

**BURNSVILLE TOWN COUNCIL  
REGULAR MEETING  
Thursday, June 2, 2011**

The Town Council, with members Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Doyce McClure, and Ron Powell present, held its regular meeting on Thursday, June 2, 2011, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin, and George Nero; and visitors Bob Cohen, Jeff Polgar, Marilyn Robinson, and Kelly Rothe. Mayor McIntosh, who presided, called the meeting to order.

- Public Comment - No one asked to speak during the public comment period.
  
- Adoption of Agenda – Ron Powell made a motion to adopt the agenda as presented. Doyce McClure seconded the motion, which was unanimously approved.
  
- Consideration of Minutes – The minutes from the following meetings were considered:
  1. Regular meeting held April 28, 2011 (for May, 2011)
  2. Special meeting held May 9, 2011
  3. Special meeting held May 28, 2011
  4. Closed session held May 28, 2011

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

- Parking on Land Owned by E. B. Investments Company, LLC – Available for review was a letter from Drs. Jeff Polgar and Kelly Rothe pertaining to parking issues adjacent to their medical practice located at 2 South Main Street. A copy of said letter is attached to these minutes and by reference made a part hereof. Dr. Polgar indicated that they would like to be long-term partners in the Brigg's parking area, perhaps purchasing the area between the back wall and the parking lot, plus parking spaces and maybe the office space across from the Town Hall. He told Council that parking is a big issue if he and Dr. Rothe continue to negotiate a purchase/renovation of the building they currently occupy.

The Mayor said that the second item on the letter to Council, the construction of two handicap parking spaces in front of the office, deserves research by the Town's Public Works Director and the Code Enforcement Officer. In fairness to everyone, the other parking should be a level playing field. Marilyn Robinson suggested vouchers for everyone.

It was agreed that Public Works Director Anthony Hensley, Code Enforcement Officer Ronnie Tipton, and Drs. Polgar and Rothe would work together to research solutions.

- Re-establishment of Planning / Zoning Board of Adjustment – Councilor Ron Powell spoke to Council concerning the importance of an advisory (as opposed to regulatory) Planning/ Zoning Board of Adjustment. The following options were considered:

a. Zoning Board of Adjustment – to consider conditional uses, variances and challenges/appeals to the zoning officer’s interpretations. Ron Powell and Judy Buchanan favored such issues being considered by the Board of Adjustment, while Doyce McClure, Ruth Banks and Danny McIntosh favored Council making such decisions.

b. Planning Board with full advisory powers – powers do not extend to passing laws or ruling. Ruth Banks, Judy Buchanan, Ron Powell and Danny McIntosh all favored a planning board; Doyce McClure was ambivalent. Ron Powell mentioned that this would entail an ordinance establishing a planning board. It was generally agreed the board would consist of five members with 4-year staggered terms. The idea of applications for appointment was discussed, as well as the need to avoid conflicts of interest. Only tax paying town residents will be considered. Historic preservation should be included in the duties; two alternates should be appointed for the zoning board, unless existing Council seats expire with the appointments.

Town attorney Todd Bailey will be directed to prepare an ordinance, after which a public hearing will be held. The date for appointments will be set at the public hearing.

- Movie Production - Marilee Hale (Fosty Palm Studios) – Council was told that the movie production that was proposed to take place in Burnsville was cancelled due to budgetary issues.
- Consideration of Water Shortage Response Plan – Available for Council review was a proposed *Water Shortage Response Plan*, a copy of which is attached to these minutes and by reference made a part hereof. Ron Powell made a motion to adopt the plan. Ruth Banks seconded the motion, which was unanimously approved.
- Comments on FY 2011 – 2012 Budget – There were no comments concerning the budget.
- Status Updates:
  1. Small Town Main Street Advisory Board – No change since last month.
  2. Main Street Solutions Fund (NC Department of Commerce) - Ron Powell told Council that he, George Nero, and Bob Cohen will meet soon to go over the project. They will make sure the town is not financially obligated.
  3. NC STEP (Rural Center) – Ron Powell said that projects are currently being developed.
  4. Water/Sewer Asset Management Plan (NC Rural Center) – Anthony Hensley reported that the town has gathered all information that GHD has asked for and we are awaiting direction as to the next step.

5. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – No change. The contract has been signed and we are waiting on the Rural Center to proceed.
6. East Yancey Sewer District – We are following this project as it progresses. Discussions continue with the county as to how to proceed.
7. U.S. 19 E Utilities Relocation (NC D.O.T.) – Bryant continues construction and the project, as of May 20, 2011, was estimated to be 4.5% complete.
8. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – No change. Everything has been approved and McGill is in the design process.
9. Annexation Study (High Country Council of Governments) – Kelly Coffey continues to work on this project. We are waiting to hear back from our attorney about the sample ordinance for voluntary annexation with water/sewer requests.
10. Ordinance Codification (American Legal) – We will be receiving a legal and editorial report in mid-June which will answer any questions we may have and offer suggestions. We will then have 90 days from the date of receipt to review our codes and offer any changes.
11. Zoning Assistance (NC Department of Commerce) – No change. Betsy Kane, an attorney with the Department of Commerce, is planning a site visit on June 21<sup>st</sup> to begin the first phase of the zoning repair.
12. OSHA Safety Program – Coming along as it should. All Police Department equipment is here and we are in compliance with all patrol cars.
13. Broadband/Cable – Country Cable has asked for permission to set another pole in the field by the maintenance shed to raise the line up. In order to avoid additional costs (like having French Broad involved) they are asking for an easement, as well as an easement to reroute the lines at the first turn on Azalea Lane. Ron Powell made a motion to authorize Anthony Hensley's signature on the Easement Agreement. Ruth Banks seconded the motion, which was unanimously approved.

▪ Department Updates:

Police Department - Chief Brian Buchanan reported that many drug charges were filed in the past month.

Public Works Department – Public Works Director Anthony Hensley reported:

- Window replacement at the Town Hall will begin in a couple of weeks. The new windows will hold energy-efficient glass.
- A customer inquired whether council would consider prorating bills. This cannot be handled by our computer system.
- Judy Buchanan inquired whether George Nero could be relieved of his consultant duties, since he has considerable work of his own. Ron Powell commented that Mr. Nero's consulting services would be needed at least until EYSD negotiations were complete. The probation period for the Public Works Director will end on 10/1/11; Ron Powell said he didn't want to change

anything until that time; Ruth Banks agreed. Anthony Hensley indicated he would like to use Mr. Nero as a consultant as long as Council would allow.

- A customer asked about the possibility of letting people purchase bricks for sidewalks as a memorial for loved ones or friends. Council agreed it would be a good idea when the time came.

Town Center – Facility Manager George Nero provided schedules for the upcoming month.

Fire Department – No one was available to speak on behalf of the Fire Department.

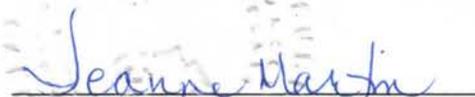
▪ Council Members' Reports

- Judy Buchanan provided an update on RTAC activities. She advised that the Spruce Pine bridge will take 90 to 120 days for repairs; the entire bridge will be blocked. She also advised that right-of-way purchases will begin between Micaville to the Mitchell County line in 2012; the money is in place.
- Ruth Banks reported that Dean Gates resigned from the Cultural Resource Commission.
- Danny McIntosh reported on concerns over the CVS intersection. When the highway was being debated in 2000, there was an agreed-upon exit that would be at the south end of Burger King, around that road and to the red light. There was enough right-of-way (60') to make four lanes – two going in and two coming out. The current D.O.T. map shows two lanes and a 30' easement. Council members approved of the Mayor writing to the D.O.T. to ask them to look at the situation and make corrections, if possible.
- Ron Powell reported on the Public Art activities, noting that a new sculpture is currently being erected. A reception is tentatively being proposed for July 19<sup>th</sup> in Area C at the Town Center to recognize the public art we now have in place.
- July 4<sup>th</sup> events: The Mayor advised that the Lion's Club will handle this event during the day. *Stars on the Square* will follow fireworks. The mayor will secure a band and deal with the Lion's Club for sound, which will be paid for out of community promotions.

▪ Town Council Meeting Schedule:

- June 21, 2011 – 4:00 p.m. – Zoning Assistance Site Visit (with zoning specialist Betsy Kane, who wishes to meet jointly with Council and Main Street Advisory Board)
- Tuesday, June 28<sup>th</sup> – budget hearing (5:45 p.m.) and regular meeting for July, 2011 (6:00 p.m.)

- Next Regular Town Council Meeting - The next regular meeting will be held on June 28, 2011 at 6:00 p.m. There being no further business, Judy Buchanan made a motion to adjourn. Doyce McClure seconded the motion, which was unanimously approved.

  
Jeanne Martin, Town Clerk

  
Danny McIntosh, Mayor