

Town of Hot Springs
Board of Alderman
Regular Monthly Meeting
April 4, 2022

Present:

Mayor Abigail Norton	Alderman Jimmy Moore
Alderman Jeanne Gentry	Police Chief David Shelton
Alderman Vaughn Barnett	Attorney Ron Moore

Mayor Norton called the meeting to order at 7:00pm

Mayor Norton read the Public Charge: asking everyone be to respectful and not interrupt others as they are speaking; speak in a civil manner. She advised citizens failing to observe the Public Charge will be asked to leave the meeting until they can regain personal control. Council asks anyone wanting to be on the agenda, for following meetings, to contact the Town office at least 10 days prior to the next meeting. Council asked that anyone on the agenda to limit their time to five (5) minutes; Public Comment is limited to two (2) minutes. Council asks for people to turn their cell phones off.

Carol Avery, with Loudermilk Church & Co., L.L.P., Certified Public Accountants, went through the 2021 audit.

Public Agenda

Sally Thresher

Ms. Thresher has done a lot of research on the 5G technology. She said the technology is brand new. Ms. Thresher also indicated that 5G is licensed by the Department of Defense as a weapon for crowd control and has been used for many years.

Ms. Thresher stated her findings indicate there is not a safe zone. Although her house is across the creek from the tower, as a nurse, she is greatly concerned for the children living closer to the tower than she is.

Ms. Thresher said she looked at the this [tower/antenna] from a financial standpoint and is the reason why she asked City Hall if the town had liability insurance. She said Massachusetts, and several other places, currently have litigation cases.

Ms. Thresher indicates that for a town, the size of Hot Springs, with the bowl configuration, the transmission would be concentrated. She said it would be a dangerous situation, bad for tourism, bad for property values, financially perilous, and from what she knows, there is no benefit to take this thing [tower/antenna] on. Ms. Thresher suggested people could get fiber optic that is already here. She said it's faster, cheaper, and there is no reason to go with this thing [tower/antenna]. Ms. Thresher had handouts to provide to the Board.

Public Comment

Ike Lassiter

He lives in and has rental houses in the Town's residential zone. He supports the prohibition on amplified music in residential zones.

Mr. Lassiter feels that a decibel meter would be a good way to measure the sound. He suggested the use of established guidelines and he use of the meter to determine how loud is too loud. This way, law enforcement is not basing decisions on personal subjective decision.

Mr. Lassiter urges the board to revise the noise ordinance in the matter he described, for the benefit of the residents and economy of Hot Springs.

Chris Donochod with Big Pillow Brewing

He is willing to work with the town on the noise ordinance and has tried to take steps to alleviate the issue. He has purchased sound panels to go along the back of the stage and is trying to schedule more acoustical music. He is willing to work with the Town. Mr. Donochod stated that he [Big Pillow] doesn't want to be a nuisance in the town.

Thomas Marsh

New to Town. He has observed the decline in music since he has been here. He asked the Board to update him on why the music has reduced since he first come to town. He wanted to know if it was because of the locals. Mayor Norton advised that the Board does not have to respond. Thomas said it was his simple observation.

Philip Solomon

Mr. Solomon said there is a great opportunity for Hot Springs to be focused on the music. He said music is an important part of the youth of Hot Springs. Mr. Solomon asked that we take into fact the culture, art, and expression of the Town's youth. Music would be very important for what we are creating and establishing for them; to have the ability to voice their musical inspiration.

Sally Thresher

Ms. Thresher said she moved into her house on June 30. On July 4 her neighbors had a party, and, to her, it was a problem. She came to city hall, after a sleepless night and asked for the noise ordinance. For her, Big Pillow has never been an issue. She said we have to respect the rights of businesses that are paying for permits that are trying to abide by the regulations. Ms. Thresher said we also have to be understanding of them. Its Ms. Thresher's opinion that Big Pillow is essential to the economy, it has put Hot Springs on the map in a lot of places where Hot Springs never was.

Thomas Marsh

Mr. Marsh stated he another question for Chief Shelton: How big of a problem has the sound ordinance has been within the last 3 months. Chief answered that in the last 3 months it has been great because it's been winter.

Mayor Norton

Said we are trying to be fair to businesses and residence. Mayor Norton said that there have been years in which the residents have had their windows rattled by the music. She said we need to be fair to the residents too.

Board and Departments

Mayor Norton

The Loudermilk and Church audit contract for next year needs to be approved. Alderman Gentry made the motion to approve; Alderman Moore seconded the motion; all were in favor.

Mayor Norton said that, on March 16, 2022, the Board had imposed a sewer moratorium. She let the Board know that she received a letter, dated March 16, 2022, from the State Environmental Water Quality, placing Hot Springs on a moratorium with no expiration date. **Thomas Marsh** asked what this meant. Mayor Norton explained that there would be no *new* hookups to the sewer line.

Mayor Norton advised that an ordinance was passed, in 2017, permitting alcohol beverages could be sold at 10:00am on Sundays, instead of 12:00pm. It has recently been brought to our attention that we are not on the ALE (Alcohol Law Enforcement) list to be able to start alcohol sales at 10:00am. This is putting our businesses at risk of being fined. In order to comply with Session Law 2017-87, the Brunch Bill, Mayor Norton presented an ordinance establishing permitted hours

of alcoholic sales. She said it is the same ordinance, it's just being updated to accommodate the Session Law 2017-87, Brunch Bill, requirements. Mayor Norton asked for a motion to accept the new amended ordinance. Alderman Gentry made the motion to approve; Alderman Barnett seconded the motion; all were in favor.

SaraJo Litwak asked Mayor Norton if this Brunch Bill, [Session Law 2017-87] ordinance included package sales or was it just for pour sales? **Aaron Gosnell** said he had questioned the package sales, back when Hot Springs adopted the 2017 ordinance. He was told that the ordinance included package and pour. Ms. Litwak will contact ALE to confirm package sales are included in Session Law 2017-87, Brunch Bill. She will let Mayor Norton know what she finds out.

Mayor Norton

She has multiple policies to go over and requests that the Board adopts each policy. She has provided copies of each policy to the Board.

Resolution of Governing Board; Governing Body of Applicant

Mayor would like to apply for a grant. The grant will be to allow for an increase of the wastewater treatment plant from the current 80,000 gallons per day to 250,000 gallons per day. Mayor Norton would like to request either a state loan or grant for the project. Alderman Gentry made the motion to approve; Alderman Barnett seconded the motion; all were in favor.

Record of Retention Policy

A retention policy must be in place for the ARP (American Rescue Plan Act) funds. This is a US Treasury requirement. The policy indicates what documents have to be retained and for what time period. Alderman Gentry made the motion to approve; Alderman Moore seconded the motion; all were in favor.

Eligible Project Policy

Expenditure for the ARP funds the Town receives. Policy indicates the permissible and prohibited uses for the funds. Alderman Gentry made the motion to approve; Alderman Barnett seconded the motion; all were in favor.

Non-Discrimination Policy

This policy relates to the housing authority. Alderman Gentry made the motion to approve; Alderman Barnett seconded the motion; all were in favor.

Conflict of Interest for the ARP Funds

Thomas Marsh asked what the essence of the policy was. Mayor Norton read the policy. Alderman Gentry made the motion to approve; Alderman Barnett seconded the motion; all were in favor.

Allowable Cost and Cost Principles for Expenditure of the American Rescue Plan Act

Mayor Norton read the policy. Alderman Barnett made a motion to approve; Alderman Gentry seconded the motion; all were in favor.

Grant Project Ordinance Amendment

Initially planned to use ARP funds under the category of water and sewer infrastructure. This amendment is to change that to replace lost revenue. Town's accountant is on board. **Thomas Marsh** asked why we would change the designation of funds. Mayor Norton said there would be less reporting... **Thomas Marsh** asked if it needed to be more fore immediate release of funds. Alderman Gentry said things will still move along, this amendment is just a matter of coding differently in the budget. **Thomas Marsh** asked if we didn't need to go with the amendment to deal with our water/sewer issues. Alderman Gentry and Mayor Norton assured Mr. Marsh advised that is what the Board was doing.

Alderman Gentry made a motion to approve amendment; Alderman Moore seconded; all were in favor.

Chief Shelton

He is still waiting to have the lights in his office put in. Alderman Gentry asked **Greg Hicks** about the lights. Mr. Hicks responded he didn't have scaffolding or a ladder tall enough to change the bulbs. **Ben Houser** offered something that would allow Mr. Hicks get the lights in Chief Shelton's office.

Laura Holloway

Requested Board to approve names and amount of delinquent Town taxpayer to be placed in the newspaper. Told Board the taxpayer would receive a letter, 30 days prior to the notification of delinquent taxes being placed in the newspaper. Alderman Gentry made a motion to approve; Alderman Barnett seconded the motion; all were in favor.

Requested Boards approve to release a personal property charge that should not have been charged. County approved the release. Alderman Gentry made a motion to approve; Alderman Barnett seconded the motion; all were in favor.

Requested lease of interest in a correct billing. County approved the release. Alderman Gentry made a motion to approve; Alderman Moore seconded the motion; all were in favor.

Requested release of tax bills, double billed. County approved the release. Alderman Gentry made a motion to approve; Alderman Moore seconded the motion; all were in favor.

Alderman Gentry

The 2014 noise ordinance needs to be updated. She has always said the ordinance needs to be fair. Alderman Gentry asked **Attorney Moore** to talk about decibels.

Attorney Moore said the original noise ordinance was put in place in 2003 and was amended in 2014. Alderman Gentry said the initial ordinance and amendment were put in place prior to the current Board.

Attorney Moore brought up pros and cons of using a decibel meter. He mentioned a man who lives near the music venues who commented, years ago, that 30 years ago the music would have been fine, but now that he is older, he doesn't like the music. Attorney Moore said noise is based on a reasonable person.

Mayor Norton let everyone know that Chief Shelton only shows up at the music venue(s) when someone has called and complained. She also explained Town residents also have the right to call and complain when their neighbors are making too much noise. **Sally Thresher** said she has worked with Law Enforcement her entire career and knows they have other things to do. Ms. Thresher said she has thought of what she would do if the noise happened again. Said her inclination would be that she'd go tell the people she couldn't sleep and [ask] would they please turn it [the music] down. Ms. Thresher said she'd do this before she bothered law enforcement, 'said she'd try and handle it that way'.

Alderman Moore advised Ms. Thresher that if there was a problem, she should call the police as that was their job. Ms. Thresher said if there was a problem, and

she was being threatened.... Alderman Moore said no, if there was a problem and she is going to complain about the noise she needs to call the police. He said if Ms. Thresher goes on to someone's property it could open her up to a bigger problem. Ms. Thresher advised she was not going to go on anybody's property. Alderman Moore told her there was no reason to complain about the noise if she wasn't going to contact the police, again, that is what the police are here to do. Ms. Thresher said she has a 'different concept in neighbors.

Ike Lassiter said he didn't think Chief Shelton could go on someone's word of music being too loud without any evidence and the only evidence would be to turn on a decibel meter and check the reading. Mr. Lassiter said he's okay if the police make the decision about the music. Mayor Norton advised that it wasn't the police making the judgement, it is the neighbor's judgment by calling the police and saying the music was too loud.

Ms. Donachod, with Big Pillow said she felt the neighbor's judgement was subjective as Chief Shelton was called out on a Sunday afternoon. When Chief Shelton arrived at Big Pillow, he said the music wasn't too loud. **Amy Rubin** also mentioned another time Chief Shelton was called out, and she agreed that that evening's music was too loud. She said they wants to resolve the matter in a way to make everybody happy.

Chief Shelton said the biggest thing is just respect, its' respect for the local people, it's respect for everybody that doesn't agree or doesn't patronize the businesses.

Mayor Norton told everyone the Board is bring up the noise ordinance now because, with the future sale of the Trail Side Restaurant, there could be 3 music venues playing at the same time. Alderman Gentry said there is also 3 wedding venues in town.

Alderman Gentry presented a policy, asked that we all give it some time to see how it works. If the policy doesn't work, the Board will revisit. Recommended policy: It shall be unlawful for any individual to cause to emit from property where they are located or to allow to be emitted from property from which they own or control any sound which goes beyond the boundaries of the property where they are located or property which they own or control onto the property or another if that sound level would result in interference of reasonable use of an occupied property. If the noise emitting is of such a nature that would offend and interfere with a reason individuals use and enjoyment of the adjoining properties causing or allowing such an emission is a violation of this ordinance. It lists firearms, exemptions such as safety signals, emergency vehicles, er work, noise operations of government facility. Noise resulting from normal operations of government facility. Any person who violates the provisions of this ordinance shall be fined in the amount of \$200 for the 1st offence, \$500 for the 2nd offence; and \$1,000 for the 3rdoffence. A call to a police officer having to respond may result in fines. The responding officer has the right to shut down the business due to repeated noise violations. Each day of a continuing violation shall constitute a separate violation under this ordinance. All businesses including wedding venues, restaurants, Airbnb, vacation rentals must have a yearly permit cost is, she suggests \$250. It was \$100. Monday Tues, Wed, Thurs, no outside amplified music, Friday and Saturday amplified music is allowed from 1:00 to 9:00, Sundays from 1:00 to 6:00. Acoustic music is allowed at all times. Amplified music may be used in door, in a closed environment, windows/doors closed, no porches, tents or decks at any time. Amplified music constitutes any music amplified by electronic means whether live or recorded. Mayor Norton asked public for any suggestions. This topic will be tabled until next month.

Alderman Gentry stated that the Board was trying to be fair to call and if anyone would like to talk about the noise ordinance they could request to be placed on next month's agenda. She advised the noise ordinance will be for all venues who could have amplified music. **Philip Solomon** asked what the 2014 ordinance stated. Alderman Gentry said the current ordinance allows until 12:00am for amplified music on Fridays and Saturdays. Mr. Solomon asked if what the proposed ordinance, that Alderman Gentry just read, would be available to the public. Alderman Gentry stated that the proposed ordinance will be in the minutes, but the minutes would not be available until the Board approved them, which will be during the May 2022 meeting.

Alderman Moore

The Board is looking for a way to replace the stolen Robert E. Lee Dixie Highway monument. The Board will not replace the monument just to have it stolen again. They will have some sort of precautionary procedure in place; such as cameras or fencing.

Alderman Moore asked that anyone reporting on the Alderman's meeting to not add words to the Board's comments. He asked that comments not be added to the Board's statements to make it sound as if the Board said something they didn't Alderman Moore said the Board has been misquoted on multiple occasions.

At 8:05 Mayor Norton requested that the Board move into Executive Session to discuss the terms for the sale of the caboose. Alderman Barnett made a motion; Alderman Gentry seconded the motion; all were in favor.

Executive Session returned to the meeting at 8:21. The caboose will be sold as is, where is, and is to be moved within 10 days of purchase, at buyers own expense. Minimum bid is \$20,000, with no reserve. There will be a 25%, non-refundable, deposit of 25% non-refundable and is to be received, by town, within 48 hours of bid approval. The Board will try to get the caboose listed by April 11th. Bids will be open on May 2, 2022. Alderman Gentry made motion to approve; Alderman Moore seconded the motion; all in favor.

Since there is no other business to discuss, Alderman Gentry made a motion to adjourn, Alderman Moore seconded the motion; all were in favor.

ybs
Approved
Abigail Norton

Mayor Abigail Norton

5-3-2022
Date

Other