

**Town of West Jefferson - Board of Aldermen
Regular Meeting Minutes
April 3, 2017 | 6:00 p.m.**

Board Members Present: Mayor Dale Baldwin, Alderman Calvin Green, Alderman Jerry McMillan, Alderman John Reeves (*absent*), Alderman Stephen Shoemaker, Alderman Brett Summey, Sr.

Town Staff Present: Town Manager Brantley Price, Town Clerk Wesley Barker, Police Chief Jeff Rose, Maintenance Supervisor Eric Miller, WWTP Superintendent 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. Alderman Shoemaker gave the invocation. Those in attendance then stood for the Pledge of Allegiance.

Approval of the April 3, 2017 Agenda- With no changes, Alderman McMillan made the motion to approve the agenda as presented. Alderman Summey seconded with a unanimous vote in favor. Alderman Reeves was absent from the meeting.

Public Hearing

Submission of an application for Community Development Block Grant (CDBG) funds in the Downtown Redevelopment Fund category in the amount of \$349,410 for 201 Backstreet (Mountain Outfitters expansion project) - The Mayor said this is the second required public hearing for the CDBG grant application for the downtown redevelopment fund for the Mountain Outfitters expansion project located at 201 Backstreet in the amount of \$349,410. This grant would require no Town funds, but it was required to run through the Town. The application would soon be submitted pending the official approval by the Aldermen. The Mayor opened public comment at 6:03pm for anyone wishing to speak. With no comment, the Mayor closed this public hearing at 6:04 pm.

Consideration of Recommendation to Rezone Parcel 19223-001-562 from both Highway Commercial (H-C) & Residential-7 (R-7) to all H-C- The Mayor stated this rezoning proposal was located at 502 South Jefferson Ave., the former Chevy dealership. Mountain Advantage, a landscaping company, has purchased this parcel and would like to rezone a portion of the property zoned residential to highway commercial. The Mayor said this would clarify the property zoning, as there was a possibility the portion of the property zoned residential was not corrected to highway commercial when the parcels were combined into one. The Mayor opened public comment at 6:06pm for anyone wishing to speak on this rezoning proposal. With no comment, the Mayor closed this hearing at 6:07pm.

Regular Session

Approval of Minutes- March 6, 2017 Regular Meeting- With no comments, Alderman Shoemaker made the motion to approve the minutes as written. Alderman McMillan seconded with a vote of 4-0 in favor.

Approval of Minutes- March 21, 2017 Special Meeting (CDBG Project Public Hearing & Budget) - With no comments, Alderman Shoemaker made the motion to approve the minutes as written. Alderman Summey seconded with a vote of 4-0 in favor.

West Jefferson Caboose Project Discussion- Dale Carlson, Secretary of the West Jefferson Business Association and member of the Ashe Historical Society, spoke to the Board of the proposed Caboose project, which would bring an original caboose to Town. Dale said this is an original Norfolk & Western

caboose, currently housed in Bristol, VA. Norfolk & Western was the railroad line that ran through West Jefferson, also known as the Virginia Creeper. Dale said this caboose is important because the railroad is part of West Jefferson's heritage and was what West Jefferson was built around. Dale said the Historical Society has been raising funds to purchase and move the caboose to West Jefferson. So far, the efforts have collected over \$20,000 with a total estimated project cost of purchasing and moving the caboose to be around \$30,000 which includes the initial purchase, moving expenses and painting. Dale said the inside of the caboose is complete with original pieces and not stripped of anything. Discussion then took place on the caboose placement in West Jefferson, with the Backstreet Park area mentioned as well as near the old depot. Dale then asked the Board for their consideration of a donation to this project. Alderman Green made the motion to give \$3,000 towards this caboose project as a budget amendment for FY 2016-17. Alderman Shoemaker seconded with a vote of 4-0 in favor.

Consideration of Recommendation to Rezone Parcel 19223-001-562 from both Highway Commercial (H-C) & Residential-7 (R-7) to all H-C - The Mayor said the Board could now discuss the consideration of the rezoning of 502 S. Jefferson Ave., from both R-7 and H-C to entirely H-C. The Planning Board reviewed and recommended this parcel be rezoned to entirely H-C. With no discussion, Alderman Shoemaker made the motion to amend the zoning map to rezone parcel 19223-001-562 to entirely Highway Commercial. Alderman McMillan seconded with a vote of 4-0 in favor.

Consideration of Statement that is Consistent/Not Consistent with the 2008 Land Use Plan - With no discussion, Alderman Shoemaker made the motion to approve the statement that the rezoning of parcel 19223-001-562 located at 502 S. Jefferson Ave. is consistent with the 2008 Land Use Plan. Alderman Summey seconded with a vote of 4-0 in favor.

Consideration of Resolution to apply for Community Development Block Grant (CDBG) funds in the Downtown Redevelopment Fund category in the amount of \$349,410 for 201 Backstreet (Mountain Outfitters expansion project) - Brantley Price explained to the Board that the CDBG Downtown Redevelopment met the pre-application guidelines and now will have to submit for full application, which will require the Board adopt a resolution for the application. With no discussion, Alderman McMillan made the motion to approve the resolution to apply for the CDBG funds in the Downtown Redevelopment Fund category for the Mountain Outfitters expansion project. Alderman Shoemaker seconded with a vote of 4-0 in favor.

Consideration of Downtown Redevelopment Fund (CDBG Project) Resolutions & Procedures - The Mayor said since the Downtown Redevelopment Fund is a CDBG project, the Town is required to adopt each of the following plans and procedures. These policies and procedures are different from those that were adopted for the CDBG Infrastructure Grant as the Downtown Redevelopment Fund is part of the NC Department of Commerce. The following 9 policies and procedures are as follows: Fair Housing Complaint Procedure, Equal Opportunity Employment Plan, Section 504 ADA Grievance Procedures, Residential Anti-Displacement & Relocation Assistance Plan, Citizen Participation Plan, Plan to Further Fair Housing, Limited English Proficiency Policy & Plan, Resolution for Procurement Plan Policy with Downtown Redevelopment Fund, Section 3 Plan: Local Economic Benefit for Low & Very Low Income Persons. With no discussion, Alderman McMillan made the motion to approve all of the above stated 9 policies and procedures as presented. Alderman Shoemaker seconded with a vote of 4-0 in favor.

Consideration of Revision to West Jefferson Code of Ordinances- Section 94.32- Noxious Growth - The Mayor asked Brantley to explain this proposed revision to the Code of Ordinances. Brantley stated the Town has several vacant lots in the city limits that exceed ½ acre in size. The Town has received several complaints on a few of these vacant lots and have discussed with the town attorney on how to proceed.

The town attorney recommends the Town update the Code of Ordinances, Section 94.32(a) Public Nuisances to state "this provision does not apply to vacant lots greater than ½ acre in size." Further, the attorney feels it would be difficult for a judge to enforce the application of the nuisance ordinance to vacant lots and recommends the Board consider the above stated amendment to the Code of Ordinances. The Board then discussed this proposal expressing concerns of vacant lots in the downtown area and how growth of weeds and grass may affect the surrounding properties. Alderman McMillan made the motion to leave Section 94.32 of the West Jefferson Code of Ordinances as is at this time with no amendments. Alderman Shoemaker seconded with a vote of 4-0 in favor.

Consideration of ABC Board Appointment- The Mayor said Russell Killen's term on the ABC Board expires in April and the Board could decide whether to reappoint Russell to another 3 year term, or appoint someone else. The Mayor recommended the Board appoint Derek Green to the ABC Board who is interested if the Board so chose. The Mayor stated Derek would be a new face on the ABC Board and was willing to serve. He also stated it was important for younger people to become involved because they were the future of the Town. After some more discussion, Alderman McMillan made the motion to nominate Derek Green to the ABC Board for a 3 year term. Alderman Summey said he would go along with appointing Derek to the ABC Board, but said he would like to not vote as he is distantly related to Derek Green. The Mayor said this is not a conflict of interest and if Alderman Summey did not vote, it would be counted as a yes vote. Alderman Green stated he would not vote on this as Derek was his son, and it would be a conflict of interest. The Mayor said there is no conflict of interest and stated if Alderman Green did not vote, it would automatically become a yes vote since he is present. Alderman Shoemaker then stated he would like to nominate Russell Killen to be reappointed to the ABC Board as there had been no prior issues with Russell serving on the ABC Board. The Mayor said there is already a motion on the table to appoint Derek Green to the ABC Board. The Mayor stated Derek lives in Town, is a business owner, votes in Town and the Town needs younger people on various boards. The Mayor then called for a vote. The Board wanted to clarify the procedure for voting to which Town Manager Brantley Price read an excerpt from the North Carolina General Statutes, Chapter 160A-75 explaining voting. This excerpt states the following:

§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other cases except votes taken under G.S. 160A-385, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Alderman McMillan voted in favor of the appointment of Derek Green to the ABC Board. Alderman Summey said the Mayor should have the prerogative to name someone he feels would fill the position and said he would second the motion to appoint Derek. Alderman Shoemaker voted against appointing Derek Green to the ABC Board. Alderman Green did not orally vote, and was not formally excused by a majority vote of the remaining members present, which constitutes as a yes vote, per G.S. 160A-75. The final vote total: 3 in favor and 1 opposed to appoint Derek Green to the ABC Board for a 3 year term.

Consideration of Acceptance to Dedicate West Town Way as a Town Street- Brantley stated the new subdivision West Town Way's street was designed and constructed on Town standards. The street has been paved for one year now and is ready to be dedicated and become a Town street if the Board approves. Maintenance Supervisor Eric Miller has reviewed and has no issues with the Town taking over

the street. With no discussion, Alderman Summey made the motion to approve and officially dedicate West Town Way as a Town street. Alderman McMillan seconded with a vote of 5-0 in favor.

Consideration of 2 Tax Releases for Billy Hudspeth- The Mayor said these taxes were billed and the parcels were not located within the city limits. The amount of these tax releases were \$104.92. With no discussion, Alderman McMillan made the motion to release these taxes, seconded by Alderman McMillan. The vote of 4-0 in favor.

Police Report- Police Chief Jeff Rose gave the Police report for the month of March. There were 214 calls dispatched through the communications center, 10 auto collisions were investigated, 17 people were arrested on charges of larceny, assault and drug related crimes. 12 persons were arrested/charged for drug violations. The Board thanked the Chief for his report.

Water/Wastewater & Maintenance Report- WWTP Superintendent Charles Call reported to the Board on the status of the Water & Wastewater plants. Charles said the filter plant was operating with 60,000 gallons per day flowing through it. Also, sludge was continuing to be hauled off. No major issues to report. The Board thanked Charles for his report.

Maintenance Report- Maintenance Supervisor Eric Miller gave an update on the Maintenance Department. Eric said there had been 3 sewer leaks and 2 water issues over the last month. Also, the maintenance crew had recently completed flagger training. Paving would be done on Burkett Ave. to repair road cuts from recent leaks. The department had made water taps along Oakwood Rd., flushing of 10% of the sewer lines as required by the state and inspected sewer lines along creeks to check for leaks. The Board thanked Eric for his report.

Town Managers Report- Brantley Price gave his report to the Board. Brantley said the design was almost complete on the belt press and water/sewer extension project with the bid to go out in May or June. Taxes collected to date are \$1,111,000 or 97.6% of the levy. Delinquent taxes will be published at the end of April for 2016 past due taxes. Brantley said he would like to purchase more Christmas lights to replace some old ones and add new ones to the Town's display. Extra tax monies over the budgeted amount can be used to pay for these. The Board was in agreement to purchase more lights. The Board thanked Brantley for his report.

Public Comment- opened at 7:05 pm. With no public comment, the Mayor closed public comment at 7:07 pm.

Aldermen Comments- none.

Adjournment- With no further items to be discussed, Alderman McMillan made the motion to adjourn the meeting, seconded by Alderman Summey. A vote of 5-0 in favor.

Dale Baldwin, Mayor

Wesley M. Barker, Town Clerk