

Town of Robbinsville
Public Hearing & Board Meeting Minutes
May 3, 2023
Town Hall

A Regular Town of Robbinsville Board Meeting was called to order by Mayor Shaun Adams at 1:00 PM at the Town Hall on May 3, 2023.

Council present: Debbie Beasley, Kenneth Hyde, Shaun Adams, Attorney Ellen Davis

Approval of Agenda:

Debbie Beasley made a motion to amend the Agenda.

Debby Beasley asked to add Chad and Lamar to have access to the cameras.

Kenneth Hyde asked to add Events to the agenda.

Debbie Beasley added about cleaning the streets.

Kenneth motioned to approved the Agenda as amended.

All approved.

Public Comment for Vagrancy Ordinance:

Kenneth Hyde motioned to open the floor for public comment.

All approved.

Hubert Merchant encouraged the board to enact a policies to reduced or eliminate vagrancy.

No other attendees elected to speak.

Debbie Beasley motioned to close public comment.

Kenneth Hyde seconded.

All approved.

Ordinance:

Vagrancy ordinance:

Attorney Ellen Davis added that a municipality cannot criminalize homelessness. In order to have an enforceable statutes, the town needs to have a placement facility. This could be contracted with an outside service. She recommended to delay the vote, collaborate with the Sherriff's office, and amend the ordinance before voting. She further instructed that private business can post no loitering signage and that law enforcement would have recourse to prosecute at the property owners' requests.

Kenneth Hyde motioned to table the ordinance.

Debbie Beasley seconded.

All approved.

Approval of meeting minutes:

Debbie Beasley made a motion to approve the minutes from the April 5, 2023 meeting.

Kenneth Hyde seconded.

All Approved.

Public Comment:

Shaun Adams opened the floor for public comment.

David Artiss, owner of the Mountain Manor Hotel, distributed papers to all present and asked them to be read after the meeting. He encouraged the Council to pursue funding to some development downtown.

Kenneth Hyde asked what was his goal in coming to the town with this information.

David Artiss replied that he owned the property and wanted to sell. He also wants the town of Robbinsville and Graham County to be an attractive place to live for his children and grandchildren. He asked that the town use their influence with the county to make these changes.

No other attendees elected to speak.

Kenneth Hyde motioned to close public comment.

Debbie Beasley seconded.

All approved.

Old Business:**Old Town Hall:**

Ellen Davis updated the board on the changes to the resolution and notices.

Kenneth Hyde read the resolution.

Kenneth Hyde made motion to adopt.

Debbie Beasley seconded.

All approved.

Cintas Agreement:

Ellen Davis present details of the Cintas Agreement. She informed the board that they did have cause to terminate, but we not compelled to do so.

Debbie Beasley motioned approve the Cintas agreement with the new changes.

All approved.

advised to the council that she had 3 separate contracts and each was written differently. The council decided that termination charge was not a penalty. The Council decided they wanted the wording changed to state that if there is a change in material used that they would like the opportunity to pay 50% of the penalty cost and not 100% of it. If the price increases that should be a reason to terminate the contract. The final change was to change the Penalty to 2 months and not a full 12 months to terminate. Invoices will stay tabled until an answer from the Cintas representative is received. Debbie made a motion to close to approve. Kenneth Hyde seconded the motion. Vote unanimous.

Animal Control/Noise Ordinance:

Ellen Davis advised that the current ordinance provided was incomplete. Any ordinance that criminalized activity needed the involvement of the Sheriff's Office. A complete copy of the original ordinance had not been provided to Ellen Davis. She highlight some conflicts on the information that was available. The ordinance also requires a Town Animal Control Officer. In order to make it enforceable, these issues need to be corrected.

A copy of the ordinance was brought into the meeting. The dated on the adopted ordinance and the copy that had been provided conflicted.

She advised that the Town confer with the Sheriff in order to develop a workable resolution. She further stated that it would likely take more than a month to create an enforceable ordinance.

Discussion ensued regarding the objective of the ordinance. Some thought it was as anti-barking ordinance; others thought it would involve removing the animal. Prior attempts of enforcement had been thrown out.

Kenneth Hyde made a motion to table.

Debbie Beasley seconded.

All approved.

NEW BUSINESS**Mayor Update:**

Shaun Adams asked Chad Carpenter if they had heard from American Tank Maintenance.

Chad Carpenter state that the last communication was that the weather needed to be warmer weather in order to paint.

Shaun Adams stated that it had been 6 months since they reentered the contract and the only services rendered were two visual inspections.

Shaun Adam showed images of the rust and paint peeling on the tanks they were paid to maintain. It is \$426,000 contract over 10 years. He cited NC General Statue 159-28 and stated that the contract was entered illegally. He stated that the contract was void and that the UNC School of Government agreed with that claim. He recommended that the town get out if it. There was no Finance Officer at the time.

Ellen Davis said that she would review her files for the next meeting. She recommended that discussion of the contract take place after this was listed on the agenda.

Finance Officer Update:

Finance Officer Tasha Gubernation inform the board that the ARP reports were filed 2 days before the deadline. She also stated that all deposited on all accounts were current. She stated that she had started on the budget. Wages were completed. Expenses were being evaluated.

Update on Crosswalks:

Shaun Adams informed those present that the cross-walk was dangerous. He is working with the DOT for better signage.

Cameras:

Debbie Beasley brought up the issue of access to view the cameras for department heads.

Kenneth Hyde motioned to grant access to department heads.

Debbie Beasley seconded.

All approved.

Events:

Kenneth Hyde wanted to clear up any issues regarding town employee labor for Graham County or RTA events.

Shaun Adams said that there needed to be a agreement between the town and RTA so that the RTA reimburses the town

Debbie Beasley said that the RTA did not object to paying the town employees for their work on RTA events. The labor is needed to execute the events. The precedence was set that Town employees would be available to do that work.

Debbie Beasley stated that this was understood but never recorded in the council meeting minutes.

Tasha Gubernath said it has to go through payroll. She had set up to start paying the RTA labor through the town payroll in order to have taxes withheld properly.

Chad Carpenter indicated that the pay rate had been at such a level that employees volunteer to do the additional work.

Tasha Gubernath addressed both the tax and worker's compensation implications for having them paid 1099 by the event.

Chad Carpenter confirmed that work for festivals was being both during and outside normal operation hours.

Kenneth Hyde commented that this work is essential for the community.

Shaun Adams indicated that employees needed to be compensated by the proper entity.

Debbie Beasley asked if Graham County paid them for their festivals. Chad Carpenter confirmed

Ellen Davis suggested that an agreement be written between the entities to cover what payment is expected for the services offered for the labor of town employees.

Kenneth Hyde made a motion to have the contracts written.

Debbie Beasley seconding.

All approved.

Town Cleanup Day:

Debbie Beasley asked to have a town cleanup day. She made note of the scheduling restriction of the street department employees. She indicated that it was important to do prior to the summer festivals.

Shaun Adams stated that the prior year's day had been canceled.

Chad Carpenter listed the days they were available. And informed that they had done some work last year.

Debbie Beasley wanted to coordinate with sheriff's office and schools to get additional volunteers.

Chad Carpenter brought up the need to purchase reflective paint.

Kenneth Hyde made a motion to buy the paint.

Debbie Beasley seconded.

All Approved.

Closed Session:

Kenneth Hyde made a motion to go into closed session to consult with the attorney.

Meeting Adjournment:

Kenneth Hyde made a motion to adjourn the meeting.

Debbie Beasley seconded the motion.

All agreed

Shaun Adams, Mayor

Kenneth Hyde, Council Member

Debbie Beasley, Council Member

ATTEST:

Michael Richardson, Acting Clerk