

**Minutes  
Spruce Pine Town Council  
Monday, December 12<sup>th</sup>, 2022**

A meeting of the Town Council was held on December 12<sup>th</sup>, 2022. Present were Mayor Darla Harding and Council Members Rocky Buchanan, Larry McKinney, James Acuff, and Jackie Rensink. Staff in attendance included Darlene Butler, Crystal Young, and Shelley Buchanan. Others attended, including Chad Donnahoo, Dori Settles, Jim Settles, Tommy Pendley, Heather Pendley, Matt Miller, Danny Burleson, Gary Kivett, Pam Braswell, Mac Robinson, Billy Ray Edge, and Lynn Holler.

**CALL TO ORDER**

Mayor Darla Harding called the regular meeting to order at 5:30 PM. Rocky Buchanan gave the invocation. James Acuff led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Larry McKinney moved to approve the agenda. Jackie Rensink seconded the motion, which carried unanimously.

**APPROVAL OF MINUTES**

Jackie Rensink moved to approve the minutes of the regular meeting of November 28<sup>th</sup>, 2022. James Acuff seconded the motion, which carried unanimously.

Rocky Buchanan moved to approve the minutes of the closed session held on November 28<sup>th</sup>, 2022. Larry McKinney seconded the motion, which carried unanimously.

**APPOINTMENTS**

- Gary Kivett and Billy Ray Edge requested that the Council consider working with them on running city sewer lines to a large tract of land they are planning to invest in near Parkwood Hills. They are interested in developing a multi-family housing sub division. Mr. Kivett noted it was an extremely developable piece of property that could be possibly be annexed into the city limits. Mr. Edge asked about the possibility of grant funding for the sewer line, as it would greatly benefit the Town and County. Darlene Butler explained that typically an investor would come to the Council after the project has been completed and ask for the lines to be taken over. Mayor Harding added that this would not be a cost that should be taken on by the taxpayers. It was the consensus of the Council that they would be willing to have a meeting to discuss plans further once more details have been worked out.
- Chairman of the ABC Board Mac Robinson introduced Danny Burleson to give the Council an update on the function of the ABC Board and their financials. Danny shared that the Spruce Pine ABC store is operating very well and their sales volume is great and steadily increasing. He noted that the ABC Board is comprised of 3 members that are appointed by the Town Council and have a three year term. The ABC financials reflected some improvement expenses over the last year, including repaving the parking lot and a new computer system. They were able to pay off the loan from the Town for \$460,000. Over \$36,000 was given to the Spruce Pine PD and a percentage to addiction recovery organizations as well. Danny thanked the Council for their support of the Board and ensured them they will continue to run a conservative business. Mayor Harding asked Chad Donnahoo to clarify the qualifications and requirements to be elected to the ABC Board, as one seat is currently available for appointment.
- Doug Tennant, with Combs, Tennant, and Carpenter PC, presented the Council with the June 30, 2022 audit and financial statements. He advised the audit revealed a clean report and the Town of Spruce Pine is in very good financial shape. The general fund ended the year with a profit of \$277,654. The water and sewer fund is in better shape than last year mostly attributed to ARPA funds received. This will continue to improve this year with the water and sewer rate increase implemented in July. The collection rate of property tax for the year was excellent at 98%. He concluded by saying the town is in good financial position and to keep up the good work.

**ACTION AGENDA**

- Darlene Butler summarized the second reading of the Ordinance to Revise the Code to Add Section 23-9 to Address Discharge of Privately Hauled Sewage. Said ordinance is incorporated by reference and attached to these minutes. Some of the ordinance requirements state the business must be physically located in Mitchell County, the only pump station to be used is Carters Ridge, key cards and video monitoring will be implemented, load tickets will be required within two business days of dumping, business will be billed based on truck capacity, there will be an

initial permit fee of \$2,000 and \$500 per year after that, the per gallon fee will be \$.05 for household waste and \$.07 per gallon for commercial/outhouse waste. This ordinance will go into effect 30 days after adoption. Rocky Buchanan moved to adopt the Ordinance to Revise the Code to Add Section 23-9 to Address Discharge of Privately Hauled Sewage. James Acuff seconded the motion, which carried unanimously.

- Darlene presented the Council with a bill from Burleson Plumbing for Peggy Grantham at 118 Hollifield St in the amount of \$274.35. She is requesting that the Council consider paying some or all of this invoice. Ms. Grantham reported a sewer problem to Burleson Plumbing and upon investigation they discovered it was a Town issue. Logging trucks in the area had crushed the city sewer line running to her property. James Acuff made a motion to reimburse Ms. Grantham for the entire invoice amount. Larry McKinney seconded the motion, which carried unanimously.
- Crystal Young presented the Council with additional items to be declared surplus property to be auctioned on GOVDEALS.com. These items included the fencing around the playgrounds, basketball goals, old phone system, and the old meter reading equipment. Jackie Rensink made a motion to declare these items surplus property. James Acuff seconded the motion, which carried unanimously.
- Crystal Young presented a tax release notice for Spectrum Southeast LLC in the amount of \$295.37. Rocky Buchanan made a motion to approve the tax release. James Acuff seconded the motion, which carried unanimously. Crystal also presented a tax release for Rafael Crencencio at 44 PE Dr, due to incorrect date and size of single wide trailer. James Acuff moved to release the personal property tax of \$62.62. Rocky Buchanan seconded the motion, which carried unanimously.
- Shelley Buchanan requested the Council set a Public Hearing date for a rezoning request made by Jennifer Vance. The Planning and Zoning Board met on November 30<sup>th</sup>, 2022 and unanimously voted to recommend this zoning change request to the Council. It was the consensus of the Council to advertise the public hearing the next two weeks in the Mitchell News Journal and hold the hearing the first Council meeting in January.

#### PUBLIC COMMENT

- ❖ Lynn Holler asked why the meeting minutes have not been updated on the Town Website. Darlene responded that the Town's website is currently experiencing technical difficulties and our IT person has been notified and is working on the problem. Shelley Buchanan reiterated to Ms. Holler that the meeting minutes are completed the day after the meeting is held and she is more than welcome to request a copy of the draft minutes at any time. Ms. Holler then asked if there was an application process to be appointed to the local advisory boards. Mayor Harding explained that most of the boards are appointed by position but there are some including the Planning and Zoning Board and the Zoning Board of Adjustments that the Council appointments. Darlene followed up by saying there is currently not an application process but that it was a good idea and may implemented in the future. Ms. Holler suggested the Town put these available positions on the Town website along with an application of interest in the position.

#### TOWN MANAGER

- ✓ The playground equipment has been auctioned off and picked up.
- ✓ Riverside restroom footers have been poured and work is underway.
- ✓ Darlene commended the Spruce Pine PD and the Mitchell County Sheriffs Office for a successful Shop with a Cop event this year.
- ✓ Darlene advised the Council of a boil advisory that went out to residents last week when an 8 inch water line busted near Mitchell Vet. Another boil advisory was issued this week for a planned water outage to upgrade our pump station on Beaver Creek rd.
- ✓ The skate park group has asked to meet with Darlene and Chad Donnahoo in January.

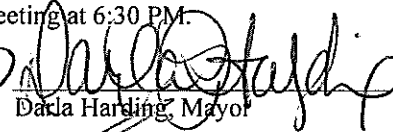
#### MAYOR/COUNCIL REQUESTS / COMMENTS


- Mayor Harding reminded everyone the second meeting in December has been canceled due to the Christmas holiday.
- Mayor Harding thanked the Council and staff for their hard work this year and for overcoming a lot of negativity and opposition that was faced.

ADJOURNMENT

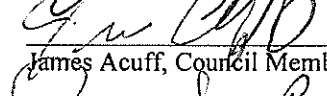
Larry McKinney moved to adjourn the meeting at 6:30 PM.

 Shelley Buchanan, Town Clerk

 Darla Harding, Mayor

 Larry McKinney, Mayor Pro Tem

 Rocky Buchanan, Council Member

 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 Permitted 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.

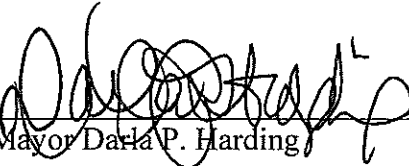
(ii) For any individual and/or Permittee who is found to have failed to comply with any provision of this Ordinance, or the orders, rules and regulations issued hereunder, shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500.00) 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 second reading on this the 12<sup>th</sup> day of December 2022.

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

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

