

TOWN OF BURNSVILLE
Regular Meeting
October 7, 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, October 7, 2010, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Shane Dale, Jeanne Martin, George Nero, and Tom Storie; and visitors Bill Baker, Cynthia and Jake Blood, Dottie Buker, Lisa and Robert Cohen, Neil Harris, Jody Higgins, David Peterson, Barbara Webster, and Armin Wessel. Mayor McIntosh, who presided, called the meeting to order.

▪ Public Comment:

No one asked to be heard during the public comment period.

- Adoption of Agenda – Judy Buchanan made a motion to adopt the agenda, as proposed. Ruth Banks seconded the motion, which was unanimously approved.

▪ Consideration of Minutes - The minutes from the following meetings were considered:

- Regular meeting held September 2, 2010
- Closed session held September 2, 2010
- Special meeting held September 21, 2010

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

- Carolina Farm Credit Request for Setback Variance – Terry Peterson, Corporate Loan Officer with Carolina Farm Credit, was present to provide background on the request for a setback variance at the Carolina Farm Credit office located at 502 West Main Street. It was noted that William R. Banks, the owner of an adjoining property currently leased to the NC Cooperative Extension Service, had signed a written consent to the setback variance. Doyce McClure made a motion to approve the setback variance. Ron Powell seconded the motion, which was unanimously approved.
- Main Street Advisory Board Concerns – Ron Powell discussed the idea of establishing a town planning board. Tom Storie commented on his experience with appointed boards in the past, mentioning that it has proven hard to keep a group's attention and focus on the needs of the entire community. Visitor Neil Harris offered to contact a planning company in Charlotte regarding the scope of their services and provide the information to council.

Council learned about a program being offered by the Division of Community Assistance to provide technical zoning assistance to communities. Three towns will be selected to participate. Jake Blood pledged to work on the grant application. Tom Storie said the town is in critical need of a zoning study.

Judy Buchanan made a motion for the town to apply for participation in the program. Ron Powell seconded the motion, which was unanimously approved.

It was announced that this was Jake Blood's last day as EDC Director. Mr. Blood will be replaced by Wanda Proffitt.

- Voluntary Request for Annexation – Councilors considered a written request submitted by David Peterson for the inclusion of his mobile home park into the city limits. The mayor told Mr. Peterson that council has discussed the loss in water/sewer revenues that would result from the proposed annexation, which can't be ignored given the serious financial difficulties currently being faced by the town. Council was told by the High Country Council of Governments that the town couldn't agree to annex and not provide some services even if the owner agreed to an opt-out, because a future owner would have the right to demand services afforded to every other taxpayer.

Mr. Peterson said that if his annexation request is denied he has few options, since well drilling would be too costly. Meanwhile, he will have had 14 vacancies by the end of the month. He complained that the town's current policy allows bills to accumulate up to three months before cut-off, leaving him sometimes up to a \$500 utility bill when a tenant vacates. It was suggested that he consider locking off water himself to avoid the accumulation of large bills and reconnect fees.

Doyce McClure made a motion to annex the David Peterson Trailer Park pursuant to the property owner's request. The motion failed for lack of a second. Judy Buchanan recommended that consideration of Mr. Peterson's request be postponed until after completion of High Country's annexation study. Other considerations discussed included 1) a study of water rates for the effect of a one-thousand gallon rate; and 2) review of ordinances on utility billing as it relates to tightening-up on the cut-off policy.

- ABC Board Issues:
 - Councilors reviewed a Contract for ABC Law Enforcement between the Burnsville ABC Board and the Burnsville Police Department. There was a discussion concerning the distribution of revenues for enforcement services; however, it was agreed there will be further discussion about appropriate distribution once revenues begin to come in. Judy Buchanan made a motion to authorize the Police Chief to enter into the aforesaid contract. The motion was seconded by Ruth Banks and unanimously approved.
 - Compensation for ABC Board members – The town's finance officer reported on the study she conducted in our general area concerning compensation for ABC board members. As a result of the study, the Mayor suggested compensation in the amount of \$100 per month.

Judy Buchanan made a motion to approve compensation to the Burnsville ABC Board in the amount of \$150.00 per month. Ruth Banks seconded the motion, which was unanimously approved.
 - The Burnsville ABC store will undergo state inspection on October 11th, and Council has been invited to visit that day to meet the state inspectors and distillers.
- Proposed Policy for Public Art – Councilors reviewed a proposed policy for public art. Council did not feel that the lawn at the town hall was an appropriate space for the placement of public art. Ron Powell made a motion to adopt the public art policy, amended to exclude the

town hall lawn. Judy Buchanan seconded the motion, which was unanimously approved. Recommendations for individuals to serve on the Design Board will be considered at the regular meeting in November.

- Animal Shelter Request for Assistance – Councilors considered a request from Yancey County Humane Society for financial assistance, and agreed to consider the agency during budget preparations for FY 2010-2011.
- Ordinance Codification – Judy Buchanan made a motion to schedule a special meeting for October 21, 2010 to hear a presentation on ordinance codification from American Legal. Ruth Banks seconded the motion, which was unanimously approved.
- Proposals for Assistance with Information Technology – Available for consideration were proposals for information technology assistance from Appnet and McKinney Consulting. Judy Buchanan made a motion to authorize McKinney Consulting to provide an initial 16 hours of assistance according to the terms of the proposal. Ron Powell seconded the motion, which was unanimously approved. Departments will split the cost, and Brian Buchanan will communicate with McKinney Consulting.
- Department Updates

Fire Department – No one was available to report, although Mayor McIntosh said the unit did well at regional competition last weekend.

Police Department – Police Chief Brian Buchanan reported:

- The number of incident reports is the same at this point as all of 2009;
- Two seized vehicles have been turned over to the town;
- The Department received \$700 unanticipated revenues from drug seizures;

Ron Powell asked about the procedure for changing ordinances concerning parking restrictions around the square from 10 p.m. to 9 p.m. Councilors decided not to consider the issue at this time.

Public Works – Shane Dale reported:

- A request from a property owner on Baker's Creek has inquired about the possibility of accessing city water. The property only includes four to five houses, and although the owner would install lines at his expense, it would leave the town with a large amount of infrastructure for a handful of homes. In addition, the elevation poses a problem. Council discussed the issue and decided to concentrate on existing lines rather than new ones.

Ron Powell asked Mr. Dale for a report on water usage for 1,000 gallon users.

Mr. Powell asked about the status of paint on the town hall. Mr. Dale said one quote has already been obtained, and another has been requested. Tom Storie reminded Mr. Dale that the color chart specified by the architect when the building was renovated needs to be adhered to.

Town Center – Facility Manager George Nero updated Council on events that have been scheduled for the next month.

- Other – Ron Powell made a motion to recess the meeting. Judy seconded the motion, which was unanimously approved.

- Closed Session - A motion was made by Judy Buchanan to enter into closed session to discuss matters relating to:
 - a. Confidential communication subject to attorney-client privilege pursuant to N.C.G.S. 143-318-11(a)(3); and
 - b. 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.

Council reconvened open session. Judy Buchanan made a motion to recess the meeting until Friday, October 8, at 1:30 at the Town Hall. Ruth Banks seconded the motion, which was unanimously approved.

On Friday, October 8, 2010, the Town Council, with members Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Doyce McClure and Ron Powell present, reconvened a Special Meeting that was recessed on Thursday, October 7, 2010, at the Town Hall. Also in attendance were town staff members Ricky Crout and Shane Dale. Mayor McIntosh, who presided, called the meeting to order.

Ruth Banks made a motion to enter closed session, record the meeting, and seal the tapes, to discuss matters relating to:

- a. Confidential communication subject to attorney-client privilege pursuant to N.C.G.S. 143-318-11(a)(3); and
- b. 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).

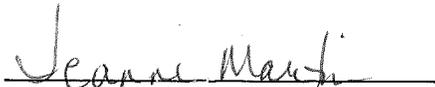
Judy Buchanan seconded the motion, which was unanimously approved.

Immediately following closed session, Council reconvened open session. Regarding the first issue, Judy Buchanan made a motion to authorize Attorney Billy Clarke to make an offer according to the terms he outlined in his letter to the town on September 22, 2010 regarding the town's most recent penalty imposed by the Department of Water Quality. Ruth Banks seconded the motion, which was unanimously approved.

Regarding the second issue, no action was taken.

- Next Regular Town Council Meeting – The next regular meeting will be held at the Town Hall on November 4, 2010, at 6:00 p.m.

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


Jeanne Martin, Town Clerk


Danny McIntosh, Mayor