

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, December 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, December 6, 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, 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 December, 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. Ron Powell seconded the motion, which was unanimously approved.
- Consideration of Minutes – Bill Wheeler made a motion to approve minutes from the following meetings:
 - Regular meeting held November 1, 2012
 - Special meeting held November 19, 2012

Ron Powell seconded the motion, which was unanimously approved.

- Sustainable Yancey, re: Rogers Group – Provided for Council review was a copy of a letter written to the Yancey County Commissioners and the Burnsville Town Council about the group's concerns over multiple impacts created by the Rogers Group's asphalt plant just outside town limits. A copy of this letter is attached to these minutes and by reference made a part hereof.
- Planning Board Report
 - Available for review were minutes from a meeting held by the Planning Board on October 8, 2012.
 - Planning Board Chairman Dean Gates provided an update on the sign ordinance document that has been drafted by Planning Board members. The document that was emailed earlier to Councilors carries a caveat that the ordinance will be subject to design guidelines that will include lighting and landscape, and could take approximately nine months to complete. Acknowledging that the document is not yet enforceable, Mr. Gates asked Council to approve the content so steps can be taken to have the document formatted and legally reviewed, after which a public hearing can be scheduled. Mr. Gates recommended that the sign ordinance stand alone and not be codified with other ordinances.

Ron Powell made a motion to approve the content of the drafted sign ordinance document. Bill Wheeler seconded the motion, which was unanimously approved.

- US Fish and Wildlife Civil Penalty Proceeding – Council was reminded that they had been provided copies of a *Notice of Violation* in a civil proceeding that has been brought against the town by US Fish and Wildlife. The violation dates back to April of 2008, when the town's wastewater treatment

plant "began to discharge untreated or improperly treated sewage effluent into the Cane River in violation of its NPDES Permit." Council was reminded that since 2008 significant infrastructure improvements have been made, and the town has gone as far as it can to correct deficiencies that existed at that time. Public Works Director Anthony Hensley told Council that in the interest of expedience, he had already contacted attorney Billy Clarke, who drafted a *Petition for Relief* in response.

Ruth Banks made a motion to authorize the Mayor to execute the aforesaid Petition. The motion was seconded by Judy Buchanan, and unanimously approved.

- **Cross Connection Control Ordinance** – Available for review was a *Cross Connection Control* ordinance. Anthony Hensley explained that the town has a sufficient number of cross connections to necessitate an ordinance for cross connections, as required by DWQ. A hearing will be necessary prior to adoption of the ordinance.

Ron Powell made a motion to hold a hearing on January 3, 2013 at 5:45 p.m. Bill Wheeler seconded the motion, which was unanimously approved.

- **Request for Letter of Support for the Toe River Arts District (TRAD)** – The town has received a request from the Toe River Arts Council to indicate its support of an initiative that will establish the Toe River Arts District (TRAD), to encompass the cultural arts and artists of Yancey and Mitchell counties as well as the towns of Burnsville, Bakersville, and Spruce Pine. The initiative is designed promote the TRAD as a marketing brand for purposes of obtaining a federal grant.

Bill Wheeler made a motion to authorize the Mayor to sign a letter of support as explained. Judy Buchanan seconded the motion, which was unanimously approved.

- **Budget Amendment** – Councilors considered a request to amend the budget to accommodate early pay-off on a fire truck that will result in a savings of \$1,975.00. Ron Powell made a motion to amend the budget as follows:

Increase 10-531-8000 (Debt Service) - \$21,287.28

Decrease 10-531-7403 (Contribution to Capital Outlay) - \$21,287.28

Ruth Banks seconded the motion, which was unanimously approved.

- **Tax Issues:**

- Council considered the following tax release request, for the reason that the subject property lies outside town limits:

#20120884 - Rockett - \$415.85

Ron Powell made a motion to release the aforesaid taxes. The motion was seconded by Ruth Banks and 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 asked Council to consider covering travel costs to Salisbury for delegates to the awards ceremony and annual conference sponsored by the Department of Commerce. Armin Wessel will probably attend the awards ceremony to represent the town and its public art program. A delegate from the Planning Board will probably attend the workshop.

Ron Powell made a motion to sponsor the delegates to the level we have in the past. Ruth Banks seconded the motion, which was unanimously approved.

As to NC STEP, Ron Powell and George Nero attended a NC STEP regional meeting today. Mr. Powell made a presentation on the *Small Town Economic Prosperity* process and Burnsville's strategy development.

2. East Yancey Sewer District – Anthony Hensley reported that construction is ongoing; there are no significant changes.
3. Micaville Water Line Extension (GoldenLEAF) – Anthony Hensley reported that we are working with GoldenLEAF and the D.O.T. to arrive at a supplemental agreement. McGill has done a conceptual design and has submitted it to the D.O.T. for pricing.
4. U.S. 19 E Utilities Relocation (NC D.O.T.) – The project is currently in the closeout process as paperwork is finalized.
5. I & I Remediation Projects (NC Clean Water Revolving Loan/McGill) – Work on these projects is underway. Most of the pipe lining is complete and the contractor is currently working on repairs to the sewer line at Love Fox Road.
6. Ordinance Codification (American Legal) – We are currently awaiting a reply from American Legal.
7. 2012 Sidewalk Project (NC DOT) – This project, which should take 110 days, is moving along well. The Mayor expressed appreciation for all of Wanda Proffitt's efforts in this process.
8. Broadband/Cable – Wanda Proffitt provided an update on this project, commenting that the equipment should be in the building in January, and it is hoped there will be a ribbon cutting ceremony soon.

▪ Department Updates:

Fire Department – No one was available to report, and there was no update on the appraisal on the Forest Service property.

Police Department - Chief Brian Buchanan reported that the first in a series of community watch meetings was held in the past month, with a fair number of citizens participating. The next meeting will be held on February 4, 2013 at 7 p.m.

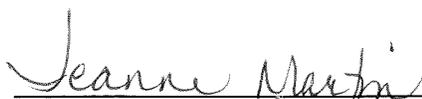
Public Works Department – There was no report this month, since public works issues were considered earlier in the meeting on an individual basis.

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

Council Members' Reports

- It was noted that Etta Jones, who worked for many years at Pollard's Drugstore, will turn 100 on 12/12/12. Judy Buchanan made a motion to honor Ms. Jones by proclaiming her birthday "Etta Jones Day." Ruth Banks seconded the motion, which was unanimously approved.
 - Ron Powell reported on his trip to North Wilkesboro earlier in the day for the regional Rural Center workshop. Mr. Powell, Bill Wheeler, and Wanda Proffitt attended another Rural Center program in November. Councilors heard about a new program being promoted by the Rural Center called "New Generation Initiative," that is designed to attract and retain youth, something that is also being addressed by the Burnsville Development Group.
 - Ron Powell said the Public Art Design Board met earlier in the week. John Elseworth and Chad Fox are new members, filling vacancies created by Lisa England and Rolf Holmquist.
 - Bill Wheeler inquired about the idea of a biweekly recycle pickup, something he mentioned as a money-saving mechanism during budget preparation. Anthony Hensley said the idea would be considered with the next budget, and commented that recycling participation is at only 35%. The mayor mentioned that the town would have to make sure any change in arrangement would comply with the county's solid waste policy.
 - The Mayor reported that he has regularly been attending High Country and EDC meetings.
- Minutes from Non-Profits – Minutes from meetings held by the following non-profit agencies were available for review:
 - High Country Council of Governments
 - Yancey County EDC (from meetings 10/1/12 and 11/5/12)
 - Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, January 3, 2013 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