

TOWN OF BURNSVILLE  
Regular Meeting  
September 2, 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, September 2, 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; town attorney Todd Bailey; and visitors Dan Barron; Jake Blood, Lisa and Robert Cohen, Betty Parker, Bill Whiteside, and others. Mayor McIntosh, who presided, called the meeting to order.

▪ Public Comment:

- Betty Parker spoke to council about her concerns over the two parking spaces on West Main Street on either side of Academy Street. She said that a vehicle existing Academy Street onto Main Street cannot see to the right or left if a large car is parked in either of the two parking spaces. The Mayor asked the Public Works Director and Police Chief to study the situation. The Chief pointed out that D.O.T. procedures for the redesignation of parking spaces would have to be researched.
- Lucy Doll spoke about her concerns over the odor coming from the asphalt plant. She admitted she is aware the plant is in the county, but the stench is affecting town residents and asked if the town council could do anything to help residents make their voices be heard.

- 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:

- Public Hearing held August 5, 2010
- Regular meeting held August 5, 2010
- Closed session held August 5, 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.

- AMY Regional Library Report – Dr. Dan Barron, speaking on behalf of the AMY Regional Library, updated council on library activities and provided the library's annual report for review. He reminded council that the 5<sup>th</sup> annual Literary Festival will be held next weekend, and thanked council members for their ongoing support to the library's budgetary needs.

Merchant Concerns – NuWray innkeepers Bob and Lisa Cohen were at the meeting to update council on the status of activities on the town square. They expressed appreciation for council's recent efforts to control noise, speeding and other activities, commenting that things have improved since the police began foot patrol. The police chief commented that 91 citations were written in the past month, mostly on the square or West Main Street; and officers have been instructed to take meal breaks before 7 p.m. or after 10 p.m.

▪ ABC Issues:

- Signatory authority – Attorney Todd Bailey reported on the status of the ABC Board, commenting that the store will be located in the Banks Family Square. He said the Board secured a \$375,000 line of credit and that over \$200,000 will be necessary to open the store.

Council was advised that newly enacted G.S. 18B-702(j) authorizes a local ABC board to designate the finance officer of the appointing authority to serve as finance officer of the local ABC Board with the consent of the appointing authority. Council received a request from the Burnsville ABC Board as to whether the Town of Burnsville desires or would consent for its finance officer to serve as finance officer for the Burnsville ABC Board. A discussion followed.

Upon motion duly made by Ruth Banks, seconded by Judy Buchanan, and unanimously approved, it was RESOLVED that the town clerk write the Burnsville ABC Board to indicate that the Town of Burnsville expects the Burnsville ABC Board to insure compliance with all laws, rules, and regulations, and to maintain true fidelity in the management and reporting of all monies, and that while the Town of Burnsville is willing to provide reasonable assistance, it does decline to allow the finance officer for the town to serve as finance officer for the Burnsville ABC Board.

- Compensation for ABC Board Members – Council considered a request from the ABC Board for compensation similar to that of Spruce Pine's ABC Board members, who received \$250 per member per meeting. It is expected that once the Burnsville ABC Board has completed its initial work, regular meetings will occur once a month.

Ron Powell made a motion to agree to compensation of \$250 per member per meeting. The motion died due to lack of a second.

Doyce McClure made a motion to have the Finance Officer research the practice in other towns and report findings back to Council. Judy Buchanan seconded the motion. Voting results were as follows:

Ayes: Ruth Banks	Noes: Ron Powell
Judy Buchanan	
Danny McIntosh	
Doyce McClure	

Carolina Farm Credit Request for Setback Variance – Available for review was a letter from Carolina Farm Credit requesting an amendment to the current 20' setback on their property located at 502 West Main Street. Tom Storie explained that Council, if it so desired, would be considering a special use permit, and that a public hearing would need to be held before such consideration. The Mayor commented that the plan, as outlined by Carolina Farm Credit, would enhance their current building and keep jobs.

Ruth Banks made a motion to hold the public hearing at 5:45 p.m. on October 7, 2010 at the Town Hall, just prior to the town's regular monthly meeting. Judy Buchanan seconded the motion, which was unanimously approved.

- Lincoln Park Residential Water Issues – Bill Whiteside, representing utility customers in Lincoln Park and himself as a citizen and church pastor, spoke to council members about the lack of water pressure. He said the rate increase was also an issue, but water pressure is the big issue for this community. He invited council to visit houses in the area to check the pressure and observe the problems, and gave the Mayor a list of names and addresses of people affected. This community would like the same service being received by customers in other areas who are paying the same rates.

The Mayor advised that Council approved a planning grant which was recently awarded to the town; part of the planning will be to evaluate the system for sufficient line size, and the Lincoln Park community will be looked at as well as other parts of town where similar problems exist. He said that sometimes it proves it is the customer's line that shrunk over time, or issues other than the town's supply to the line. The town can check now to see if there is sufficient supply. With regard to the rate increase, he told Mr. Whiteside Council did not make the decision lightly. Cuts in state funding have had an impact on town resources, and the state has insisted on some improvements that have depleted the resources the town had.

Tom Storie explained the nature of the problem with pressure in Lincoln Park, which is mainly due to the area's elevation, and noted that the objective would be to correct the problem, hopefully with some grant money.

- Animal Shelter Request for Assistance – Representatives from the Animal Shelter were unavailable to present this issue.
- Issues Related to Annexation – The Mayor told council members of a conversation he'd had with Phil Trew (High Country Council of Governments) regarding the need for education on the annexation process. Ruth Banks made a motion to invite Mr. Trew to speak to Council about annexation. Judy Buchanan seconded the motion, which was unanimously approved.
- Review of Contract for Wastewater Treatment Plant – Available for review was a proposed annual contract between the Town and Jadd Brewer, the ORC for the Wastewater Treatment Plant. It was noted that the contract would expire prior to the next fiscal year began. Judy Buchanan made a motion to authorize Shane Dale to execute the contract. The motion was seconded by Ron Powell and unanimously approved.
- NC Community Development Association ~ Request for Participation – Available for review was a request for participation in the NC Community Development Association. No action was taken.
- Ordinance Codification – Council agreed to invite a representative from American Legal to speak about the codification process and services offered by American Legal. Ron Powell made a motion to hold a special meeting on Thursday, September 23<sup>rd</sup>, at 5:00 p.m. for the purpose of hearing a presentation on annexation by the High Country Council of Governments and on ordinance codification by American Legal. The motion was seconded by Ruth Banks and unanimously approved.

- VC3 Information Technology – Ron Powell said that the town cannot afford to not investigate options for information technology. He asked that staff invite proposals and compare costs for council consideration.
- Small Town Main Street Community Advisory Board – Jake Blood reminded council members that a resolution of participation in the Small Town Main Street Community program was adopted last month, and there is a need to appoint an advisory committee. He recommended that council consider appointing the members of the core group to the advisory committee: Jake and Cynthia Blood, Armin Wessel, Barbara Webster, Dottie Buker, Cristal Randolph, David McIntosh, George Nero, and Bill Baker.

Judy Buchanan made a motion to appoint the above listed individuals to the Small Town Main Street Community Advisory Board, with Jake Blood as Chairman, and terms to expire on 6/30/11. Ron Powell seconded the motion, which was unanimously approved.

- FY 2009 – 2010 Tax Settlement Report – Available for review was "Settlement for Current Taxes Fiscal Year 2009 – 2010, which set forth the full settlement for all taxes turned over to the tax collector for collection for the fiscal year. Also available was "Unpaid Balance Report by Name" which included a list of persons owing real and personal property whose taxes for 2009 and prior remain unpaid, including interest and advertising fees. The report also included a list of insolvents.
- NC Rural Center Award of \$40,000 for Development of Master Plan and Capital Improvement Plan for the Water and Sewer Systems – The Mayor announced that the town has been awarded a \$40,000 Rural Center grant for the development of a master plan and capital improvement plan for the water and sewer system.

- Department Updates

Fire Department – No one was available to report.

Police Department – Police Chief Brian Buchanan reported:

- Qualifications were conducted last weekend resulting in one injury;
- Taser recertification was conducted yesterday;
- Changes have occurred with foot patrol and logging-on activity logs. Much improvement has been noted as a result.

Public Works – Shane Dale reported:

- Ira Robinson is in the process of retirement;
- A proposal has been received from Anthony Hensley to correct the Green Mountain Drive sidewalk problem with a \$5,800 handrail. According to the contractor, the sidewalk/handrail will be structurally sound. Council agreed that the work should begin, and authorized Mr. Dale to sign the contract. Powell money will be appropriated for this project.
- Ron Powell complimented the Public Works Department on the newly-painted handicapped parking alongside the Baptist Church.
- Mr. Powell asked what can be done about the crumbling curbs around the town square, commenting that the square is precious and unique and curbing should be restored.

- Mr. Powell said the situation at 106 Bennett Street is still horrible. Shane Dale was asked to contact the Bank of America again and impose fines, if necessary.

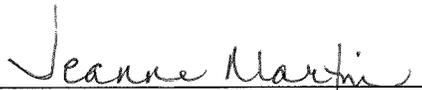
Town Center – Facility Manager George Nero updated Council on events that have been scheduled for the next month, noting that there will be lots of music in October.

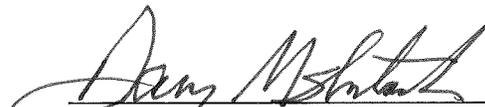
- Closed Session - A motion was made by Ron Powell to enter into closed session to discuss matters relating to the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee (N.C.G.S. 143-318.11(a)(6)). The motion was seconded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

Immediately following closed session, Council reconvened open session. Judy Buchanan made a motion to give Brian Buchanan authority to initiate the website he developed and invite local experts to evaluate our IT infrastructure and report how we might better accommodate the town's needs. Ron Powell seconded the motion, which was unanimously approved.

- Next Regular Town Council Meeting – The next regular meeting will be held at the Town Hall on October 7, 2010, at 6:00 p.m.

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

  
\_\_\_\_\_  
Jeanne Martin, Town Clerk

  
\_\_\_\_\_  
Danny McIntosh, Mayor