

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, October 4, 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, October 4, 2012, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Charlie Hensley, Niles Howell, Jeanne Martin, George Nero, and Ronnie Tipton; town attorney Todd Bailey; and visitors Paul Badgley, Lucy Doll, Jim Evans, Brian Franklin, Dean Gates, Johnny Hensley, Jody Higgins, Ginger Johnson, Lud Leiner, Jim Swaim, Benson Tyner, 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 October, 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 – Ruth Banks made a motion to approve minutes from the following meetings:
 - Regular meeting held September 6, 2012
 - Closed session held September 6, 2012

Judy Buchanan seconded the motion, which was unanimously approved.

- ABC Board, re: financing issues – Attorney Todd Bailey discussed financing issues with Council, mentioning that \$290,000 is owed to Wells Fargo Bank on a three year line of credit, which is now up for renewal. Options being considered include a temporary extension of the line of credit, refinancing, or allowing the bank to call the loan. The ABC Board is cautiously optimistic they can pay off the debt in five years, but they are leaning toward long term financing. The existing credit line is unsecured; a lien can only be placed on shelving and computer equipment, not inventory. Mr. Bailey explained that town backing would be necessary on an unsecured loan, which would be equivalent to signing a promissory note on behalf of the ABC Board. He told Councilors that Brian Franklin, the ABC store manager, would search for the best rates.

Ron Powell made a motion for the town to guarantee a loan for the ABC Board, contingent on LGC approval. Ruth Banks seconded the motion. Bill Wheeler questioned whether he should recuse himself from vote since he is an ABC board member; town attorney Todd Bailey advised there was no conflict. Danny McIntosh said he would not compromise the town's financial future on the liquor board. Voting was as follows:

Ayes

Ruth Banks
Judy Buchanan
Ron Powell
Bill Wheeler

Noes

Danny McIntosh

- Asphalt Plant Issues – Benson Tyner updated Council on environmental issues related to the asphalt plant, mentioning that he has spoken with Attorney Billy Clarke, who has suggested that the town attorney write the Rogers Group to advise there are a number of citizens that are displeased with the noise and pollution associated with the plant, and ask them to work with us towards a solution.

Bill Wheeler made a motion to direct the town attorney to correspond with the Rogers Group as outlined above. Ron Powell seconded the motion, which was unanimously approved.

- Consideration of Agreement of Intent for Proposed Sale of Forest Service Property – Charlie Hensley reported that once he had been authorized to research the sale of property owned by the Forest Service on the bypass, the process has now come to the point of the need for a non-binding document that will authorize an appraisal at the expense of USFS so the town can prepare an offer.

A packet containing an *Agreement of Intent for the Proposed Sale of Forest Service Property* and a letter written by the Mayor on August 19, 2011, along with other material, was available for review.

Judy Buchanan made a motion to authorize the Mayor to sign the aforesaid *Agreement of Intent for the Proposed Sale of Forest Service Property*. Danny McIntosh seconded the motion. Voting was as follows:

<u>Ayes</u>	<u>Noes</u>
Judy Buchanan	Ruth Banks
Danny McIntosh	Ron Powell
Bill Wheeler	

- Planning Board Vacancy and Recommendation to Reappoint Dean Gates – Pursuant to the recommendation of the Planning Board during its September 17, 2012 meeting, Judy Buchanan made a motion to reappoint Dean Gates to the Planning Board for a three-year term. Ron Powell seconded the motion, which was unanimously approved.
- Planning Board Report
 - Available for review was Design Agreement between the Town of Burnsville and *Destination by Design*. Dean Gates advised that the contract clearly outlines the work program, provides for a flat rate, and is recommended by the Planning Board for Council approval.

Ron Powell made a motion to authorize the Mayor to execute the Design Agreement. Bill Wheeler seconded the motion, which was unanimously approved.

- Consideration of variance on property owned by Habitat for Humanity at Celo Street and Longview – Council considered the recommendation of the Planning Board to grant a variance on property owned by Habitat for Humanity at Celo Street and Longview. Code Enforcement Officer Ronnie Tipton explained that three homes are to be built on the property, which falls slightly short of the minimum lot square footage. Design plans prepared by architect Armin Wessel were available for review.

Mr. Tipton advised there is no need for a public hearing, although variance hearings have been held as a courtesy in the past. He and Planning Board Chairman Dean Gates agreed to visit the

adjoining property owners to discuss the project and the variance, and share contact information with them.

Ron Powell made a motion to approve the variance based on design. Ruth Banks seconded the motion, which was unanimously approved.

- Consideration of Planning Board's recommendation to initiate the ETJ process – Dean Gates advised that the Planning Board members unanimously feel that extraterritorial jurisdiction (ETJ) is the most important issue at this time. ETJ extends the town's regulatory authority, including zoning, 1 mile outside town limits. Mr. Gates explained the process, mentioning that the town could extend its authority one mile east and west, not in radius if it's not necessary. The Planning Board is looking for Council approval to research ETJ and will return to Council with a comprehensive plan.

Ron Powell reminded Council that Betsy Kane's recommendation was to work closely with Yancey County, and this is a project that would need the county's cooperation. Council members agreed that a committee comprised of Anthony Hensley, Dean Gates, Judy Buchanan, Nathan Bennett and Jamie McMahan would be helpful during this research period.

Judy Buchanan made a motion to authorize the Planning Board to research and propose an ETJ policy for Council review. 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) – George Nero reported that the Small Town Main Street group participated in Betsy Kane's presentations.

As to the Burnsville Development Group (BDG), Mr. Nero reported that pamphlets have been mailed, and the group is now looking at an events-website that would provide a regional link for Burnsville.

2. East Yancey Sewer District – Anthony Hensley reported that work is progressing according to plan.

As to the GoldenLEAF water line project, Mr. Hensley advised the GoldenLEAF Agreement needs to be executed. Ron Powell made a motion to authorize Anthony Hensley to sign any and all documents related to the aforesaid project. Bill Wheeler seconded the motion, which was unanimously approved.

3. U.S. 19 E Utilities Relocation (NC D.O.T.) – The project is beginning to close out; everything is complete except for two tie-ins that will be done by Young and McQueen.

4. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – These projects have been awarded to Cajenn Construction. A preconstruction meeting was held in the past few weeks.

5. Ordinance Codification (American Legal) – The water and sewer ordinance is being incorporated by American Legal.
6. Zoning Assistance (NC Department of Commerce) – Ron Powell made a motion to formally adopt Betsy Kane’s Zoning Repair Report as a reference guide for the Planning Board. Bill Wheeler seconded the motion, which was unanimously approved.
7. Broadband/Cable – Wanda Proffitt provided an update on this project, mentioning that all paperwork had to be resubmitted. A response from Washington is expected mid-October.

▪ Department Updates:

Fire Department – No one was available to report.

Police Department - Chief Brian Buchanan reported:

- A new town website will be going up next week;
- Halloween will be held in town on Wednesday, October 31st, from 4-6 p.m. Streets will be closed appropriately for safety. *Stars on the Square* will be held after the *Scamper* on October 20th.

Public Works Department – Anthony Hensley reported:

- As to the parking lot project at First Baptist Church, the lowest estimate we received is \$10,000. The county has agreed to contribute \$4,000. Johnny Hensley said if the town would contribute \$4,000 (\$3,500 plus striping and signage), the church would pay the remainder.
- A mandatory prebid meeting for sidewalk construction on the town square and West Main Street was held recently. We have not heard from D.O.T. about the results of the bid opening.
- Council considered an outstanding utility bill owed by Wallace Edge. Details of the bill were discussed, and Council was reminded that the property owner ultimately has the responsibility of paying utility bills. The Mayor made a motion to forgive penalties that exist on the account. The motion failed for lack of a second.

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

Council Members’ Reports

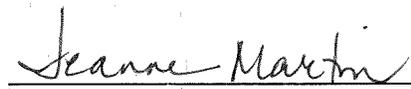
- Judy Buchanan said that prior to lifting hiring freezes, Council should be given the opportunity to review job descriptions.
- Ron Powell reminded Council that he had asked at the last meeting for establishment of an additional public art space at the Town Center. Since that time, he has had discussions with George Nero and has realized that the direction he’d like Council to consider is to commission artist Robert Johnson to install a mural on the south side of the auditorium at the Town Center, rather than dedicate the space for public art. Examples of Mr. Johnson’s art were available for review. Mr. Johnson is proposing four 4 x 8 panels of botanicals depicting the four seasons. The mural would be painted on aluminum with core in the middle. He proposes to bring four water colors to Council for consideration in the spring. He also proposes that the town would install the art and that the town provide \$2000 for materials. Installation would be in late August of 2013. No contract or money is necessary at this point, so it can be budgeted for in 2013-2014.

- Bill Wheeler reported that he and Wanda Proffitt recently attended a Finance Toolbox workshop in Chapel Hill.
- Minutes from Non-Profits – Minutes from meetings held by the following non-profit agencies were available for review:
 - Burnsville Public Art Design Board
 - High Country Council
 - Yancey County EDC
- Closed Session pursuant to N.C.G.S. 143-318.11(a)(1) – Ron Powell made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(1). Bill Wheeler seconded the motion, which was unanimously approved.

Council reconvened in open session. No action was taken as a result of closed session.

- Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, November 1, 2012, at 6:00 p.m.

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