

**Minutes**  
**Spruce Pine Town Council**  
**Monday, November 28<sup>th</sup>, 2022**

A meeting of the Town Council was held on November 28<sup>th</sup>, 2022. Present were Mayor Darla Harding and Council Members Rocky Buchanan, Larry McKinney, and Jackie Rensink. Staff in attendance included Darlene Butler and Shelley Buchanan. Others attended, including Chad Donnahoo, Tim Kearns, Donna Kearns, Tommy Pendley, Heather Pendley, and Lynn Holler.

**CALL TO ORDER**

Mayor Darla Harding called the regular meeting to order at 5:30 PM. Jackie Rensink gave the invocation. Larry McKinney led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Jackie Rensink moved to approve the agenda with the addition of a closed session at the end of the meeting. Larry McKinney seconded the motion, which carried with all present in favor.

**APPROVAL OF MINUTES**

Rocky Buchanan moved to approve the minutes of the regular meeting of November 14, 2022. Jackie Rensink seconded the motion, which carried with all present in favor.

Larry McKinney moved to approve the minutes of the closed session held on November 14<sup>th</sup>, 2022. Jackie Rensink seconded the motion, which carried with all present in favor.

**ACTION AGENDA**

Mayor Harding shared that it has come to the Council's attention that it is time for Richard Canipe to be reappointed to the ABC Board. She asked Darlene and the Town attorney for the specifics of the ABC Board and the specifications of the appointments. Darlene explained that the ABC Board website appears to have inaccurate dates of appointment. Chad read the qualifications and stipulations in the NC general statute regarding the ABC Board. After some discussion and questions presented for the attorney to research, Mayor Harding asked for a motion to table this subject until the next Council Meeting. Rocky Buchanan made a motion to table the ABC Board appointment until the next scheduled meeting. Jackie Rensink seconded the motion, which carried with all present in favor.

Darlene Butler summarized the first reading of the Ordinance to Revise the Code to Add Section 23-9 to Address Discharge of Privately Hauled Sewage. Said draft ordinance is incorporated by reference and attached to these minutes. Chad explained that because failure to comply with this ordinance can result in criminal charges its is required to have a first and second reading and then may be voted on for adoption. Rocky Buchanan thanked Chad for his diligent work on the septic discharge ordinance.

**PUBLIC COMMENT**

- ❖ Lynn Holler addressed the Council and asked that the referenced attachments to the Council meeting minutes be published on the town website. Darlene assured her that was no problem and would be done. Ms. Holler then wanted to go on record and thank Police Chief Billy Summerlin as well as the downtown merchants and citizens for their participation in putting up Christmas lights. She thanked the Town for decorating Town Hall and Mandy Polly at the Chamber of Commerce for the downtown activities that are scheduled for next month. She stated she had received a lot of positive comments in person and on social media.
- ❖ Tommy and Heather Pendley thanked the Council for their consideration of the new septic discharge ordinance and allowing them to continue their business. Tommy asked that the Council reconsider the requirement that they be charged by the truck load size and not the gallons dumped. He stated that would mean he could be paying for as many as 500 gallons more than actually dumped. Heather advised that their sewage permit needs to be signed by the Town Manager and sent in to the state by December 15<sup>th</sup>. Darlene assured her she would sign the permit so they can get the paperwork sent in time.

**TOWN MANAGER**

- ✓ The contractor will be breaking ground on the new restrooms at Riverside Park soon.
- ✓ The Land Use Plan Committee held their third meeting in November. The Land Use plan survey has received close to 400 responses thus far and will run through the end of November.
- ✓ The property declared as surplus has been added to the GovDeals auction site and bids are underway.

- ✓ Matt Miller is beginning to check the location and layout of the splash pad at Riverside Park. The plan is to have the splash pad complete by Memorial Day 2023.
- ✓ Darlene met with Withers Ravenel to discuss the large increase to the cost estimate of the new Highway 226 waterline project. After this meeting Darlene felt more comfortable with the reason for the increases and decided to cease work on this project after the permitting process until the Town can secure additional funding for the increase in the cost estimate.
- ✓ Darlene advised the Council that the public works department has a couple of employees out with covid and that Russell will be short staffed this week.
- ✓ Ella Edwards with the administrative staff will be out on short term disability for six weeks beginning December 2<sup>nd</sup>.
- ✓ Shelley has been working on the employee Christmas lunch that will be held on December 6<sup>th</sup> at Town Hall. Darlene invited the Council to attend.
- ✓ Moretz Paving advised Darlene there was a 50% chance they would be able to repave Walnut Ave before spring.
- ✓ It was the consensus of the Council to cancel the second meeting in December on the 26<sup>th</sup> due to the Christmas holiday.

MAYOR/COUNCIL REQUESTS / COMMENTS

- Rocky Buchanan suggested that a new sign ordinance be incorporated into the Land Use Plan discussions and recommendations. Darlene strongly agreed and noted that the Town needs a sign permitting process.
- Mayor Harding asked if the splash pad would be ready by spring. Darlene advised that is till the plan and that it may be necessary to add fencing around the area.

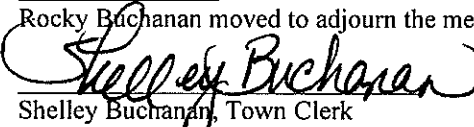
CLOSED SESSION

Mayor Harding asked for a motion to enter into closed session. Rocky Buchanan made a motion to enter into closed session citing NC G.S. 143.318.11a (3)(7). Jackie Rensink seconded the motion, which carried with all present in favor.


Upon return to open session Mayor Harding asked to further discuss the possibility of live-streaming the Council meetings in the future. Darlene asked Chad about a negative comment she had received on the Town's Facebook page concerning the placement of the Public Comment section on the agenda. Chad responded that it is the Council's agenda and they can have Public Comment anywhere they choose and that all towns and counties do it differently.

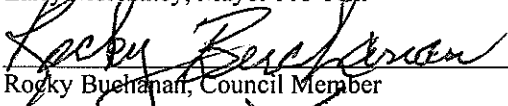
ADJOURNMENT

Rocky Buchanan moved to adjourn the meeting at 6:57 PM.

  
Shelley Buchanan, Town Clerk

  
Darlene Harding, Mayor

  
Larry McKinney, Mayor Pro Tem

  
Rocky Buchanan, Council Member

~~ABSENT~~

~~James Acuff, Council Member~~

  
Jackie Rensink, Council Member

**ORDINANCE TO REVISE THE CODE TO ADD SECTION 23-9  
TO ADDRESS DISCHARGE OF PRIVATELY HAULED SEWAGE**

**NOW COMES** the Town of Spruce Pine (“Town”), at a duly called meeting of its Council with a quorum established, and hereby adopts this *Ordinance to Revise the Code to Add Section 23-9 to Address Discharge of Privately Hauled Sewage*.

**WHEREAS**, the Town desires to amend the Code to add an ordinance addressing the discharge of privately hauled sewage into the Town’s wastewater system.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN** that, pursuant to Section 1-8(c) of the Code, the Code is hereby amended by adding a new section to be numbered Section 23-9 which section shall read as follows:

Section 23-9. Discharge of Privately Hauled Sewage.

(a) Definitions.

- (i) “Director” shall be the Town’s Director of Public Works.
- (ii) “Discharge Location” shall be the designated, gated area located at the Carter’s Ridge Pump Station.
- (iii) “Permitted Waste” shall be limited to the discharge of sanitary sewage containing no waste from grease traps, grit/mud traps, industrial waste, hazardous waste and any waste or waste products not approved by the Town for the Town’s Wastewater System as indicated in Section 4(2)(a)-(s) of the Ordinance Regarding the Use of Sewers (adopted November 12, 1990).
- (iv) “Permittee” is a sole proprietorship, partnership, co-partnership, firm, company, corporation, limited liability company, joint stock company or any other business association that is properly licensed to haul and discharge Permittee Waste. For purposes of this Ordinance, all Permittees must be a resident of Mitchell County. The Permittee’s principal place of business must be physically located in Mitchell County. A principal place of business is the primary location where the business is performed. The majority of the Permittee’s employees must work at the principal place of business and the Permittee’s equipment, vehicles, fixtures and inventory must be physically located at the Permittee’s principal place of business or other location within Mitchell County such that the Permittee shall

pay Mitchell County business personal property taxes, if applicable.

- (v) “Wastewater System” is a treatment works as defined by section 212 of the Federal Water Pollution Control Act, 33 U.S.C. § 1292, which is owned in this instance by the Town.
- (b) Discharge into the Town’s Wastewater System. Permittees owning or operating vacuum-pump trucks or trucks hauling septage or other liquid waste transport trucks shall not discharge Permitted Waste directly or indirectly from such trucks into the Town’s Wastewater System unless such Permittee shall first have applied for and received a permit from the Town.
- (c) Permits.
  - (i) Permit Application. Permittee shall complete an initial application to receive a permit. The permit shall be valid for one (1) year. Permits may be renewed on an annual basis.
  - (ii) Permit Application Fees. The initial permit application fee is two thousand dollars (\$2,000.00) and must be paid in full by the Permittee prior to the Town issuing the Permittee an initial permit. The renewal permit application fee is five hundred dollars (\$500.00) and must be paid in full by the Permittee prior to the Town issuing the Permittee a renewal permit. All permit application fees are subject to change at any time and will be reviewed annually during the Town’s budget deliberations.
- (d) Discharge Location. Permittees may only discharge Permitted Waste at the Discharge Location. Permittees will be issued key cards or other accessing monitoring system that will allow Permittee access into the Discharge Location. The Discharge Location will be subject to surveillance video monitoring. The Town reserves the right to change the Discharge Location at any time.
- (e) Liquid Waste Hauler Load Tickets. Permittees shall complete a Liquid Waste Hauler Load Form (“Form”) for each discharge of Permitted Waste at the Discharge Location and shall file the Form with the Town no later than two (2) business days from the date of the discharge. Permittees must use the Town’s approved Form.
- (f) Rates. The Town shall invoice the Permittee for each load of Permitted Waste that is discharged at the Discharge Location and shall invoice by the truck’s full hauling capacity in gallons

regardless of the actual amount that is discharged. The Town shall invoice Permittees monthly. The discharge rates are:

- (i) Domestic (household) septic: \$0.05 per gallon.
- (ii) Commercial/portable toilet/pre-treated sludge: \$0.07 per gallon.

All rates are subject to change at any time and will be reviewed annually during the Town's budget deliberations.

(g) Enforcement.

(i) For any Permittee who is found to have failed to comply with any provisions of this Ordinance, or the orders, rules and regulations issued hereunder, in addition to the remedies stated in subpart (ii) herein, the Director may revoke the Permittee's permit. Prior to any revocation, the Director may temporarily suspend the permit and shall provide to the Permittee a written notice of the violation(s) and provide the Permittee an opportunity to respond. Within five (5) business days after the Director's decision, the Permittee may file a written appeal of Director's revocation to the Town Manager. The Town Manager shall provide the Permittee an opportunity to respond and shall render a decision within ten business days after receipt of the Permittee' written appeal. The Town Manager's decision shall be final.

(ii) For any individual and/or Permittee who is found to have failed to comply with any provision of this Ordinance, or the orders, rules and regulations issued hereunder, shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500.00) and imprisonment of not more than thirty (30) days. Each discharge in violation of this Ordinance shall be a separate and distinct offense. In addition to the remedies provided herein, the Town may seek an injunction to further compliance with this Ordinance and institute any civil remedies against the individual and/or Permittee.

(h) Repealing Clause. All ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section,

paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

- (i) Effective Date. This Ordinance shall take effect and be in full force thirty (30) calendar days after the date of its adoption.

**NOW, THEREFORE**, this Ordinance was introduced as a first reading at the Town's meeting on the 28<sup>th</sup> day of November 2022 and approved by the Town on this the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Mayor Darla P. Harding

Attest \_\_\_\_\_  
Shelley Buchanan, Town Clerk

