

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, November 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, November 1, 2012, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin, and George Nero; and visitors Lucy Doll, Dean Gates, Jody Higgins, Ginger Johnson, 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 November, 2012.

- Public Comment – No one asked to speak during the time set aside for public comment.
- 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 – Ruth Banks made a motion to approve minutes from the following meetings:
 - Regular meeting held October 4, 2012
 - Closed session held October 4, 2012

Judy Buchanan seconded the motion, which was unanimously approved.

- ABC Board, re: financing issues – Finance Officer Leslie Crowder reported on conversations she has had with the Local Government Commission concerning the ABC Board's request that the town guarantee long-term financing to pay off their existing line of credit which is currently up for renewal. She told council that ABC boards need to stand on their own and the proposed arrangement is unconstitutional.
- Asphalt Plant Issues – Councilors reviewed a letter that was written by Attorney Todd Bailey asking the Rogers Group to work locally with the town to address concerns about noise and pollution.

Planning Board Chairman Dean Gates told council that environmental issues associated with the asphalt operation are being studied.

- Planning Board Report
 - Dean Gates advised that the Planning Board has no recommendation regarding extraterritorial jurisdiction (ETJ) at this time. He explained that more time will be necessary to research the issue and engage and inform the public. Mr. Gates reported that a large group attended the last Planning Board meeting with concerns about misinformation they had gotten from people in leadership positions on the subject of annexation. He cautioned Council that ETJ will be necessary to control outside development, and there are plans for a subcommittee, comprised of the Planning Board Chairman, town staff members, a town councilor, and the county manager and planner, to conduct the necessary research.
 - Council was told the proposed sign ordinance will be available prior to the next Council meeting.

▪ Tax Issues:

- Council considered the following tax release requests:
 - ✓ #20120273 Beverly Bell (listed property is outside town limits) - \$313.45
 - ✓ #20120042 CIT Technology (listed property is outside town limits) - \$35.17
 - ✓ #20120166 Sara Lee Food Service (rebilled under #20121064) - \$10.00

Ruth Banks made a motion to release the aforesaid taxes. The motion was seconded by Judy Buchanan and unanimously approved.

- Council was told of the need to establish a new business license category for businesses engaged in internet sweepstakes. It was recommended that the fee for the license be \$2500 per machine for the first four machines and \$750 per machine thereafter. Additionally, Council was asked to consider raising the fee for tattoo parlors to \$500. Council also considered establishing a category for new businesses that are not categorized elsewhere, and set the fee at \$100. The current rate schedule that included these new requests was available for review, is attached to these minutes, and by reference made a part hereof.

Judy Buchanan made a motion to adopt the revised rate schedule. Ruth Banks seconded the motion, which was unanimously approved.

- Sidewalk Cafes - Anthony Hensley discussed the need for regulation of sidewalk cafes, and proposed permitting requirements, such as insurance on the café portion of the operation, site plan depicting how the space will be occupied, etc. He asked for Council direction on whether to pursue a policy/permit.

The mayor suggested that a study at this time of year would be timely, when restaurants aren't serving outside, and the Hilltop is not currently operating.

- Retention Schedule – Council considered a recommendation from the Department of Cultural Resources that the town adopt a revised retention and disposition schedule in accordance with the provisions of Chapters 121 and 132 of the NC General Statutes. A notebook containing the schedule was available for review.

Judy Buchanan made a motion to adopt the revised retention schedule as recommended. 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 did not have a meeting in the past month, but did meet with Betsy Kane and reviewed her documents.

As to the Burnsville Development Group (BDG), Mr. Nero reported that the group has decided to create a website and offer each business holding a privilege license the opportunity to participate with a free web page. If the business has its own website, it can be linked to the BDG's website. The website will also be linked to the Chamber of Commerce and other

pertinent sites, and will have a link to an updated events calendar. Once the website is operational, it will be offered by subscription at cost to county-wide businesses.

2. East Yancey Sewer District – Anthony Hensley reported that construction is ongoing.
3. Micaville Water Line Extension (GoldenLEAF) – The contract with GoldenLEAF has been executed and currently a construction and draw schedule is being developed. Anthony Hensley reported that he met with the D.O.T. and McGill recently to look at a conceptual waterline design. It should take a month to get a design format for the D.O.T. to proceed with.
4. U.S. 19 E Utilities Relocation (NC D.O.T.) – Responsibility for the Westover and Cherry Lane tie-ins has been taken away from Bryant Industries and added to the Young and McQueen contract.
5. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Work on these projects is underway.
6. Ordinance Codification (American Legal) – The water and sewer ordinance is being codified by American Legal.
7. 2012 Sidewalk Project (NC DOT) – Council was reminded that \$50,000 was authorized for payment to the DOT for the sidewalk project on the Town Square. Since that time, the West Main and Town Square projects have been merged. The D.O.T. bid out the project, which came in over-budget, requiring an additional \$42,000 from the town.

Commenting that we have already committed to the project, Ron Powell made a motion to allocate the additional funding of \$42,000. Bill Wheeler seconded the motion, which was unanimously approved.

8. Broadband/Cable – Wanda Proffitt provided an update on this project.

- Department Updates:

Fire Department – No one was available to report.

Ron Powell began a discussion about the Forest Service property. He specifically discussed the letter that was sent to Tina Tilley and signed by the mayor. He had concerns about the statement in the letter that the town board had given unanimous approval to the Burnsville Fire Department to “go forward with the purchase.” Mr. Powell acknowledged that there was a motion to “go further,” but it didn’t authorize the purchase of the property.

The mayor explained that the letter was written by Charlie Hensley and Tina Tilley and used wording that was needed by the Forest Service in order for the town to continue to participate in the process. He advised that Charlie Hensley has submitted the required documentation and there is no update at this time on the status.

Mr. Powell said his concerns also involve the fact that the letter was written on town letterhead, was not dictated to the Town Clerk and no copy was provided to the Clerk or Council.

Mr. Powell made a motion that all letters written on behalf of the Town Council and/or on Town letterhead be prepared and preserved by the Town Clerk. Bill Wheeler seconded the motion, which was unanimously approved.

Mr. Powell said that at last month's meeting he did not have an opportunity to explain his position on his "no" vote to the Fire Department's request to take another step toward purchasing the Forest Service property. He read from a prepared statement and asked that it be incorporated as part of these minutes:

"I am 100% behind the Fire Department in their search for a location for a new Fire Department for the Town. The reasons for my voting no on this motion are:

- 1) I believe the Forest Service property could be better used as a commercial site and the town could benefit by the additional tax revenues as this property is developed in the future.
- 2) There are two other pieces of property that in my opinion would be better sites for a new fire department because these funds could be leveraged to help the town finance other important projects.

Briggs Property – The Fire Department funds could help the town purchase the Briggs property and this location would give the Fire Department access to the 4-Lane. The use of these funds to purchase the Briggs property would also help the Town secure parking for the Town Center.

Current Location – Those same Fire Department funds could be used towards building a multi-purpose building on the current location that could serve three town departments – the Fire Department, Police Department and Public Works Department."

Ruth Banks commented that she also had a prepared statement she wanted incorporated as part of the minutes:

"The reason for my NO vote is I am worried that if we spend money on property AND a building, there will be no money left for future equipment or safety needs. I am interested in building on property we already own to save as much as possible for the future."

Police Department - Chief Brian Buchanan reported:

- The turnout at Halloween was great; parents said they were pleased that the town participates in this event because it's safe for their children;
- The new Town of Burnsville website is up. Ron Powell commented that he'd seen the website and it's good;
- The sheriff's office, the fire department and police department are working on a community watch program. A meeting has been scheduled for December 3 at the fire department at 7:00 p.m.
- November 17th is the next date set for "*Stars on the Square.*"

Public Works Department – Anthony Hensley reported:

- Pursuant to Council request, a performing stage policy was available for review. Ron Powell made a motion to adopt the aforesaid policy, a copy of which is attached to these minutes and by reference made a part hereof. Ruth Banks seconded the motion, which was unanimously approved.
- Two paving projects have been completed: one at the First Baptist Church on North Main Street, and the other on Indian Trail from Main Street to the town limits. Both projects were paid for with Powell money.

Town Center – Facility Manager George Nero provided schedules and entertainment information for the upcoming month, mentioning that the Young Democrats have a fundraiser tomorrow.

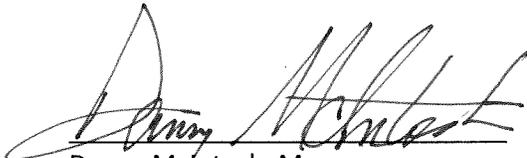
Council Members' Reports

- Ron Powell told Council that he, Bill Wheeler, and Wanda Proffitt attended a Rural Center presentation about their programs.
 - The Mayor reminded Council that the highway dedication will be held tomorrow.
- Minutes from Non-Profits – Minutes from meetings held by the following non-profit agencies were available for review:
- High Country Council
 - Parkway Playhouse
 - TRAC
- Employee Luncheon – Councilors agreed to hold the employee Christmas luncheon on December 12th at the Town Hall. The ABC and Planning Boards will be invited to attend. Bill Wheeler made a motion to issue a bonus check to Planning Board members in appreciation for their work on behalf of the town. Ron Powell seconded the motion, which was unanimously approved.
- Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, December 6, 2012, at 6:00 p.m.

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



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor