

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, June 7, 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, June 7, 2012, in the Town Hall. Also in attendance were town staff members Leslie Crowder, Anthony Hensley, Jeanne Martin, and George Nero. 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 June, 2012.

- Adoption of Agenda – Ron Powell made a motion to adopt the agenda as presented. Ruth Banks seconded the motion, which was unanimously approved.
- Consideration of Minutes – Ron Powell made a motion to approve minutes from the Regular Council meeting held May 3, 2012. Ruth Banks seconded the motion, which was unanimously approved.
- Closed Session pursuant to N.C.G.S. 143-318.11(a)(5) – Judy Buchanan made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(5). Bill Wheeler seconded the motion, which was unanimously approved.

Judy Buchanan made a motion to end the closed session and recess for a short time. Ron Powell seconded the motion, which was unanimously approved.

When Council reconvened, they were joined by Dan Barron, Dean Gates, Jody Higgins, Cathy Hughes (representing *Loving Pups*), Benson Tyner, Wanda Proffitt, and others. No action was taken as a result of the closed session.

- Public Comment – Ron Westall spoke to Council about a concern he has with debris being dumped on property he owns on Shepard Way. Anthony Hensley said the debris is coming from one private property to another, and promised to research the problem with Police Chief Brian Buchanan for resolution.

The mayor told Mr. Hensley about a drainage problem that exists on Swiss Avenue between Garland Wampler and Scotty Moore.

- Square Request – Cathy Hughes, representing a non-profit, *Loving Pups*, told Council about a puppy adoption she proposes on the Town Square this coming Saturday. Council members all agreed to the event; the mayor asked Ms. Hughes to use the EOC phone number off the town hall door if any problems were to crop up.

- Asphalt Plant – Benson Tyner spoke to Council about the noise and odor coming from the asphalt plant, which is affecting town residents. Although the property does not lie within town limits, he said he had been directed to speak to Council by County Manager Nathan Bennett.

Mr. Tyner said the problem affects two pieces of property he owns at opposite sides of town. The noise, which often begins at 4:30 a.m., has been loud enough to prevent conversation on the 10 acres he owns behind Glen Raven. He said the situation could have an effect on property values in town, since it would be unethical in a real estate transaction to not divulge the problem.

As to the odor, the emissions stay in the valley out to Cane River. Roofing suppliers in town have reported a unique occurrence with 2 and 3 year old roofs having a black residue which makes the roof look old after a rain. He has concerns with the air quality; Jody Higgins said breathing is difficult at Burnsville Elementary and East Yancey Middle Schools in the morning.

Mr. Tyner reported that he has spoken with Sam Young, the previous owner of the plant, who said that he replaced the oil burner with a gas burner, which corrected some of the problem. The current owner, the Rogers Group, reverted back to the oil burner. He said that the plant originally called for state-of-the art equipment, but a state-of-the art piece that is not being used is the better (gas) burner. Different scheduling is necessary for the gas burner, but it results in the same amount of product. He suggested a first approach with the Rogers Group might be appropriate, and offered to serve on a committee to study possible solutions.

Mr. Tyner said that during bad economic times the community needs to set its eyes on making Burnsville a wonderful place to live. He said it scares him to see the number of storefronts that are empty. He asked staff to look at existing ordinances (or develop ordinances if they don't exist) to regulate the plant. The Mayor said that town ordinances can't control emissions or noise that originates outside town limits. Planning Board Chairman Dean Gates suggested that the establishment of an ETJ would extend the town's influence 1 mile beyond its current limits, but that is an 18 month process. He said that if the situation was reported to the state, they would investigate and require correction of any violations.

Mr. Gates reported that a new rock grinding operation is beginning at the plant very shortly, which could compound the problem. Ron Powell said the town needs to be stating its objections right away, or it would lose leverage when the new operation begins.

Dean Gates and Benson Tyner agreed to work together on the problem.

- AMY Regional Library Plan 2012-2017 – Dr. Dan Barron presented the AMY Regional Library Plan for 2012-2017, a copy of which was available for Council review. He thanked Council for their continued support. Dr. Barron said this year's literary festival will include some of the "hottest" teen authors.
- Planning Board Report – Dean Gates reported on progress that is being made by the Planning Board, and mentioned that a public forum for citizen input has been planned. Mr. Gates asked Council to consider approval of an agreement between the town and the NC Department of Commerce, Division of Community Planning, for design assistance.

Ruth Banks made a motion to authorize the mayor to sign *Agreement between the NC Department of Commerce, Division of Community Planning and the Town of Burnsville for the Provision of Technical Planning Assistance; Zoning Ordinance Amendments; Preparation of Design Guidelines*, a copy of which is attached to these minutes and by reference made a part hereof. Judy Buchanan seconded the motion, which was unanimously approved.

- Dog Waste Disposal System – Information for a dog waste disposal system for installation on the town square was available for Council review. This issue will be added to next month's agenda. Meanwhile, Chief Brian Buchanan will research ordinances for regulation of animals on the square.

**At this point, Councilor Ron Powell left the meeting to attend to another obligation.**

- Tax Release for Property Outside Town Limits – Considered again this month was a request to release taxes on property owned by Wade McCurry on Cherry Lane. Councilors reviewed a memo from Zoning Administrator Ronnie Tipton, which clarified that the property in question lies outside city limits. Ruth Banks made a motion to release the tax lien on the subject property. Judy Buchanan seconded the motion, which was unanimously approved.
- Quote for Legal Advertising – Council reviewed quotes from Yancey County News and the Yancey Common Times Journal for legal advertising. While the Yancey County News quote was lower, their circulation does not reach the population reached by Yancey Common Times. In order to keep as many citizens informed of town business as possible, Council agreed to continue its advertising with Yancey Common Times.
- EDC Appointment to Seat Representing the Chamber of Commerce – Council learned of its responsibility to fill a seat representing the Chamber of Commerce on its board, upon the expiration of Marie Nicholson's term. Ms. Nicholson is eligible for reappointment, which the EDC Board endorses.

Judy Buchanan made a motion to reappoint Marie Nicholson to this EDC seat. Ruth Bank seconded the motion, which was unanimously approved.

- Resolution: Accepting and Endorsing the Solid Waste Management Plan of 2012 for Yancey County – Available for review was a Resolution accepting and endorsing the solid waste management plan of 2012 for Yancey County. Inasmuch as town cooperation and support of the plan is mandated by statute, Judy Buchanan made a motion to adopt the resolution and authorize the mayor's signature. Ruth Banks seconded the motion, which was unanimously approved.
- Budget Adjustment: Council considered the following budget adjustment requests:
  - To accommodate replacement of failing intake pump at Pensacola Road:
    - ~ Decrease 30-810-7200 (Contribution to Capital Reserve) - \$23,158
    - ~ Increase 30-810-7400 (Capital Outlay) - \$23,158

AND

To reimburse D.O.T. for sidewalks around town square:

~Increase 10-299-0000 (Contribution from Fund Balance) - \$50,000

~Increase 10-560-7404 (Square Maintenance) - \$50,000

Ruth Banks made a motion to approve the aforesaid budget adjustments. Bill Wheeler seconded the motion, which was unanimously approved.

Wanda Proffitt reported that the D.O.T. sidewalk project around the town square was approved today. Judy Buchanan made a motion to authorize Anthony Hensley to sign the project's construction agreement with the D.O.T., which obligates the town to the \$50,000 match. Ruth Banks 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) – Council considered a Resolution *Adopting an Agreement to Continue Participation in the North Carolina Small Town Main Street Program*, which affirms the town's participation in the program for another year. Ruth Banks made a motion to adopt the Resolution and authorize the Mayor's signature. Judy Buchanan seconded the motion, which was unanimously approved.

George Nero told Council that Small Town Main Street annual contest applications have been circulated and are due for submission in August. Armin Wessel has expressed an interest in submitting the public arts program in the state-wide competition, which the Town has won for the past three years.

2. Water/Sewer Asset Management Plan (NC Rural Center) – No change in the past month.
3. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – Council was given a draft for review.
4. East Yancey Sewer District – Anthony Hensley reported that the project is moving along as planned.

As to the GoldenLEAF application, the project has been approved for \$1.2 million. We expect to receive the grant agreement package soon.

5. U.S. 19 E Utilities Relocation (NC D.O.T.) – Main lines are currently being tied in.
6. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Anthony Hensley reported that the apparent low bidder is Cajenn Construction. We expect a formal recommendation from McGill before June 18<sup>th</sup>; Council will need to meet on the 18<sup>th</sup> to award the contract.
7. Ordinance Codification (American Legal) – No change in the past month.
8. Zoning Assistance (NC Department of Commerce) – No change in the past month.
9. Broadband/Cable – Wanda Proffitt reported that approval to move forward has been received.

- Department Updates:

Fire Department – No one from the Fire Department was available to report.

Police Department - Chief Brian Buchanan reported:

- Compliments of a grant received by Yancey County, a box has been installed in the downstairs lobby of Town Hall for use as a drug drop receptacle. The drugs will be gathered regularly and taken to the evidence room until another community drug collection day.
- The department is getting ready for summer events.

Public Works Department – Anthony Hensley reported:

- Council was provided a revised rate schedule that reflected minor mathematical changes since last review. The revised schedule will be incorporated in the budget. A notice of rate changes will be mailed to customers.

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

- Council Members' Reports

- The mayor said he'd received an email from a member of a Porche club that visited and enjoyed Burnsville recently.
- Minutes from the following non-profits were available for review:
  1. High Country Council of Governments
  2. Toe River Arts Council
  3. Yancey County EDC
- Public Art Design Board – no minutes available this month.

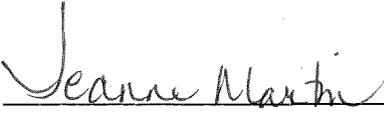
- Other

- Wanda Proffitt announced that another *Stars on the Square* event is planned for July 7<sup>th</sup>, after fireworks. She will complete the Square request packet.
- Mrs. Proffitt reminded Council of the Art Glass Gala that will be held at the Town Center on September 22<sup>nd</sup>. The event will be sponsored by the EDC and Chamber.
- The Mayor mentioned that a band has been lined up to play on July 4<sup>th</sup> for \$500, \$300 of which will come from the town, as it did last year. The town also pays ½ of the cost of the sound, which is \$250. Next year's budget will include \$550 for music and sound at this event.

- Upcoming Town Council Meeting - Judy Buchanan made a motion to hold the following meetings:
  - Monday, June 18, 2012 at 5:00 p.m. – Special meeting to consider award recommendations from McGill Associates for the inflow and infiltration remediation projects; consideration of continuing negotiations with E B. Investments;
  - Thursday, June 28, 2012 at 6:00 p.m. – Special meeting to consider town business for the month of July, 2012, and adopt the FY 2012-2013 budget (a budget hearing will take place prior to this meeting, at 5:45 p.m.);
  - Tuesday, July 31, 2012 at 6:00 p.m. – Special meeting to consider town business for the month of August, 2012.

Ruth Banks seconded the motion, which was unanimously approved.

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

  
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Jeanne Martin, Town Clerk

  
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Danny McIntosh, Mayor