the atmosphere and the freedom her kids had here compared to Maryland. Things have changed since she first began coming here. She spoke on living across from a tattoo shop in Maryland and the lifestyle the owner had and people coming in and out of the neighborhood at all times. She said she stands behind her pastor and said money isn't everything and wants to keep the safety of this area for children to grow up in.

With no further comment, the Mayor closed public comment at 7:17 pm.

Aldermen Comments- Alderman Shoemaker stated the people who have moved into Ashe County and West Jefferson are not all bad people. Alderman Shoemaker said he was born in Ashe County and lived in West Jefferson growing up and returned here after living in Charlotte many years ago. He said a lot of these so called outsiders are the ones you see volunteering in the community, serving on various boards and some of the nicest people you will ever meet. He says the Town has not lost itself, it has finally found itself. He said the Town finally has a police department that has cleaned up the streets and residents and businesses now want to come downtown. He said times don't stay the same, they change, but they [the Board] has the ability to keep things regulated. He asked to find it in your heart to not be so judgmental to your fellow neighbor. He said if you cannot get along with your fellow man, you are no better than anyone else. He said this is a good town and proud of our town. He said he knows too many fine people who have moved here. He said he appreciated everyone coming to the meeting.

Alderman Reeves echoed Alderman Shoemaker's remarks stating he has lived here his whole life and seen the Town go through many changes. He stated this is a great place and there is hardly an empty building in downtown now for rent, and people are coming here. He referenced Jim Graybeal, Commissioner of Agriculture, who always started his speeches by saying "I love my job, I love North Carolina and I love West Jefferson."

Alderman Summey said he moved back to West Jefferson in 1991 when asked to serve on the Board and the Town was dying, but has seen it improve and proud of the improvements the Town has made. He appreciates democracy at the meeting and people expressing their opinions. He also spoke on the volunteers by people who have moved here and willing to serve.

Alderman McMillan said he is from West Jefferson originally and moved back from Atlanta 20 years ago after retiring from the Air Force. He said he walks the Town every day and speaks to residents & visitors.

He spoke on the improvements Town has made and is proud of them. He said West Jefferson is not like the bigger cities like Atlanta that have bars on every corner or topless bars that people try to avoid, stating that West Jefferson does not have this issue.

The Mayor thanked everyone for attending the meeting & speaking. He commended Pastor Brown for the children in attendance and bringing them up good as they will be the future of Ashe County and West Jefferson.

Closed Session

The Mayor said the Board would now be going into closed session to consult with the Town Attorney over attorney-client matters per G.S. § 143.318.11 (3). Alderman Shoemaker made the motion, seconded by Alderman Reeves. The vote of 5-0 in favor.

The Board returned to regular session at 8:30 pm. With nothing further, Alderman Summey made the motion to adjourn the meeting, seconded by Alderman McMillan. The vote of 5-0 in favor.

Dale Baldwin, Mayor

Wesley M. Barker, Town Clerk



1611 Authorized
King James Bible

Emmanuel Baptist Church

**1028 Deep Ford Road
Lansing, NC 28643**

Pastor Jeff Brown
336-384-3066

*...ask for the old paths, where is the good way, and walk therein...
Jeremiah 6:16*

To those who care,

It is with deepest regret and shame that we write this letter with the desire to be heard of all. As I viewed the Jefferson Post and stumbled upon the article, (Got Ink?) my heart was saddened at the thought of our quaint little town entertaining the possibility of allowing another sinful business to intrude the serenity of our town. I stand amazed of the fact that the town zoning ordinance prohibits these types of businesses, but when that ever so powerful word MONEY is mentioned, any type of morality is so quickly dissipated and a loophole arises for accommodation. 1Timothy 6:10, For the love of money is the root of all evil: which while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.

As a pastor for nearly twenty years I am highly disturbed that the only thing that seems to matter to our society is money, no matter how immoral it may be to obtain it. Sometimes it seems that were not striving to get people to come to our towns for the betterment of mankind, but only with a desire to get their money. Be it known in the ears of those in authority of our town that this local pastor and family and many others of the same persuasion have not and cannot participate with the majority of businesses in our town. Brewery's, taverns, bars, and tattoo parlors are in no way, shape, form, or fashion, what would be considered a family atmosphere, thus forcing us to be unable to patronize the businesses of our own towns. So alcohol is the answer to our financial needs, alcohol in the United States brings in revenue of approximately 90 billion, the sad part is that according to the National Institute of Alcohol Abuse, 185 billion is spent each year on alcohol related problems, leaving a defecate of 95 billion. The National Highway Traffic Safety Administration reports that alcohol related accidents kill someone every 30 minutes, non-fatality accidents every 2 minutes.

Is our town about money or morality, you be the judge? Body piercing and a tattoo parlor is not what our town needs. Our bodies are the creation of God Almighty, thus body piercing and tattooing are a defilement of Gods workmanship. It is the unnatural disfigurement of the body known as graffiti of the human body. Much of the desire for so called body art finds its origination in a desire to rebel against parents and society. These self-mutilation practices find their deep roots in the form of idolatry. In general the bible teaches that self-mutilation is energized by demonic activity, Mark 5:5, And always, night and day, he was in the mountains, and in the tombs, crying, and cutting himself with stones. Leviticus 19:28, Ye shall not make any cuttings in your flesh for the dead, nor print any marks upon you: I am the LORD. It is not our desire to discriminate against anyone and we can't undo what's already been done, but it is our desire to prevent future events.

We the people encourage you to not think money but think morality for our town. Proverbs 14:34, Righteousness exalteth a nation: but sin is a reproach to any people. Galatians 6:7, Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap.

Scenario= Shatley Springs, no fancy landscaping, no paved parking lot, old buildings, sagging floors, window air conditioners, closed four months of the year, limited menu, only tea, water, milk, and coffee served to drink, but people drive for hours to eat there. Cars lined up many days up and down the road as the parking lot is filled to capacity, been in business for 58 years and don't even serve a soft drink. Many have never heard of West Jefferson, but mention Shatley Springs and the answer is , oh yes I know where Shatleys is! I personally talked to the owner of Shatleys today, I asked him what he credited this to he said it's the atmosphere of pulling up to the table like you use to at grandmas.

Most folk come to our town to get away from the fast pace, and the life styles contrary to a peaceful life, please consider the future of our town and preserve this haven. In closing, please consider that people may not becoming necessarily for what we have, I BELIEVE THEIR COMING FOR WHAT WE DON'T HAVE !!!