

**BURNSVILLE TOWN COUNCIL  
SPECIAL MEETING (for April, 2011)  
Thursday, March 31, 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, March 31, 2011, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin, Isaac McCurry, and George Nero; and visitors Lloyd Allen, Jake Blood, Bob Cohen, Lucy Doll, David Grindstaff, Jody Higgins, Ken Maxwell (along with several other Frontier Communications representatives), Marilyn Robinson, and Dean Russell. Mayor McIntosh, who presided, called the meeting to order.

- Public Comment - The following individuals spoke during the public comment period:
  1. Ken Maxwell, General Manager with Frontier Communications, introduced local Frontier staff and commented on Frontier's improvements, capabilities, and interests in Burnsville. Council indicated its interest in having Frontier bury or move phone lines; Mr. Maxwell agreed to look into the feasibility of such a project. The Mayor mentioned that Frontier is aware of proposed sidewalk projects, which could provide an opportunity for utility relocation.
  2. Barbara Webster discussed the upcoming "Stars on the Square" event, which is expected to be bigger than the last event. She asked that street lights be turned off on the square on April 23.
  
- 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 March 3, 2011
  2. Special meeting held March 14, 2011
  3. Closed session held March 14, 2011

Ron Powell made a motion to approve the minutes from the aforesaid meetings. Judy Buchanan seconded the motion, which was unanimously approved.
  
- Appointment of ABC Board Member to 3-Year Term (upon expiration of Bill Wheeler's 1-year term): Ruth Banks made a motion to appoint Bill Wheeler to a 3-year term on the ABC Board. The motion was seconded by Judy Buchanan and unanimously approved.
  
- Resolution to Adopt Toe River Regional Hazard Mitigation Plan – After review by Councilors, Ron Powell made a motion to adopt the "Toe River Regional Hazard Mitigation Plan," a copy of which is attached to these minutes and by reference made a part hereof. The motion was seconded by Ruth Banks and unanimously approved.

▪ Status Updates:

1. Small Town Main Street Advisory Board – Jake Blood said that the STMS group met on the 3<sup>rd</sup> Tuesday in March.
  - a. The main topic discussed at the meeting was the “Clean and Green” program. The downtown cleanup is scheduled to take place on April 16<sup>th</sup>.
  - b. The group is also focused on work with town ordinances and zoning, which are currently undergoing review by various members of the advisory board.
  - c. L’il Smokey’s has asked to be placed on the Historical Register. Ruth Banks warned that such a designation would have an effect on tax revenues; Jake Blood agreed to research the tax credits available.
2. Main Street Solutions Fund (NC Department of Commerce) – Award announcements are expected by the end of April.
3. NC STEP (NC Rural Center) – The group is currently editing a proposed vision statement and strategies. Paul Combs, the NC STEP coach, is of the opinion that another month will be necessary to work on the project, but the town is well ahead of schedule.
4. Water/Sewer Asset Management Plan (NC Rural Center) – Anthony Hensley reported that all information has been submitted; we are awaiting direction from the Rural Center.
5. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – Harry Buckner (McGill Associates) is checking on the status of the contract with the Rural Center.
6. East Yancey Sewer District – Anthony Hensley advised Council that there are concerns about this project and asked for discussion in closed session when attorney Todd Bailey was in attendance.
7. U.S. 19 E Utilities Relocation (NC D.O.T.) – A Notice to Proceed (on April 4<sup>th</sup>) has been issued to Bryant’s Land and Development.
8. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Anthony Hensley reported that all documents have been approved; McGill will now begin the process.
9. Annexation Study (High Country Council of Governments) – Anthony Hensley reported that Kelly Coffey will continue work on this project until proposed legislation is considered in Raleigh.
10. Ordinance Codification (American Legal) – Ronnie Tipton continues to work on this project with Richard Froehmeier.
11. Zoning Assistance (NC Department of Commerce) – 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 zoning repair.
12. OSHA Safety Program – Isaac McCurry reported that Hepatitis A and B and tetanus immunizations for employees are now up to date. Mr. McCurry is continuing his work on other safety issues, and is researching online safety training sponsored by the NC League of Municipalities.

13. Broadband/Cable – Dean Russell, Project Manager with Country Cablevision, told Councilors that 100% of the mapping on this project has been completed in Yancey County, and 90% is complete in Mitchell County. Construction is scheduled to begin April 20<sup>th</sup>, with the town portion projected to be complete by September. Mr. Russell invited any interested parties to visit his office in Pensacola for updates.

▪ Department Updates:

Police Department - Chief Brian Buchanan reported:

- A representative from GovDeals visited this week; surplus property was posted online, and there is a link to our website. Four to five individuals inquired about the property in one day.

Public Works Department – Public Works Director Anthony Hensley reported:

- Michael and Connie Downey have applied for a zoning variance for a private club at 655 West Highway 19, a property that is ineligible for this use as it lies within the limits of a residential area. Councilors were not interested in considering this request;
- The Town Hall paint job will begin this month;
- Heat pump bids will be opened tomorrow;
- Proposals for replacement of windows at the Town Hall are being considered;
- A water shortage supply plan will be on the town's website tomorrow;
- Proposals are being considered for sidewalks and curbing around the town square.

Councilors discussed concerns about trash on the lot behind the Pizza Hut; this issue will be directed to Ronnie Tipton.

Removal of the stop sign at the Town Center was a concern; Councilors were told that weather caused the delay.

Mr. Hensley reminded Council that he was directed by them to renegotiate the employment contract for Tom Storie's consulting services. Since employee issues were involved, he asked Council to consider the newly proposed agreement in closed session.

Town Center – Facility manager George Nero provided an update on events that have been scheduled for the next month, mentioning that the Mountain Heritage prom is scheduled in two weeks, an event that hasn't been held in Burnsville for many years. There are many weddings coming up in the near future, the annual kindergarten kickoff (at which Ruth Banks will volunteer), and a performance by an award-winning mandolin player of the year.

Fire Department – Assistant Chief Isaac McCurry reported:

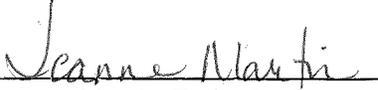
- The fire department responded to 115 calls;
- A state grant application has been submitted; the department is awaiting award of \$6,000;
- Application will soon be made for an Assistant Firefighters' grant
- Each fire district now has a 6 mile insurance district instead of a 5 mile district, resulting in an increase in calls because of mutual aid agreements;

- With the exception of the NW quad of the hydrant system, all hydrants have been flushed.
- Council Members' Reports
    - Judy Buchanan reported that she attended a transportation meeting several months ago. She learned that the method used to select roads for improvements will be changed;
    - Ron Powell reported on the first meeting of the Public Art Design Board. Four pieces of public art have been accepted into the program, including the three that already exist on South Main, and one to be installed by Rob Levin at the library the end of May. There will soon be calls for additional works. Jody Higgins mentioned that there may be interest in public art at the new library; Mr. Powell explained that the program is limited to town-owned properties, although it is hoped that once we work with and fine-tune the current program model, the scope will be expanded.
    - The mayor reported that when he met with the D.O.T. concerning sidewalk issues, concerns over responsibility for the parking area used by the First Baptist Church on North Main Street arose. Church member Johnny Hensley researched the ownership issue and learned that the parking area lies within the existing sidewalk; therefore, it is public parking.
    - The mayor has been asked by the Chamber of Commerce to sign a Proclamation designating Friday and Saturday, August 5 & 6, 2011 as the Mt. Mitchell Crafts Fair Weekend.
  - Parking on Land Owned by E. B. Investments Company, LLC – It was agreed to consider this issue in closed session with town attorney Todd Bailey.
  - Town Council Meeting Schedule – Council learned that Zoning Specialist Betsy Kane has asked to meet jointly with Council and the Main Street Advisory Board on June 21<sup>st</sup>. Judy Buchanan made a motion to schedule a Special Meeting for 4 p.m. on June 21, 2011 at the Town Hall, to be held jointly with the Main Street Advisory Board. Ruth Banks seconded the motion, which was unanimously approved.
  - Closed Session – Ron Powell made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)[3], 143-318.11(a)[5]; and 143-318.11(a)[6]. Ruth Banks seconded the motion, which was unanimously approved.

In open session, Judy Buchanan made a motion to invoke the 30 day termination clause contained in the employment agreement between the Town and Public Works Consultant Thomas W. Storie, with an effective date of April 1, and ending April 30, 2011. Ron Powell seconded the motion, which was unanimously approved.

- Next Regular Town Council Meeting - Because of scheduling conflicts, regular town business for the month of May will be conducted at a Special Meeting on April 28, 2011 at the Town Hall @ 6:00 p.m.

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

  
Jeanne Martin, Town Clerk

  
Danny McIntosh, Mayor