

BURNSVILLE TOWN COUNCIL
Thursday, May 3, 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, May 3, 2012, in the Town Hall. Also in attendance were town staff members Leslie Crowder, Anthony Hensley, Niles Howell, Jeanne Martin, and George Nero; and visitors Harry Buckner, Lucy Doll, Dean Gates, Ralph Hammonds, Jody Higgins, Maryan Holt, David McIntosh, Elizabeth Turner, Wanda Proffitt, 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 May, 2012.

- Public Comment – The following individuals spoke:
 - ... Ralph Hammonds discussed safety issues on West Main Street. He told council that 3 people crossing the street recently at Mountain Village Apartments were nearly hit by cars. He also said cars “kick up the noise” coming down West Main. The mayor asked Mr. Hammonds to feel free to call the police department’s cell number with the identification number of offending vehicles. Councilor Bill Wheeler reported on another citizen who was nearly hit. The mayor said this information would be passed on to the police chief.
 - ... Maryan Holt commented that at the intersection of Ivy and South Main there used to be a “stop” sign, which has been removed. Currently, there is a “don’t block intersection” sign, but vehicles routinely block the intersection. The mayor responded that the issue is a police department concern.
 - ... Maryan Holt also spoke to council about a house that is in disrepair at 106 Bennett Street. Anthony Hensley said that the public works department worked last year with the Bank of America to get the yard mowed, but recently emailed the bank to remind them of their responsibility now that the mowing season has returned. He said he could follow an advertising procedure for condemnation if the situation doesn’t improve.
 - ... David McIntosh spoke to council about two observations/concerns:
 - 1) At a recent Planning Board meeting, he heard a list of responsibilities that have been delegated to the town’s Public Works Director and Code Enforcement/Zoning Officer, resulting in a situation where these positions are overburdened. For this reason, and because he perceives a lack of town planning, he suggested the town hire a professional city manager, which appears to be appropriate when comparing Burnsville to other towns of the same size.
 - 2) He commented that 65% of the town’s revenues come from businesses (property taxes, sales tax, privilege licenses) and yet just a small fraction is spent on economic development. He expressed concern that in the past 15 years there has been very little growth in the town, as evidenced by building permits, and the population has remained the same, with minimal growth attributable to public housing. He said in order to create a sustainable community the town must have pride and make Burnsville a place people want to move to. The town needs to be vigilant of abandoned structures that need to be demolished. He suggested the town recognize and commend individuals who have improved their properties.

Another suggestion was to form a committee to study ways to market the town.

Mr. McIntosh said the town has a good police department, and the officers do a good job, but it costs 40% of the budget, compared to the state's average police department costing 23%. A city manager could analyze the situation and look for efficiencies. Councilor Ron Powell commented that the numbers cited by Mr. McIntosh may need further study, since the police budget is \$564,209, and revenues are \$1,999,488. He agreed that a town manager would be "awesome."

... Elizabeth Turner, representing Centro de Enlace, proposed a festival on the Square on Saturday, September 15th, to share Latin American cultures with the community. Mrs. Turner was asked to work out the event logistics with Ronnie Tipton and Anthony Hensley.

... Lucy Doll complained about speeding on Summit Street, observing that people who work at the school board office are the offenders, for the most part.

- Adoption of Agenda – It was noted that Harry Buckner (McGill Associates) was present to speak to Council about the US 19E Utilities Relocation. It was suggested that this issue be considered as Item #4 on the agenda, to accommodate Mr. Buckner. Ron Powell made a motion to adopt the agenda with the recommended amendment. Judy Buchanan 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 April 5, 2012
 2. Closed session held April 5, 2012

Ruth Banks seconded the motion, which was unanimously approved.

- US Highway 19E Utilities Relocation Update – Harry Buckner reported that this very extensive project, which began on April 11, 2011, is close to wrapping up. Because of the complexity of the project, many delays have been encountered, and for the past 6 months there has been concern over the lack of progress on the part of the local contractor. The latest completion date was December 14, 2012, and work is currently 111 days behind schedule. He said the contract stipulates penalties for delays due to the contractor (\$500/day) and described the mechanism that is in place for the municipality to hold enough money to protect itself.

He said only \$40,000 of work remains, and attempts are being made to test the lines and meet state criteria. There has been difficulty in getting the pipelines to pass, because they were not installed correctly. The segment on Cherry Lane included nine joints of pipe and each joint leaked. At some point there was serious conversation about terminating the contractor, but because it might delay the project further, that never happened.

Mr. Buckner said the last thing on the project would be the punch list to clean up. There is a one year warranty from the date of final acceptance. He said that in his 19 year engineering career, this has been the worst project in which he has ever been involved. He said that Public Works Director

Anthony Hensley and his staff have done a great job accommodating the project, going well above and beyond what was required.

- ABC Board Appointment – Bill Wheeler made a motion to reappoint Eddie Bodford to the ABC Board for a three year term expiring April, 2015. Ron Powell seconded the motion, which was unanimously approved.
- Planning Board Report – Dean Gates reported on progress that is being made by the Planning Board on the sign ordinance, and commented that rezoning needs simultaneous work. He said a public meeting will be held soon for citizen input.

Mr. Gates said the Planning Board is aware of its responsibilities and intends to practice due diligence. He plans to meet regularly with Anthony Hensley and Ronnie Tipton to ensure a coordinated effort, and asked Council to follow the process by courteously considering the Planning Board's recommendations in the future.

- Tax Release for Property Outside Town Limits – Available for consideration was a request to release taxes on property owned by Wade McCurry on Cherry Lane, as it is believed to lie outside town limits. Inasmuch as there was disagreement over the town boundaries, the issue was tabled until the June meeting to allow time for further investigation.
- Contract with Young, Miller & Gillespie, P.A. – At the recommendation of Finance Officer Leslie Crowder, Ruth Banks made a motion to accept Young, Miller & Gillespie's contract for the town's 2011 – 2012 audit, and to authorize the mayor's signature on the contract. Judy Buchanan seconded the motion, which was unanimously approved.
- Budget Worksession Dates – May 10th, 17th, and 29th, at 4 p.m. each date, were set for worksessions on budget review at the Town Hall.
- Quote for Legal Advertising – Council learned that Yancey County News has asked to be considered for the town's legal advertising. Staff will research circulation criteria and obtain quotes from each of the newspapers in Yancey County. A report will be available at the June meeting.
- Completion of Municipal Administration Course – Council learned that Public Works Director Anthony Hensley has completed the UNC School of Government's *Municipal Administration Course*, a 150 hour program covering NC local government law, organization and management, finance and budgeting, employment law and administration, planning and regulation of development, and the delivery of specific city services.

- Piedmont Natural Gas Easement – Businesses adjacent to the parking lot leased by the town off Court Street have requested natural gas service. The town has been asked to convey the right for Piedmont Natural Gas to lay the line and provide the service. Judy Buchanan made a motion to authorize Anthony Hensley to investigate the details of this issue and execute any and all documents necessary to accommodate the request. Ron Powell seconded the motion, which was unanimously approved.

- Status Updates:

1. Small Town Main Street Advisory Board (NC Department of Commerce – Division of Community Assistance) / NC STEP (NC Rural Center) – George Nero told Council that the combined Small Town Main Street Advisory Board and NC STEP Leadership Team held their first consolidated meeting on the 3rd Monday in April. No action was taken at the meeting, but ideas were exchanged. Armin Wessel recommended that the Public Arts Design projects be placed into the Small Town Main Street competition. Mr. Nero reminded Council that the Main Street Board is a subcommittee of the Planning Board.
2. Water/Sewer Asset Management Plan (NC Rural Center) – Anthony Hensley reported that a meeting between the steering committee and Crystal McNeely and Joe McLaughlin (GHD) was held last week. GHD gathered more data from the town and currently we are awaiting their reply.
3. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – The steering committee met with McGill Associates and discussed projects and prioritization. Altogether, 23 projects were discussed, several of which could be classified “green.”
4. East Yancey Sewer District – Anthony Hensley reported that he attended a progress meeting on April 24th. Contractors have been at work for 3 months, and they are 1/3 of the way to completion of laying the lines. The access road to the sewer plant is complete. The construction trailer has been set up, and concrete will be poured for the plant shortly.

As to the Golden LEAF application, DENR offered a support letter which will be submitted in June when the project is presented.

5. U.S. 19 E Utilities Relocation (NC D.O.T.) – Reported elsewhere.
6. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Anthony Hensley reported that projects were advertised this past Sunday, and bid opening is scheduled for the 24th. He said that paperwork will need to be submitted by June 1st, and Council would need to consider bids when they meet on May 29th. We should be ready to begin construction in early July.

Mr. Hensley said that very few easements were found on file, but lately the town has acquired most of the 23 easements necessary for the projects.

7. Ordinance Codification (American Legal) – Under review; no change in the past month.

8. Zoning Assistance (NC Department of Commerce) – Council members were told that Planning Board and Council recommendations are still pending.
9. Broadband/Cable – Wanda Proffitt reported that new questions cropped up that were easily answered. Hopefully, this is the last round of the process to having the project cleared for completion. The Department of Commerce says these delays are not uncommon in this type of grant.
10. Other – Wanda Proffitt reported that she, Ron Powell, Judy Buchanan, and Bill Wheeler attended an economic development networking program this month that was sponsored by Advantage West. As to Yancey County's readiness for economic development, Mrs. Proffitt said the county is in the best position it has been in quite some time due to the improvements in infrastructure.

Mrs. Proffitt reported that in an attempt to get businesses to work together, the CEC held the largest networking session in the region in the past month.

▪ Department Updates:

Fire Department – Chief Niles Howell reported:

- Together with many participants from different agencies, the department was involved in an emergency management drill in Mitchell County for several days.
- Chief Howell said he'd had an opportunity to meet with the USDA to talk about the Forest Service building and funding opportunities. The project is currently on hold until the Forest Service notifies us when they will move and how much the property will be marketed for.
- The department is converting to narrow band frequencies; 6 mobile radios and software will need to be purchased.
- The fire department budget has been completed.

Police Department - Due to a death in his family, Chief Brian Buchanan was unavailable to report.

Public Works Department

- Council considered a request to declare a 1976 case backhoe and a 1998 green machine suction sweeper as surplus property. Judy Buchanan made a motion to declare the aforesaid equipment surplus. Ruth Banks seconded the motion, which was unanimously approved.
- Anthony Hensley reported that he's attended meetings with Young & McQueen and the D.O.T. concerning the road widening project. The first task will be to extend the culverts, which is the largest part of the project until fall.
- Anthony Hensley reported on the progress that has been made concerning the North Main parking lot at the Baptist Church. He reminded Council that they had authorized him to negotiate a 50-50 agreement with the church. In the past few days he was contacted by Jim Evans, on behalf of the church, who indicated church members may not want to pay their half because they only use the lot on Sundays and Wednesday nights. Because of the bidding process that would be involved, Mr. Hensley said he didn't want the town to take on the project on its own. The mayor said he was not opposed to paying for the entire project if the town received a Quit Claim Deed. Mr. Hensley reminded him that the county owns the property and the County Manager indicated that they would not deed the property to the town. Wanda

- Proffitt suggested that she and Mr. Hensley approach the D.O.T. to explore whether they would repair the lot since it is not privately owned.
- Mr. Hensley reported on recent issues that have been taken care of by Code Enforcement Officer Ronnie Tipton, including:
 - ... work on cleaning up Bennett Street house
 - ... work on Church Street property (structure now torn down and cleaned up)
 - ... talked to owners of car wash on Pensacola about the dilapidated state of the structure and the hazard it presents.
 - Council was updated on the sidewalk project around the town square. A contract has been obtained through Jay Swain with the D.O.T. It is hoped that it will be ready for council review next month.

Town Center – Facility Manager George Nero provided schedules and entertainment information for the upcoming month. Wanda Proffitt shared plans to hold a 50-year celebration of glass artists at the town center this fall.

▪ Council Members' Reports

- The mayor spoke about his recent encounter at a book signing with Bill Malone who authored a biography on Mike Segar. Mayor McIntosh said The Traditional Voices website has been listed as a significant body of information on Lesley Riddle. He told Council that he asked Mr. Malone to come to the literary festival and meet Dan Barron. He said he also talked with David Holt, who has apparently got an interest in mines and miners. He has asked someone from Burnsville to contact Mr. Holt in order to get recognition for Burnsville.
- The mayor also reported that he attended a party that was held to introduce a new brand of moonshine, *Howling Moon*.
- Minutes from the following non-profits were available for review:
 1. High Country Council of Governments
 2. Parkway Playhouse
 3. Yancey County EDC
- Public Art Design Board – no minutes available this month.

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

Council reconvened in open session. Judy Buchanan made a motion to direct Public Works Director Anthony Hensley to enter into further negotiation as determined by a majority of members in closed session. Danny McIntosh seconded the motion, which carried.

Voting went as follows:

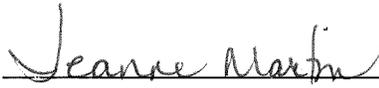
Ayes

Ruth Banks (abstained)
Judy Buchanan
Danny McIntosh
Bill Wheeler

Noes

Ron Powell

- Next Regular Town Council Meeting - The next regular Council meeting will be held June 7, 2012. There being no further business, Judy Buchanan made a motion to adjourn. Ron Powell seconded the motion, which was unanimously approved.



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor