

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, September 6, 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, September 6, 2012, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin, George Nero, and Ronnie Tipton; and visitors Bill Baker, Lucy Doll, Dean Gates, Jody Higgins, Schell McCall, 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 September, 2012.

- Public Comment – No one asked to speak during the time set aside for public comment.
- Adoption of Agenda – Judy Buchanan 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 following meetings:
 - Special meeting held August 9, 2012
 - Closed session held August 9, 2012
 - Special meeting held September 5, 2012

Ruth Banks seconded the motion, which was unanimously approved.

- Square Events Update – Code Enforcement Officer Ronnie Tipton updated Council on the following events that are scheduled to take place on the town square:
 - Cruise-in through town (sponsored by the Chamber of Commerce) – Mr. Tipton advised that he'd received a tentative packet for this event, but hasn't heard further from the organizers, although the event has been publicized. A road closure may be out of the question due to time constraints.
 - TRAC Rural Academy Theater – Mr. Tipton advised that no road closure has been requested, but since lights will need to be off, he feels road closure would be prudent for safety reasons. It was agreed that the road should be closed for this event on the south side of the square.
 - Stars on the Square – Mr. Tipton said this event is scheduled for October 20th, although he hasn't gotten a packet yet.
- Planning Board Report
 - Available for review was the proposed sign ordinance document and sign definitions which have been worked on for months by the Planning Board. Dean Gates said the documents were not totally complete, but very close. The final documents should be ready for adoption by Council at its October meeting. He said the project to come up with a sign ordinance that can be implemented has been ongoing since the inception of the Planning Board with input from community participants at well-attended meetings and a roundtable

discussion held at the Town Center. The project is now shifting to the establishment of design guidelines. The Planning Board interviewed design candidates and chose one group out of 20, a group that is willing to perform the work requested within the \$10,000 budget. He said integration of programs such as NC STEP and and DOC's zoning repair will be important.

Mr. Gates told Council that zoning issues and consideration of an extraterritorial jurisdiction will be the next focus.

- *Resolution Requesting the Services of Destination by Design* was available for review. Mr. Gates and Planning Board member Schell McCall answered questions about the Planning Board's choice of design firms. Bill Wheeler made a motion to adopt said Resolution. Ron Powell seconded the motion, which was unanimously approved.
- Order of Collection for Fiscal Year 2012 – 2013 – Ron Powell made a motion to direct the tax collector to collect the taxes for FY 2012-2013. Ruth Banks seconded the motion, which was unanimously approved.
- Proclamation – Available for review was *Proclamation to Designate October 4, 2012 as Captain Otway Burns Day*. After review, the Mayor executed the Proclamation, which is attached to these minutes and by reference made a part hereof.
- Preliminary 2011 Municipal Population Estimate – Councilors learned that the town's population has been estimated at 1,715 for 2011.
- Yancey History Association and Blue Ridge Fine Arts Guild – Councilors were told that a reception for double exhibition between the Yancey History Association and the Blue Ridge Fine Arts Guild will be held on September 28th from 5 p.m. until 7 p.m.
- Proposed Revision to Town of Burnsville's Personnel Policy Affecting Article VII, Section 4 (Sick Leave) – Councilors were reminded that several employees have asked to have sick leave balances transferred to the town from other governmental units, which is not addressed in the town's personnel policy. Two options for amending the personnel policy were considered, and are attached to these minutes and by reference made a part hereof. The first option would provide for the transfer of accrued hours that would be immediately available for the employee's use as sick leave. The second option would provide for the transfer of accrued hours but would be held for use in determining creditable service upon retirement.

Ruth Banks made a motion to amend the personnel policy to incorporate the provisions of the second option. Judy Buchanan seconded the motion. Ron Powell said he preferred the first option, since he felt an employee who had been accruing sick leave the system should be able to use it rather than face a restriction of its use.

Voting went as follows:

Ayes

Ruth Banks
Judy Buchanan
Danny McIntosh
Bill Wheeler

Noes

Ron Powell

▪ Status Updates:

1. Small Town Main Street Advisory Board (NC Department of Commerce – Division of Community Assistance) / NC STEP (NC Rural Center) – George Nero reported that the Small Town Main Street group submitted the Public Art Design Board project for competition.

As to the Burnsville Development Group (BDG), Mr. Nero reported that pamphlets have been developed courtesy of Donna Haynes and Jenna Jarrett. Ten thousand pamphlets will be printed and will be mailed to every house and business in Yancey County. Extras will be used by the EDC.

An invitation to the luncheon/open house on September 28th celebrating the Toe River Aggregation Center Training Organization (TRACTOR) was available.

2. Water/Sewer Asset Management Plan (NC Rural Center) – Copies of the completed Asset Management Plan were available for review. Ron Powell made a motion to adopt the Asset Management Plan. Ruth Banks seconded the motion, which was unanimously approved.
3. Water/Sewer Capital Improvement Plan (NC Rural Center/McGill) – Anthony Hensley noted that this plan was adopted yesterday.
4. East Yancey Sewer District – Anthony Hensley reported that sewer line and plant construction continues. There are still permitting issues with NC Fish and Wildlife.

As to the GoldenLEAF water line project, the McGill contract for engineering services has been executed and they are in the design process.

5. U.S. 19 E Utilities Relocation (NC D.O.T.) – There are two tie-ins and some small punch list items left to complete this project.

Wanda Proffitt reported that there will be a dedication of the first two phases of the widening project on October 20th.

6. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – DWQ has approved the bid documents and the award has been executed. There will be a pre-construction meeting soon and then a Notice to Proceed will be issued to the contractor.
7. Ordinance Codification (American Legal) – The water and sewer ordinance is ready to send to American Legal to finalize for adoption.
8. Zoning Assistance (NC Department of Commerce) – Betsy Kane will present her zoning repair report on October 3rd, and will hold a roundtable discussion at a breakfast meeting on October 4th.
9. Broadband/Cable – Wanda Proffitt provided an update on this project, mentioning that previous work has been paid for.

10. Other:

- Wanda Proffitt reported that the EDC has been working on the identification of industrial sites. She has also been busy working with a film industry site locator to update the film library for the NC Film Association.
- This month there will be a four-day celebration of 50 years in the glass industry. A dream-home tour has been scheduled to occur this month, with proceeds going to Mayland Community College for scholarships.
- Dean Gates reported that the Old Timey Festival will take place on September 29th.

▪ Department Updates:

Fire Department – Chief Niles Howell reported:

- The department has been busy with routine duties.
- He and Charlie Hensley have looked at the McDonald's property on the bypass regarding its suitability for a new building. Mr. Hensley is sketching various options.
- Chief Howell is currently interviewing candidates for the vacant firefighter position.
- The fire department has scheduled a live burn on September 17th near the Credit Union building.
- It is necessary for Council to make appointments to the Firemen's Relief Fund Board, and Randy Banks and Charlie Hensley have been recommended.

Pursuant to the department's recommendation, Judy Buchanan made a motion to appoint Randy Banks and Charlie Hensley to the Firemen's Relief Fund Board. Ron Powell seconded the motion, which was unanimously approved.

Police Department - Chief Brian Buchanan reported:

- He and Public Works Director Anthony Hensley met with County Manager Nathan Bennett concerning the development of a written agreement for regulating the town square. The document is currently being drafted and, upon completion, will be sent for legal review.
- The department has been involved in routine duties.

Public Works Department – Anthony Hensley reported:

- As to the sidewalk project on West Main and the Square, the D.O.T. held a mandatory pre-bid for the sidewalk project on August 28th. No contractors showed up and consequently, the project will have to be re-advertised.
- One of the two intake pumps at the Pensacola pump station has successfully been installed/replaced. This was one of the top priority projects on the capital improvements plan.
- Three bids have been received for the paving project on Indian Trail. Woodby Paving, the low bidder, will be awarded the project next week.
- Regarding the organization of the Public Works Department, Mr. Hensley explained that he wants to eliminate the public utilities manager position, fill the open position on the crew, and hire an administrative assistant to help at the payment window, do clerical work, and prepare for the East Yancey project. This plan would involve no budget change, but requires Council's agreement to lift the hiring freeze.

Ron Powell made a motion to lift the hiring freeze to accommodate the aforesaid request. Bill Wheeler seconded the motion, which was unanimously approved.

- Niles Howell, who has been acting as interim Safety Director, reported that the town has had a safety policy since 1981. While the policy is fairly good, it needs to be updated. He said he has been working on an employee handbook on safety and accident reporting.

He and Anthony Hensley met recently with Amy Whisnant, the NCLM risk management field representative for guidance on safety issues. A safety committee will be re-established, and monthly training sessions will be held with employees. The League has good safety resources and an on-line program that tracks training.

OSHA logs have been developed and reports were sent to the Department of Labor for the past year.

Town Center – Facility Manager George Nero provided schedules and entertainment information for the upcoming month, including the Literary Festival and the Glass Gala.

Council Members' Reports

- Judy Buchanan attended a transportation meeting at the High Country Council office in Boone; business at the meeting did not affect Burnsville.
- Ron Powell announced that vacancies exist on the Public Art Design Board. Lisa England has resigned her seat as an at-large town resident. It was recommended that she be replaced by Chad Fox. Rolf Holmquist has resigned his seat as a TRAC board member, and it was recommended that he be replaced by John Elsgood.

Ron Powell made a motion to appoint Chad Fox and John Elsgood to the Public Art Design Board. Ruth Banks seconded the motion, which was unanimously approved.

Mr. Powell said that artist Robert Johnson has proposed a 12 x 16 mural on aluminum panels that would be affixed to a building in town, for the cost of materials. Council was reminded that Mr. Johnson did the mural in the old Post Office building. He would bring ideas to the winter Public Art Design Board meeting, and install the art the following spring.

Ron Powell made a motion to add the following location to the list of designated public art areas:

The outside south wall of the Burnsville Town Center that adjoins "Area C" and the outside west wall of "Area C."

Bill Wheeler seconded the motion. Ruth Banks wanted to restrict the space to the art of Robert Johnson, but asked for time to think over the proposition.

George Nero said review of proposed art for its appropriateness and potential to enhance the building would be desirable. Dean Gates said that while the Planning Board is considering design guidelines, he expects it will be suggested that Council have the opportunity to approve all design in order to ensure harmonious enhancement.

Voting went as follows:

Ayes

Ron Powell
Bill Wheeler

Noes

Ruth Banks
Judy Buchanan
Danny McIntosh

This item will be on Council's October agenda.

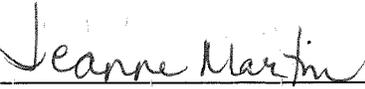
- Minutes from Non-Profits – Minutes from meetings held by the following non-profit agencies were available for review:
 - High Country Council of Government
 - Parkway Playhouse
 - Yancey County EDC

- Closed Session pursuant to N.C.G.S. 143-318.11(a)(1) and N.C.G.S. 143-318.11(a)(5) – Ron Powell made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(1) and N.C.G.S. 143-318.11(a)(5). Bill Wheeler seconded the motion, which was unanimously approved.

Council reconvened in open session. Anthony Hensley was directed to continue negotiations with the Briggs Estate.

- Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, October 4, 2012, at 6:00 p.m.

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



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor