

**BURNSVILLE TOWN COUNCIL**  
**Thursday, October 6, 2011**

The Town Council, with members Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Doyce McClure, and Ron Powell present, held a regular meeting on Tuesday, October 6, 2011, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin, and George Nero, as well as visitors Bill Baker, Cynthia and Jake Blood, Paul Combs, Ellen Denker, Lucy Doll, Jody Higgins, Ginger Johnson, Tres Magner, Alan Orovitz, Wanda Proffitt, Raven Tata, Armin Wessel, Bill Wheeler, and others. Mayor McIntosh, who presided, called the meeting to order, stating that the purpose of the meeting was to consider regular business for the month of October, 2011.

- Public Comment - No one asked to speak during the public comment period.
  
- Adoption of Agenda – Prior to the adoption of the agenda, Ron Powell asked if the agenda could be rearranged to consider the NC STEP update immediately after consideration of the minutes. Judy Buchanan asked if the NC STEP issue could be followed by the East Yancey Water and Sewer District issue. Ron Powell made a motion to amend the agenda to accommodate these requests. Ruth Banks seconded the motion, which was unanimously approved.
  
- Consideration of Minutes – The minutes from the following meetings were considered:
  - a. Special meeting held January 24, 2011
  - b. Closed session held August 2, 2011
  - c. Regular meeting held September 1, 2011
  - d. Special meeting held September 14, 2011
  - e. Closed session held September 14, 2011

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

- Status Update – NC STEP (NC Rural Center) – Jake Blood presented a status update on NC STEP activities, explaining each of the five top-ranked projects and the rationale that made them a preferred choice. Paul Combs commented on the basic economy in our region.

Ron Powell made a motion to adopt the recommendations of the NC STEP committee as to projects that will be forwarded to the Rural Center for consideration and funding. Judy Buchanan seconded the motion, which was unanimously approved.

- East Yancey Sewer District – George Nero updated Council on negotiations concerning the East Yancey Sewer District. He summarized the following available options:

- a. Return the grant to the State, at no cost to the town – Mr. Nero commented that this option would not be popular; or
- b. Sign the option agreement (an agreement that permits the town to exercise an option to purchase the plant and infrastructure beginning at the end of the warranty period and ending four years thereafter); and
- c. Sign the working agreement (which spells out an agreement for the town to provide the expertise of its services to operate the East Yancey Water and Sewer District at cost).

Mr. Nero said final changes have been made to the agreement, but attorney Todd Bailey has not seen the latest revision of the Option Agreement. Additionally, the agreement has not been pre-audited by the town's finance officer for loss of revenues, the cost of the option, and the cost of the purchase, if exercised. He clarified that the town would be liable for the \$85,000 option, at \$21,500 per year over four years whether or not the town exercises the option. The remaining \$85,000 would be due only if the option is exercised. Mr. Nero said the County and the East Yancey Sewer District will meet next Monday to consider these agreements which have been revised with the cooperation of County Manager Nathan Bennett and Planner Jamie McMahan. When asked, Public Works Director Anthony Hensley said he was comfortable with the working agreement.

Mr. Nero explained that total costs to the town for the project initially would be \$535,000, with \$85,000 for the option to purchase, and \$90,000 per year in revenues lost from the town's existing sewer customers who are expected to transfer to the East Yancey Sewer District service provider. Without the East Yancey project, these revenues would remain in the town's budget every year. The Mayor argued that he would not be happy with the public thinking the project will cost \$535,000, since the loss of anticipated revenues should not be counted. Judy Buchanan agreed that the figure would be hard to justify.

The Mayor said he would not like to vote on the issue prior to Todd Bailey's review. Wanda Proffitt said the East Yancey sewer project has been in the works since 1992, and asked if Council could not approve the agreements now, subject to legal review and the County's approval, rather than delaying approval until another meeting.

Ron Powell stated that he would like Todd Bailey to certify that the agreements bind all parties in the future. He also said he would like to know that this arrangement will be the foundation for a town water system, and that the county would give assurances to the town in this regard. Wanda Proffitt said she understands the County is willing for her to request \$1 million in community funding to extend the city water line to Micaville, which is critical for economic development in the county.

Councilor Ron Powell made a motion to ask Attorney Todd Bailey to review and certify in writing that the agreements are legally binding on all parties; direct the Finance Officer to deliver a certification of pre-audit for the initial \$85,000 cost to the town; and authorize the Mayor to sign both agreements concurrent with the County and the East Yancey Sewer District; and further, to assign the DENR grant to the County for administration. Judy Buchanan seconded the motion, which was unanimously approved.

Ron Powell thanked George Nero and Anthony Hensley for their work on this project.

- Review of ABC Board FY 2010-2011 audit – Available for review was the ABC Board’s audit for FY 2010-2011. Copies will be made for each Council member.
  
- Town Square Events
  - a. Christmas Parade/Winterfest – Chamber Director Ginger Johnson discussed new plans the Chamber has for this year’s Christmas parade. She said the parade will take place in the afternoon, churches will be encouraged to have their choirs perform carols on the square, shop owners will be encouraged to remain open later, and Christmas with Santa will be held at the Town Center after the parade rather than the night before. Changes are also being considered to the parade route; Ms. Johnson said she would confer with the Police Chief about the plan, but wanted Council to understand the concept.
  - b. Ms. Johnson is talking with merchants about Halloween. The Police Chief said he plans street closures once he know the merchants’ plans. The Chief and Ms. Johnson agreed to coordinate activities.
  - c. Crafts Fair – Council discussed costs to the town that are associated with this event. Also discussed was the anticipated disruption to traffic as a result of the highway widening project, and its effect on the Crafts Fair. Public Works Director Anthony Hensley agreed to be vigilant with regard to this issue.
  - d. Town Sponsorships of Square Events – There was a general discussion of town-sponsored events and their cost to the town. Town staff would like to work on a better accounting system for these costs, and will report their recommendations to Council next month.
  
- Consideration of Variance on 19E Bypass – Council learned that SkyJim (Jim McQueen) has requested a variance to place a double wide office trailer between Flick Video and CVS in the grassy area. It was noted that insufficient information was available for consideration at this meeting. The issue will be considered next month.
  
- NC DOT 2040 Plan – Council members were told that there is a survey online that the public is being asked to complete. Wanda Proffitt said it is important for ever community to take part in the survey.
  
- Status Updates:
  1. Small Town Main Street Advisory Board – Jake Blood reported that the Main Street Conference will be held in Clayton on January 25-27<sup>th</sup>. Burnsville will be receiving an award for Stars on the Square.
  2. Main Street Solutions Fund (NC Department of Commerce) – No changes to report; Todd Bailey is working on an agreement between the Town and the NuWray Inn.
  3. Water/Sewer Asset Management Plan (NC Rural Center) – No change in status this month.

4. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – The contract with McGill Associates has been received and has been reviewed. Anthony Hensley recommended that the agreements with McGill Associates be approved for the Capital Improvement Plan and the I & I Remediation. Ron Powell made a motion to approve these agreements and authorize the Mayor to execute the documents. Doyce McClure seconded the motion, which was unanimously approved.
5. U.S. 19 E Utilities Relocation (NC D.O.T.) – Council learned that the project is approximately 70% complete.
6. Annexation Study (High Country Council of Governments) – No change in status this month.
7. Ordinance Codification (American Legal) – The draft of our codified ordinances should be available for review at the next council meeting.
8. Zoning Assistance (NC Department of Commerce) – The town is waiting on Betsy Kane’s report in October.
9. Broadband/Cable – Council learned that the town portion of this project is nearly complete. 90% of fiber has been installed in town.

▪ Department Updates:

Fire Department – Charlie Hensley reported:

- Building program is ongoing. Alternatives are not being looked at, although the area alongside McDonald’s was considered even though it is not large enough. Fire Department staff is not interested in building at the maintenance shed; it is felt that the department needs to relocate to the bypass.
- Firemen’s Relief Fund – Councilors learned of the need to appoint two members to the Board of Trustees. Ron Powell made a motion to appoint Randy Banks and Charlie Hensley. Judy Buchanan seconded the motion, which was unanimously approved.
- Sponsorship of the Cruise-In Car Show was not considered.

Police Department - Chief Brian Buchanan reported:

- The town did not receive the COPS grant; only 9% of the applications were funded.
- The chief asked permission to add a few reserve officers to his staff. The Mayor said he would like to know in advance who was being considered. Ron Powell said it was his recollection that the personnel committee was to make recommendations to council for new hires. The clerk agreed to research this issue.

Public Works Department – Public Works Director Anthony Hensley reported:

- The sign at South Main Street and East-West Boulevard has been removed. The Mayor asked the Police Chief and Public Works Director to study the visibility in that vicinity.
- DENR approval has been obtained for Randall Wilson’s certification for surface water and distribution. Shane Dale holds other certifications.

- Pursuant to conversations with Chris Deyton and James Robinson, it is expected that new curbs and gutters will be installed on the square in the spring.
- The Public Works Director's probationary period is ending. Ron Powell made a motion to consider Anthony Hensley's probation as satisfactorily completed and change his status to permanent Public Works Director. Ruth Banks seconded the motion, which was unanimously approved.

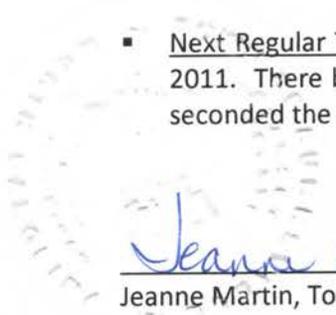
The Mayor said he had a request for consideration from a water customer who has what used to be a two unit apartment. There is only one meter, but two bills because it is still listed as two units, although that has changed to one. Public Works Director Anthony Hensley agreed to study the situation and the policy and make recommendations next month for council to consider.

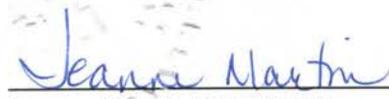
Town Center – Facility Manager George Nero provided schedules and entertainment information for the upcoming month.

▪ Council Members' Reports

- The Mayor said that he attended the High Country Council of Government's annual retreat.
- Ron Powell reported on the ongoing Golden LEAF meetings. He said the next meeting is October 19<sup>th</sup>.
- Public Art Design Board – no meeting/activity this month.
- The town's newly established Planning Board will meet the third Monday of each month.

- Next Regular Town Council Meeting - The next regular Council meeting will be held November 3, 2011. There being no further business, Judy Buchanan made a motion to adjourn. Doyce McClure seconded the motion, which was unanimously approved.

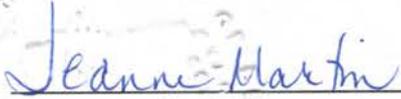


  
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Jeanne Martin, Town Clerk

  
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Danny McIntosh, Mayor

**CERTIFICATION**

I HEREBY CERTIFY THAT THE FOREGOING REPRESENTS A TRUE AND ACCURATE RECORD OF A MEETING HELD BY THE TOWN COUNCIL OF THE TOWN OF BURNSVILLE, NC ON OCTOBER 6, 2011.



*Jeanne Martin*

Jeanne Martin, CMC  
Town Clerk  
Town of Burnsville, NC