

**BURNSVILLE TOWN COUNCIL**  
**Thursday, March 1, 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, March 1, 2012, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Charlie Hensley, Jeanne Martin, and George Nero; and visitors Ellen Denker, Dean Gates, Jody Higgins, and Wanda Proffitt. 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 March, 2012.

- Public Comment - Although no one asked to speak during the period provided for public comment, Councilor Ron Powell discussed the procedure followed by Council during public comment period. He asked that Council members avoid responding to public comment without sufficient time to examine the facts, especially on issues that deal with policy matters. He asked that the time allowed during public comment be enforced, unless Council votes to extend the time limit.
  
- Adoption of Agenda – Ron Powell made a motion to adopt the agenda, with the exception of moving Item #5 to the end of the meeting to allow for closed session. Ruth Banks seconded the motion, which was unanimously approved.
  
- Consideration of Minutes – Ron Powell made a motion to approve minutes from the following meetings:
  1. Regular meeting held February 2, 2012
  2. Closed session held February 2, 2012

Ruth Banks seconded the motion, which was unanimously approved.

- Discussion of Updated/New Fire Station – Charlie Hensley was available to update Council on proposed plans for a fire station. He mentioned that he has been in contact every few weeks with the Forest Service regarding their property on the bypass, which Mr. Hensley said was his choice in available properties. He said he will not discuss the purchase of adjacent property with Young and McQueen until after he has an answer from the Forest Service.

Mr. Hensley was asked if the fire department had considered a rehab of the maintenance shed or building on adjacent property which is already owned by the town. He said the location is not desirable for the department's use, but he said the final decision of where the building is located and how much money is used will be up to the Town Council. He listed other locations that have been considered, and was asked to consider the feasibility of the maintenance shed as well.

Ruth Banks said that Council appreciates the Fire Department and wants to do the right thing, but also wants to get the best deal for the money that will be spent.

- Order to Advertise Taxes – Ruth Banks made a motion to order the tax collector to advertise tax liens in accordance with N.C.G.S. 105-369(a). Judy Buchanan seconded the motion, which was unanimously approved.
  
- Request for Tax Refund Pursuant to G. S. 105-381 – Available for consideration was a request from Thomas Bryan Butner for a tax refund, and an opinion from the town attorney regarding the appropriateness of a refund. This issue was tabled until the April meeting.
  
- Resolution Approving Local Water Supply Plan for 2007 – Council was advised that this document was needed by the State. Ron Powell made a motion to adopt said Resolution; Bill Wheeler seconded the motion, which was unanimously approved.
  
- Status Updates:
  1. Small Town Main Street Advisory Board – George Nero updated Council on the group’s status, mentioning that Jake Blood has stepped down as Chair. Mr. Nero said he is currently chairing NC STEP, and suggested that the two groups might link up for meetings, although the STMS group would need to keep their focus on downtown issues. Dean Gates said that at the last STMS meeting the group unanimously voted to become a subcommittee of the Planning Board and hold meetings prior to Planning meetings. It was agreed that both options will be presented again to the Small Town Main Street group.
  
  2. Main Street Solutions Fund (NC Department of Commerce) – A contract between the town and the NuWray has been drafted by Attorney Todd Bailey and is currently under review.
  
  3. NC STEP (NC Rural Center) – Ron Powell told Council that Chilton Rogers, with the Rural Center, recently visited Burnsville and attended a leadership team meeting. Mr. Powell announced that he has stepped down as chair of NC STEP, which is now being led by George Nero, who is also serving as the Burnsville Development Group Executive Director.  
  

Available for review was a contract between the NC Rural Center and the Town of Burnsville for the NC STEP Implementation Investment Phase. Ron Powell made a motion to authorize the Mayor to sign the contract and any other pertinent documents. Judy Buchanan 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; we are awaiting a response from GHD.
  
  5. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – Information is being compiled for this project.
  
  6. East Yancey Sewer District – Anthony Hensley reported that the project is moving along as scheduled.

7. U.S. 19 E Utilities Relocation (NC D.O.T.) – Anthony Hensley said that March 14 is still the completion date on this project. He informed Council that Wallace Edge has concerns that he will be harmed by the work to be done on his property. The Mayor said he would assure Mr. Edge that he will be restored to pre-project condition once the work is done; Councilor Ron Powell was not comfortable with that plan.

Anthony Hensley told Council that he had met with Mr. Edge eight times over his concern that there would be damage to his property. Mr. Hensley said that the contract between Bryant Industries and the Town of Burnsville contains assurances regarding restoration of property, and recommended that no documents outside of construction documents be signed in an effort to give additional assurances. He said that neither the Town of Burnsville nor the D.O.T. would sign off on the project without the contractual assurances being met.

Ruth Banks commented that in her opinion, PWD Anthony Hensley should handle these matters on his own and that Council shouldn't be involved at all. The Mayor said he wanted Mr. Edge to know that he will be well taken care of.

8. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Anthony Hensley reported that permitting is complete, and the project is in the process of being bid out.
  9. Ordinance Codification (American Legal) – No change in the past month.
  10. Zoning Assistance (NC Department of Commerce) – Council members were reminded that they received copies of Betsy Kane's preliminary report in November, and were asked for feedback/comments. Dean Gates remarked that the report would be on the Planning Board's agenda this month, and that board would forward their recommendations subsequent to the meeting. Therefore, it was felt that the April Council meeting would be an appropriate cutoff for responses.
  11. Broadband/Cable – Wanda Proffitt reported that there have been multiple delays, which has been frustrating and costly for Country Cable.
  12. Other – Wanda Proffitt reported that she, Anthony Hensley, and Jeanne Martin have been working on the Golden LEAF proposal for the water line to Micaville.
- Department Updates:
    - Fire Department – (Charlie Hensley reported earlier in the meeting)
    - Police Department - Chief Brian Buchanan reported:
      - Although Council previously approved the sale of a seized vehicle (2000 Buick), a resolution to declare the seized car as surplus is needed. Judy Buchanan made a motion to declare the 2000 Buick 4S surplus property. Ron Powell seconded the motion, which was unanimously approved.
      - The department is eligible to apply for the COPS program, but requirements and benefits have changed. Council agreed to allow the Chief to make a decision about participating, but he advised he probably will not apply because the program is not as attractive as it once was.

### Public Works Department

- Available for review was a proposed fee schedule for inspections, which mirrors Yancey County's schedule except for the addition of fees for decks, porches and open patios, sign permits, certifications of zoning compliance and certificates of occupancy. The schedule will be brought to the April Council meeting for adoption.
- Bill Wheeler inquired about the town's contract for waste pickup and recycling and whether there would be a cost savings if pickup occurred every other week rather than weekly. Anthony Hensley said the recycling participation rate is down, which makes the program seem like a waste of money at this point. He said we could renegotiate with GDS on a biweekly pickup or research placing a recycle trailer at a dropoff point and invite residents to bring their recyclables to that location. This issue will be studied.

Town Center – Facility Manager George Nero provided schedules and entertainment information for the upcoming month. He mentioned that there are four music entertainment programs on the schedule in March as well as the Humane Society dinner.

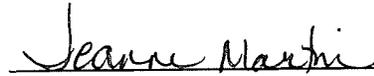
### ▪ Council Members' Reports

- Bill Wheeler reported that he attended the School of Government's "Essentials of Municipal Government" class for two days, learning about municipal law, finance, planning, zoning and ethics.
- Ron Powell reported on the meeting at the library held by Dick Kennedy on the future development of the Town of Burnsville. There was a lot of conversation about the Briggs property and parking in general. He asked the Mayor about a meeting that was held last year with Verizon folks concerning their parking lot. The Mayor said Verizon didn't seem to have a problem with people using the lot. Wanda Proffitt agreed to follow up with Ken Maxwell of Verizon concerning the idea of a possible donation.
- Judy Buchanan said she was unable to attend the RTA meeting due to illness.
- The Mayor reported that the Riddlefest event was well attended and is growing.
- Minutes from the following non-profits were available for review:
  1. High Country Council of Governments
  2. TRAC
- Public Art Design Board – no minutes available this month.
- Planning Board – Dean Gates reported that a Design Committee was formed this month, with Harrison Tyner as Chairperson and Randy Banks as member. Available for review was a Resolution to participate with the Department of Commerce, Division of Community Assistance for design assistance. Ron Powell made a motion to adopt the Resolution to request services with the Division of Community Assistance. The Resolution will stipulate a maximum expenditure of \$2000 from NC STEP funds for this assistance. Ruth Banks seconded the motion, which was unanimously approved

- Parking on Land Owned by E. B. Investments, LLC – Ron Powell made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(5), after a short recess. Ruth Banks seconded the motion, which was unanimously approved.

No action was taken as a result of closed session.

- Next Regular Town Council Meeting - The next regular Council meeting will be held April 5, 2012. There being no further business, Bill Wheeler made a motion to adjourn. Judy Buchanan seconded the motion, which was unanimously approved.

  
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Jeanne Martin, Town Clerk

  
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Danny McIntosh, Mayor