

TOWN OF BURNSVILLE
Regular Meeting
August 5, 2010

The Town Council, with members Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Doyce McClure, and Ron Powell present, held its regular meeting on Thursday, August 5, 2010, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Shane Dale (who joined mid-meeting,) Jeanne Martin, George Nero, and Tom Storie; and visitors Doreen Brannan, Lori Famularo, Dennis Matelski, Helga Harmon, and others present. Mayor McIntosh, who presided, called the meeting to order.

- Public Comment – Helga Harmon, 16 Wheeler Hills, protested the recent increases in utility bills. She said she was representing elderly folks on fixed incomes in her neighborhood, who will have difficulty paying such a steep increase; it would have been better if rates had increased over the years incrementally.

A Lincoln Park resident also complained about the increase in utility rates.

The Mayor responded to the complaints with a reminder that it is the town's responsibility to keep the water and sewer system operating. He said it was no easy task to set the budget this fiscal year; 13 budget meetings were held and dominated by the topic of water and sewer rates.

- Adoption of Agenda – Council members learned that a closed session had been added to the agenda (item 18). Ron Powell made a motion to adopt the agenda before Council, including the addition of the closed session. Ruth Banks seconded the motion, which was unanimously approved.
- Consideration of Minutes - The minutes from the following meetings were considered:
 - Regular meeting held June 29, 2010 (for July, 2010)
 - Special meeting held June 30, 2010

Ron Powell made a motion to approve the minutes from the aforesaid meetings as written. Ruth Banks seconded the motion, which was unanimously approved.

- CDBG Closeout Documents, re: Altec Project – Ron Powell made a motion to approve and authorize the mayor to sign the closeout documents regarding the Altec Project, which was the subject of the Public Hearing held prior to this meeting. Ruth Banks seconded the motion, which was unanimously approved.
- Consideration of McGill's Proposal to Prepare an Application for Funding from the State Revolving Loan/Grant Program for I & I Projects:

Council learned of a state revolving loan and grant program that carries a September 1st deadline. McGill Associates has indicated the town is in a reasonable position to submit an application for the program for funding I & I projects. If funded, the town would receive

\$1.6 million, with forgiveness of up to \$800,000 and financing at 2.24% on the balance over a period of 20 years.

Tom Storie said he felt like this was an opportunity that we should pursue, and said that the State's Water Quality Division would frown if the town did not move forward seeking funds for these projects.

Ron Powell complained that the opportunity was presented at the last minute, but made a motion to accept McGill's proposal and authorize the mayor to sign documents related to the application. Judy Buchanan seconded the motion, which was unanimously approved.

- Main Street Merchant Concerns: Lori Famularo, a West Main Street merchant, said the town has a serious problem with speeding and noise on West Main Street. She listed loud mufflers, revving engines, screaming, and blasting music as the main noise problems, and said cars are often traveling so fast they will kill someone. She said crosswalks are not observed or enforced and tourists have complained about their safety. Several suggestions were offered to remedy the situation.

Doreen Brannan, another West Main merchant, suggested raised crossings and signs that warn of the law regarding stopping at crosswalks. She said the law needs to be enforced. She mentioned that the yellow curbed area with the fire hydrant doesn't say "no parking." She said there is a need for a trash can on West Main Street at the corner of the "Something Special" building, with a cigarette receptacle on top. Litter on West Main sidewalks and around the square was another complaint.

Dennis Matelski, another West Main merchant, thanked Council for its support over past years, and commented that he appreciated local and tourist customers and wanted to protect Burnsville. He said he had long range concerns regarding pedestrian safety issues, and hoped the town was thinking ahead to the time that West Main becomes the bypass when the bypass is widened. He said businesses will be crippled if people stop coming to shop because they are fearful of heavy traffic.

Ron Powell said he has been concerned about these issues, and that he has been in conversation with the police chief over possible remedies in the past month. Chief Brian Buchanan said his officers have written 56 speeding citations in the past month, and that at a staff meeting he encouraged his officers to be vigilant and enforce ordinances we have in place. He commented that any signs on West Main Street would have to be approved by the D.O.T.

The Mayor acknowledged there were many valid concerns; he said that crosswalks may not have signs, but they are marked and are therefore enforceable. He said council would uphold the police department in their enforcement of the law. He promised that the concerns would be looked into, and asked that the police chief be contacted about continuing issues. Ron Powell asked the Police Chief to log where tickets are written and bring the log to meetings.

- Resolution In Support of North Carolina's Current Public Alcoholic Beverage Control System:

Council considered a resolution presented by the ABC Board that favors current state and local control of alcohol as opposed to privatization. Ruth Banks made a motion to approve the resolution; Judy Buchanan seconded the motion, which was unanimously approved.

- Review of Contract for Wastewater Treatment Plant – Council reviewed a three year contract between the town and the contractor who oversees the wastewater treatment operation. There was concern that the \$187,100 contract was never seen by Council, and that a three year contract cannot meet auditing standards set by the state. Tom Storie said he is comfortable with the contractor and the relationship the town has had with him in the past.

Judy Buchanan said the town might like to review options from year to year. The Mayor said there are many issues to be considered, including cost, the legality of the agreement, the new public works director's opinion, etc. Tom Storie said he didn't think the contractor would have a problem with an annual contract.

Judy Buchanan made a motion that any and all contracts exceeding \$10,000 and/or exceeding the time frame of the current budget year must be brought before Council for consideration and approval. Ruth Banks seconded the motion, which was unanimously approved.

- NC DOT Agreement for Roadway Improvements at US 19E – The Mayor provided background on the D.O.T.'s plan for roadway improvements along US 19E, mentioning that they made a material adjustment to include a 7' paved walking path on the south side of 19E from the west side road intersection at Mountain Heritage High School. The County has approved their portion of the agreement. Ron Powell made a motion to enter into the aforesaid agreement, which will obligate the town to an estimated \$71,048 upon completion of the project, which is estimated to occur in May 2015, and to authorize the mayor to sign related documents. Doyce McClure seconded the motion, which was unanimously approved.
- Vacancy on Yancey County Economic Development Commission Board – Council learned of a vacancy on the EDC Board on the seat held by an individual in the field of health or utilities industry. Ron Powell made a motion to appoint Dr. Joe Antinori to the EDC Board until June 30, 2011. Ruth Banks seconded the motion, which was unanimously approved.
- Repairs to Sidewalk on Green Mountain Drive – Tom Storie told Council that Mr. Shackelford, who lives at the corner of Green Mountain Drive and School Circle, has spoken to him about the lower end of the sidewalk alongside his home, which has settled and shifted several times. The grade of the sidewalk is 6' to 7' above Mr. Shackelford's yard, and several people have actually fallen off the sidewalk. Mr. Shackelford is concerned about his liability.

Council discussed an initiative for improvements from North Main Street to School Circle and the possibility of negotiating an 80/20 agreement with the D.O.T. on a potential project to correct this problem.

The Public Works Director was asked to investigate a temporary fix, possibly with the labor and materials being shared with the property owner.

- Proposed Policy for Public Art – Councilor Ron Powell explained the progress that has been made on a public art policy. Council directed that the policy be completed and sent to Attorney Todd Bailey for legal review.

- Order of Collection to Tax Collector for Fiscal Year 2010 – 2011 – Ruth Banks made a motion to authorize the tax collector to collect 2010 taxes. Judy Buchanan seconded the motion, which was unanimously approved.
- Small Town Main Street Community: *Resolution Adopting an Agreement to Continue Participation in the NC Small Town Main Street Program 2010-2011:*

Council members considered participation in the Small Town Main Street program for another year, which would avail the town to grant opportunities and would not cost anything unless the State Dept. of Commerce staff were invited to attend meetings. Judy Buchanan made a motion to adopt the aforesaid resolution and authorize the mayor to sign the document. Ruth Banks seconded the motion, which was unanimously approved.

- Upcoming Events / Programs:
 - August 31, 2010 ~ NC League of Municipalities "*Member Services Showcase*" ~ Burnsville Town Center. Council members wishing to attend can do so through the training budget.
 - September 10, 2010 ~ High Country Council of Governments' annual meeting and banquet ~ Linville Ridge, 6:00 p.m. The town will pay for the Mayor and his wife to attend. No other council members indicated an interest in attending.
- Consideration of Relief for Water/Sewer Rates – David Peterson discussed the fact that some people will probably seek annexation now that utility rates have increased so dramatically, and asked if requests for voluntary annexation would be considered if the requesters would furnish some of their own services. Using Peterson Trailer Park as an example, Ron Powell said in terms of dollars and cents it wouldn't be advantageous to the town. He recommended instead that the large question be taken into consideration and studied in an organized fashion. High Country Council of Governments will be asked about resources for annexation assistance.

- Department Updates

Fire Department – No one was available to report.

Police Department – Police Chief Brian Buchanan reported:

- Police Department is currently working on the crafts fair for the next two days.
- Brian Shuford will be sworn in this month.
- Qualifications will be held on August 28th.
- Condition of the street on Indian Trail – there may be still one open cut on the road that has not had new asphalt applied.

Public Works – Tom Storie reported:

- Shane Dale has been attending school this past few weeks.
- Staff has been involved in routine operations.
- At our November 1, 2009 meeting Council adopted the final draft of the town's sewer use ordinance with changes. Mr. Storie has talked with Sara Morrison with the state and learned that two things were omitted from the ordinance. One deals with a waste minimization plan and the other is a statement that "other conditions apply as deemed appropriate to insure compliance." The omissions must be submitted by August 16th. Judy Buchanan made a motion to

adopt and approve the additions to the town's sewer use ordinance as specified by Tom Storie. Ruth Banks seconded the motion, which was unanimously approved.

---Shane Dale reported:

- Abandoned house at 106 Bennett Street – Bank of America had a bid for clean up, and rejected it. Someone with the bank is supposed to connect with Mr. Dale.
- The Baptist Church has inquired about handicapped parking; they want to take 3 spaces and make 2 with a ramp. There is also a need to paint designated handicapped spaces "handicapped parking."
- Council discussed the Humane Society's water bill and the possibility of designating a non-profit rate.

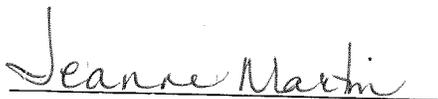
Town Center – Facility Manager George Nero updated Council on events that have been scheduled for the next month. Four music events will be held in August, and there will be a NC STEP kickoff event and a NC League of Municipalities conference. United Community Bank is paying rent on the facility during the crafts fair for a visitors' refreshment center.

- Closed Session - A motion was made by Judy Buchanan to enter into closed session to discuss matters relating to the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee (N.C.G.S. 143-318.11(a)(6)). The motion was seconded by Ruth Banks and unanimously approved.

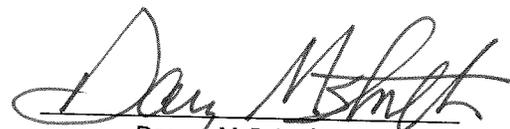
Immediately following closed session, Council reconvened open session. No action was taken as a result of the closed session.

- Next Regular Town Council Meeting – The next regular meeting will be held at the Town Hall on September 2, 2010, at 6:00 p.m.

There being no further business, Judy Buchanan made a motion to adjourn. The motion was seconded by Ruth Banks, and unanimously approved.



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor