

Town of Hot Springs
Board of Alderman Meeting
November 7, 2022

Present:

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

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

Mayor Norton read the Public Charge to meeting attendees.

Mayor Norton asked the Board for a motion to accept the October 3, 2022 Town meeting minutes. Alderman Barnett made a motion to accept the minutes; Alderman Moore seconded the motion; all were in favor.

Public Comment

Ike Lassiter

Friends of the Hot Springs Library are getting back into the Adult Education programs. On Tuesday, November 8, 2022 at 5:30, at Pine Hall, there will be a presentation by John Ross. Mr. Ross has updated and written regarding history of the French Broad River. His writings including an emphasis on the river's connection with Hot Springs. Mr. Lassiter invited all to attend.

Sonja Askew

She has heard that the Christmas Parade may be canceled due to traffic issues. She said there had been a feel of excitement in the community with the parade and festivities returning. She was wondering if the town could consider an alternate route for the parade. Her thought is that even if the parade needed to cross 25/70 it wouldn't be anything more than if a train were crossing.

Joey Moore

Mayor Norton asked Mr. Moore if he had a public comment. Mr Moore said he was attending the meeting for the Noise Ordinance discussion.

Agenda

William Yeiser

In August 2020 he and his wife purchased the Duckett House, now named the Spring Creek Farmhouse (433 Lance Avenue).

Mr. & Ms. Yeiser are currently renting the house as vacation rental. Before they purchased the house, they spoke with folks, including Ben Houser, regarding zoning. They wanted to make sure they were not setting up a vacation rental in a spot where vacation rental or events were not allowed. At that time, Mr. Yeiser said he was told that noise was to be stopped by midnight, on Friday or Saturday night. With this information, he and his spouse closed on the house. The Yeisers had a couple of rentals in 2020. They booked the house in summer and fall 2021. The first wedding/event was in August 2022. The August event was planned, from their website, in November 2021; before the new (noise) ordinance was passed in May 2022. Mr. Yeiser said he was not here during the August event, but evidently the noise spread in a lot of different directions; he apologizes and regrets that occurred. He said that the last thing he and his wife want to do is to disrupt the community or disturb neighbors. Mr. Yeiser said that the August event was operating under the information that had been told to the Yeisers. The Yeisers set up their rental agreement based on the information, told to them, prior to the purchase of the house. He feels it was a difficult situation for all.

Mr. Yeiser express that moving forward he wants everything to be a win-win: how to operate the property without disrupting the community. The Yeisers have updated their (rental) agreement to indicate all events must end by 10:00. They have also capped the number of people (attending the events) from 150 to 100. They are also building a stage, down by the creek, hoping that the sound of the creek and the noise going toward the creek bank will contain the noise more than being on the lawn. They are transitioning away from their current property manager to Hot Springs Get Away. He is working with Mary Helen and Marion to make sure supervision is on site to ensure that things aren't getting loud and violating the noise ordinance in the future.

Mr. Yeiser explained that if they are not allowed to have guests and events on the property, it puts them in a difficult situation. Their budgets and financials were factored into being able to hold events on the property. Mr. Yeiser said they are willing to pay any event fees to hold events on the property.

Alderman Gentry advised there isn't any type of event policy; Mr. Yeiser is allow to hold events on his property. However, the house is in a residential area. The Town's current Noise Ordinance states no amplified music in a residential area. Alderman Gentry said that there could be music, just not amplified. Mr. Yeiser confirmed that the current ordinance was passed in May of this year and Alderman Gentry advised that was correct. Mr. Yeiser asked how everything would work if he was told differently, two years ago, about the zoning and events. Alderman Gentry said that the Board was not aware there would be events. She said his signage indicated vacation rental. Alderman Gentry explained that if the Board allows him to hold events (with amplified music) we'd have to

allow others in a residential area to do the same. Alderman Moore advised the Noise Ordinance was created as such; so that those, who reside in a residential area, couldn't have an event and disturb others in the residential area. Alderman Moore explained that over a particular weekend, everyone was notified (of the Noise Ordinance), yet Law Enforcement still had to be called. That weekend's event wasn't handled in a way others, in the residential area, were not disturbed.

Alderman Moore told Mr. Yeiser there is no amplified music allowed at his 433 Lance Ave. house. Mr. Yeiser asked about someone plugs in a P.A., just to listen to music – Alderman Moore advised that can't be done. Alderman Moore said that someone can listen to their radio as long as it doesn't interrupt other people. Mr. Yeiser asked if other houses played loud music – Alderman Moore advised the homeowner would be ticketed and the music would be shut down. Alderman Moore also advised that when someone is sitting in their own home and can't hear the t.v. or can't go to sleep, the music is way too loud. This is what occurred over a couple Saturdays ago. Alderman Moore said a couple of officers had to come out. Alderman Gentry asked if the officers issued a citation. Alderman Moore said the party wasn't given a ticket because the citation goes to the landowner. Alderman Moore and Police Chief Shelton have talked to each other. Alderman Moore notified Mr. Yeiser that he may be receiving a ticket for the music being too loud.

Mr. Yeiser asked if the Duckett House (433 Lance Ave.) had previous events on the property asked if that – Alderman Moore said there is a new noise ordinance. At the time of the recent violation Mr. Yeiser's property (433 Lance Ave.) was listed, only, as a nightly rental. Mr. Yeiser didn't have weddings on the property until after the noise ordinance had been passed. There can be no music, DJ or singing, after 5:00pm in residential areas.

Mayor Norton said she felt Mr. Yeiser was indicating that in 2020 the website indicated events were held on the property. Alderman Gentry and Alderman Moore said the Board was not aware there would be events held on the property. Alderman Moore said the Board has updated the Noise Ordinance and that is what is what we have to, and will, go by. Alderman Gentry told Mr. Yeiser that the property (433 Lance Ave.) was a private property when he made his purchase; the property was not a bed & breakfast, a vacation rental, or an event center. Mr. Yeiser pointed out that prior to the previous owners, the property was _____ Duckett House. Alderman Gentry advise the property was residential before the previous owners purchased the property. And prior to that purchase, the property sat vacant for many years. The property has not been a business for a long time.

Alderman Moore indicated that as long as there is nothing amplified and falls within the residential Noise Ordinance. Mr. Yeiser said his understanding of the current Noise Ordinance is that the sound can not leave property borders. Alderman Moore said someone can stand outside their home talking, or other situations, is different than turning on music where people are not able to hear in their own home.

Mr. Yeiser said he was sorry the recent event cause problems for others in the residential area. Alderman Moore said the wedding coordinator was notified of the Noise Ordinance, the bride and groom was notified; they were notified by the Chief of Police, what would occur if the Noise Ordinance wasn't followed – however, the ordinance still wasn't followed.

Chad Houser – TGS Engineers working with the Department of Transportation

NCDOT has hired his company to redesign the water and sewer relocation for the bridge replacement project (over the French Broad River). He has worked with the utility department for the past several years. It currently appears that the project will get started in summer of 2023. He is wanting to go over the relocations with the Board. There is a 2" sewer line on the existing bridge. He said DOT no longer allows utilities on new bridges. The new sewer line will have to go under the river. It will be a 2" forced main. The new bridge will be built beside the current bridge; then DOT will take the old bridge down. The sewer line will be tied in at a building on the campground and will be tied back in on Silvermine where the existing sewer is located. The water line will be underneath the new bridge. There is also an old sewer line that crosses at the end of the bridge – they will put a new sewer line in, under the roadway. NCDOT will be 100% responsible for the cost, the Town will not be out any money on this project.

Mayor Norton asked if the line placement would affect traffic. Mr. Houser said the tie in will occur during the night. Said water service disruption should only be during the night while people are asleep

Mr. Houser advised the Town will receive, from DOT, a use and occupancy agreement. That will be sent electronically and the Town will docu-sign. The agreement states we are allowing DOT to relocate utilities and when project is complete the Town agrees to take ownership of the utilities and maintain as we currently do. The document should be received sometime in December 2022 or January 2023.

Alderman Moore asked how long the project would take. Mr. Houser said he is only involved in relocating the water and sewer. He said projects may take 18 – 24 months, but there are two other companies working with the actual bridge replacement. Alderman Gentry asked how long the water and sewer relocation takes. Mr. Houser said his company's portion will be worked on, up front. It may take 3 or 4 weeks to complete. He said the Town will be notified, at least a week in advance, before the work is planned to begin. Any water disruption will be scheduled with the town. The work will not begin until the Town is notified, until they meet with the Town.

Mr. Houser said they have to have permits from the state for water quality. He asks Mayor Norton to sign the application allowing permits to be requested from Raleigh.

Keith Webb said he and Jeremy Trantham looked at what Mr. Houser presented and everything looks fine. The only detail that was worked out with Mr. Houser is that Hot

Springs Spa connects to the new forced main being put in. Mr. Houser's company will **note(?)** the new connection for the spa.

Departments

Jeremy Trantham

Since last meeting the speed bump situation has been taken care of. The speed bumps have been reduced some. Hopefully everyone is okay with the way they currently are.

On the weekends, while checking the pumps – especially at the Red Bridge, Maintenance is having a hard time doing their checks as people are parking all over the area. If Maintenance has to get to the pumps, it would be next to impossible. He asks if 'No Parking' signs could be put up. Evidently people are setting up chairs on top of the sewer – this could cause more issues.

Power surge issues have occurred with pumps and lift stations. Surges have burst some floats at Red Bridge. At the post office burnt 2 floats and relays. Wiring and the ground were also burnt. We are waiting on parts to repair to bring back to the original state. Mr. Trantham is asking for surge protectors, maybe Duke can put something in their lines to keep the surges from occurring.

The extra pump for the Red Bridge as a backup has been approved. Mr. Trantham is working with Clear Water Pumps (CWP), in Hickory. CWP is having trouble finding a pump that we are needing.

The recent surge has burned ground, wire, and control panel. Surge burned the wires off one of the floats. Should a surge hit a pump and burn the pump out, the Town would be in yet another situation.

Keith Webb will stay in touch with Mr. Trantham to see if they can locate another company that can help find another pump.

Matt Buckner

Fire Department would like to pursue the rural fire tax. This is for fire service outside of Town limits. This has to go to a vote and presented to the County Commissioners. Mayor Norton felt the tax would be \$.03 on \$100. Attorney Ron Moore said with a good fire department, with a better rating, the lower homeowner's insurance.

The people outside of the Town limits will need to vote on the tax. If they vote the tax down, they wouldn't be eligible for lower their homeowner insurance would not decrease.

Alderman Moore made a motion to have the Hot Springs Fire Department proceed pursuing the rural fire tax. Alderman Gentry seconded the motion. All were in favor.

SaraJo Litwak

Ms. Litwak spoke with the Police Chief. The Chief asked that the events committee not hold a Christmas Parade, due to the I-40 detour. Ms. Litwak said a thought of having the business owners decorate and the Town people vote on the best decoration. Also, have the Town decorate their homes and have Town people vote on the best decorations. The Events Committee is still planning the tree lighting. There will be Santa, hot chocolate, and candy. There will be an area to take photos with Santa.

Mayor Norton asked if there were still two trees. Ms. Litwak said there would still be two trees, but the one at Alpine Court is too big to decorate. Mr. Trantham added that they do not have a way to get the decorations on the tree. One of the trees will be at Hot Springs Rafting Company and they are wanting to see if they can put the other tree beside the big tree.

The nativity set has not yet been ordered, but it will be, soon. The company offers is two-day shipping, so there shouldn't be any problem getting the nativity set quickly.

Alderman Moore asked Ms. Litwak if there would be a way of having a still float parade on the school grounds. The floats would line up around the school and people would walk around to see them.

Chief David Shelton

There was a wreck a couple weeks ago. One of the brewery employees was pulling out from St. Andrews. And to the employees defense he was driving a shorter car and a woman was driving across the tracks where there are uneven levels. Chief Shelton asked the Board if the Town could purchase some traffic mirrors to place on a pole so that the drivers, from St. Andrews, could see vehicles coming up/over the train tracks. This could keep someone from pulling out in front of another vehicle again. Chief Shelton has contacted DOT about putting rumble strips around the cross walks to get drivers attention. Chief Shelton said he received a rude response. He is asking that on of the Board members would contact DOT and make a request for some safety measures especially with all of the traffic the Town is getting ready to experience. Chief Shelton is also concerned with the markets being set up at the Wash Tub. He is afraid someone is going to get hurt, by traffic, while they are shopping the market. Tim Arnett, owner of Spring Creek Tavern, added that there were several times he or one of his employees had to walk out, into the crosswalk, to get the traffic to stop so that people could cross the street. Drivers are not stopping for people in the crosswalks. Mayor Norton suggests barrels be put out, up and down the parking area, along the Highway 25/70 sidewalk. She suggests this be done during the Thanksgiving weekend as well as the weeks before and after Christmas. With the semi-trucks coming through town, there is no place for them to move over if 25/70 has cars parked along the sidewalks. Chief Shelton asks that the barrels stay up during the entire week of the Christmas season. Chief Shelton told the Board that he directed traffic for 5-hours on November 5th as traffic was so heavy and got backed up. Chief Shelton said he and a State Trooper talked on

November 6th. The Trooper told Chief Shelton that he would speak with his supervisor and see if the state could offer some relief from the heavy traffic; perhaps put up a temporary stop light.

Mayor Norton asked Maintenance if they would put the barrels up for the Thanksgiving weekend and Christmas season. Alderman Moore said the Town would have to do the same in 2023 since the bridge will be under construction. Mayor Norton advised that she has requested the bridge and the I-40 work not be going on at the same time.

Board

Mayor Norton

Mayor Norton referred the Board to information regarding the Budget Ordinance for the million-dollar appropriation from the state. Mayor Norton requested a motion to approve the Ordinance. Alderman Gentry made the motion to approve; Alderman Barnett seconded the motion; all were in favor.

Mayor Norton told the Board that the Group Home has requested to use the community center on Monday, November 14., for food distribution. Everyone was in favor of allowing the Group Home to use the community center.

Mayor Norton told the Board that Laura Holloway needs to officially be appointed the Town's Tax Collector. Alderman Gentry made a motion to appoint Ms. Holloway as the Tax Collector for the Town; Alderman Barnett seconded the motion; all were in favor.

Mayor Norton revisited Alderman Moore's request, during the October 2022 meeting, of moving the Board of Alderman meeting from 7:00pm to 6:00pm during the winter months. Alderman Moore made a motion for the time change; Alderman Gentry seconded the motion; all were in favor.

Alderman Gentry

Alderman Gentry said the Board will be moving into Executive Session regarding a personnel issue.

Alderman Gentry asked for a motion to approve Town employees to receive a Christmas Bonus. She requests that the bonuses be distributed with the paychecks issued for the week of Thanksgiving. Full-time employees will receive \$400.00 and part-time employees would receive \$200.00. Alderman Gentry made the motion to approve; Alderman Moore seconded the motion; all were in favor.

Mayor Norton

Mayor Norton asked for a motion to move to Executive Session; Alderman Gentry made the motion; Alderman Moore seconded the motion; all were in favor.

The Town Board moved into Executive Session at 7:54pm. Jeremy Trantham and Bryan Raines were asked to join the Board in the Executive Session. 8:16pm The Board returned from Executive Session. Mayor Norton asked for a motion to return to the regular session. Alderman Gentry made the motion; Alderman Barnet seconded the motion; all were in favor.

Mayor Norton advised that the Executive Session approved to continue having a Temporary Part-Time employee on the Maintenance team. The Board will also begin the interview process for current, open, position.

Alderman Gentry

Alderman Gentry made a motion to dismiss the meeting. Alderman Moore seconded the motion; all were in favor.

all aldermen approved
Approved

1-3-2023
Date

Abigail Norton
Mayor Abigail Norton