

BURNSVILLE TOWN COUNCIL
Thursday, January 5, 2012

The Town Council, with members Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, January 5, 2012, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Niles Howell, Jeanne Martin, and George Nero; town attorney Todd Bailey; and visitors Bill Baker, Jake and Cynthia Blood, Lucy Doll, Dean Gates, Sharon Gillespie, Nancy Griffith, Jody Higgins, Ginger Johnson, 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 January, 2012.

- Public Comment - No one asked to speak during the public comment period.
- Adoption of Agenda – Ruth Banks made a motion to adopt the agenda, as presented. Judy Buchanan seconded the motion, which was unanimously approved.
- Consideration of Minutes – Judy Buchanan made a motion to approve minutes from the regular and organizational meeting held December 1, 2011. Ruth Banks seconded the motion, which was unanimously approved.
- Conflict of Interest Policy – Ron Powell made a motion to amend the agenda to consider “*Code of Ethics for the Town Council of Burnsville, North Carolina*” which has been revised to include the following conflict of interest statement:

“The Mayor or any member of the Town Council who has an interest in any official act or action before the Board shall publicly disclose on the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board pursuant to NCGS 160A-75.”

Bill Wheeler seconded the motion to amend the agenda, which was unanimously approved.

Ron Powell made a motion to adopt the revised “Code of Ethics.” Ruth Banks seconded the motion, which was unanimously approved.

- Presentation of FY 2010-2011 Audit – CPA Sharon Gillespie discussed the details of the town’s audit for FY 2010-2011, which was available for review. The audit is attached to these minutes and by reference made a part hereof. She commented that the town has a healthy 44% fund balance, and a relatively small amount of debt.

The Mayor thanked Mrs. Gillespie and Ms. Griffith for their hard work on the audit.

- Right-of-Way Issues on North Main Street – Town Attorney Todd Bailey spoke to Council about ownership of the asphalt parking area in front of First Baptist Church on North Main Street. According to representatives from the Church, the area is in need of repaving, and it is unclear who would be responsible to perform the work.

Mr. Bailey said the land is owned by Yancey County, which is subject to public access, and both the Town and D.O.T. have maintained the public vehicular area in the past.

Council members agreed that while it would be nice if the D.O.T. would assume the responsibility of paving the lot, it could be considered like the Town Square, something the Town maintains but doesn't own.

Ron Powell made a motion to authorize Anthony Hensley to work out the details of paving and marking the parking area. Bill Wheeler seconded the motion, which was unanimously approved.

- Unemployment Compensation Claim – At the request of Attorney Todd Bailey, Judy Buchanan made a motion to enter closed session pursuant to G.S. 143-318.11(a)(6) to discuss an unemployment claim brought by former employee Alicia Harrison. Ruth Banks seconded the motion, which was unanimously approved.

Councilors reconvened in open session. No action was taken as a result of the closed meeting.

- Parking on Land Owned by E. B. Investments Company, LLC – Councilor Ron Powell reintroduced the idea of negotiating to purchase all or part of the property adjacent to the Town Hall that is owned by E. B. Investments, and consider other properties such as the Verizon parking lot. He reminded Council that the town is paying \$800 per month for the use of the property as a temporary measure.

The Mayor said he would like the Town to have enough of the property to insure parking for the Town Center, especially a space that would go westerly along the north edge of West Boulevard to the area of Court Street and what is left on the bypass after widening, south of the aforesaid area along the highway.

Ruth Banks said it is foolish to continue paying the \$800, and the Mayor agreed. George Nero suggested the Town enter into good faith negotiations and attempt to purchase the areas needed at fair market value. He said if lease payments are discontinued we would have no parking during the negotiation period.

Ron Powell made a motion to authorize Anthony Hensley to enter into discussions with Staunton Norris, the representative for E. B. Investments. Bill Wheeler seconded the motion, which was unanimously approved.

▪ Status Updates:

1. Small Town Main Street Advisory Board – Jake Blood discussed details of the upcoming conference in Clayton, NC at which Barbara Webster will once again receive an award on behalf of the Town of Burnsville.

Mr. Blood told Councilors that the Small Town Main Street group will begin meeting prior to Planning Board meetings at the Town Hall.

2. Main Street Solutions Fund (NC Department of Commerce) – No changes to report.
3. NC STEP (NC Rural Center) – Ron Powell reported that projects were sent to the Rural Center; Strategy 3 has been adjusted for clarity. Copies of the revised strategy were available for review.

Ron Powell made a motion to accept the revised Strategy. Ruth Banks seconded the motion, which was unanimously approved.

4. Water/Sewer Asset Management Plan (NC Rural Center) – Anthony Hensley reported there hasn't been much change since last month.
5. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – A steering committee is being established that will meet soon to work on a master plan.
6. East Yancey Sewer District – Anthony Hensley reported that a preconstruction meeting will be held tomorrow. The Winterstar agreement will be ready for pickup at that time.
7. U.S. 19 E Utilities Relocation (NC D.O.T.) – Anthony Hensley said the project has had its challenges on many different levels, especially with the contractor's management and a lack in the project's progress, noting that only 2% progress was made in the past month. The D.O.T. is concerned with overruns in both time and money. The contractor has been put on notice that we will hold liquidated damages and 5%. Young and McQueen are being pushed behind on their timeline due to Bryant's slow progress and they are looking for liquidated damages as well.
8. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Anthony Hensley reported that the design process is complete.
9. Ordinance Codification (American Legal) – We should be able to have a new draft of the utility ordinance next month. It was noted that there is no regulation that pertains to tattoo parlors, and it would be desirable to have a moratorium on permits/licenses until an ordinance is drafted and presented for adoption.

Ruth Banks made a motion to establish a moratorium for permits/licenses on tattoo parlors until the adoption of an ordinance to regulate them. Judy Buchanan seconded the motion, which was unanimously approved.

10. Zoning Assistance (NC Department of Commerce) – Betsy Kane’s report was furnished earlier to council members for comments. The Planning Board is making tremendous progress on the sign ordinance.

11. Broadband/Cable – Jody Higgins reported that Country Cable is still awaiting approval for the building.

▪ Department Updates:

Finance – Councilors were asked to approve a budget amendment to recognize the \$10,520 that was received for the Energy Grant. Ruth Banks made a motion to approve the amendment. Judy Buchanan seconded the motion, which was unanimously approved.

Fire Department – Niles Howell reported:

- The department has had two opportunities to do live burns for training;
- The heating season is upon us and with that, the department has had chimney fires and the need to assist other departments.

Councilor Ron Powell asked for an update for the new fire department. Chief Howell said the long range plan is to vacate the existing fire department and move to a new location in the vacated Forest Service office on the bypass. The plan is to make additions and add bays. They do not have a figure yet on the purchase of the Forest Service office or the adjoining property, but they will negotiate the latter once they secure the main Forest Service piece. It is planned for the town to secure the loan, but the debt would be paid with fire tax money.

Police Department - Chief Brian Buchanan reported:

- Ned Fowler with Northwestern Regional Housing contacted him in the past month concerning weekend security at Woodland Apartments through the use of off-duty officers. He would like the officers to use marked cars. This is an opportunity for our officers to make extra money. The Chief said the department is capable, but board approval is necessary for the use of the cars. Judy Buchanan made a motion to authorize the aforesaid arrangement. Ruth Banks seconded the motion, which was unanimously approved.
- Councilors were told that a larger pool of reserve officers is needed and because of the hiring freeze, the Chief asked for authorization to hire two additional reserve employees. Ron Powell made a motion to authorize the addition of two new reserve officers. Bill Wheeler seconded the motion, which was unanimously approved.

Public Works Department – Public Works Director Anthony Hensley reported:

- Public Works could use a reserve list, if Council approved. Reserve staff would be used for mowing, etc. when regular staff is overloaded, which would help relieve overtime. The arrangement wouldn’t affect the budget, although we would have to have AFLAC coverage for a few flexible people. Ron Powell made a motion to authorize the addition of two reserve employees and include those employees for AFLAC accident coverage. Ruth Banks seconded the motion, which was unanimously approved.

- With the assistance of George Nero, Wanda Proffitt, and McGill Associates, the town is almost ready to submit a Golden LEAF application for funding of a water line to Micaville. Council members indicated they were in favor of the project.
- A new Public Works organizational chart was distributed to Council.
- Randall Wilson has been featured in the Rural Water Association's magazine in recognition of his recent certification.

Town Center – Facility Manager George Nero provided schedules and entertainment information for the upcoming month. He reported that the Bellamy Brothers and Riddlefest are scheduled in the near future.

▪ Council Members' Reports

- Ron Powell reported that the Public Art Design Board met on December 7th. A welding sculpture that was authorized by the Design Board will be installed in March. The vestibule in the Town Hall has been altered to display various art pieces.
- Ron Powell reported that Planning Board held its first meeting with its new board member, Schell McCall. A workshop is planned for Saturday, the 14th; the group will tour the town and observe signs.

- Next Regular Town Council Meeting - The next regular Council meeting will be held February 2, 2012. There being no further business, Judy Buchanan made a motion to adjourn. Ruth Banks seconded the motion, which was unanimously approved.



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor