

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, March 7, 2013**

The Town Council, with members Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, March 7, 2013, in the Town Hall. Mayor McIntosh was absent from the meeting due to illness. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Niles Howell, and Jeanne Martin; and visitors Dean Gates and Jody Higgins. Mayor pro tempore Judy Buchanan, who presided, called the meeting to order, stating that the purpose of the meeting was to consider regular business for the month of March, 2013.

- Public Comment – No one asked to speak during the period set aside for public comment.
- Adoption of Agenda – Bill Wheeler made a motion to adopt the agenda with the provision that Item No. 2 on the Consent Agenda (Tax Issues) be placed on the regular agenda as Item #4(a). Ron Powell seconded the motion, which was unanimously approved.
- Consent Agenda – Ron Powell made a motion to adopt the attached Consent Agenda with the above noted revision. Bill Wheeler seconded the motion, which was unanimously approved. Items considered on the Consent Agenda included:
  1. Consideration of Minutes from the following meetings:
    - a. Public Hearing held February 7, 2013
    - b. Regular meeting held February 7, 2013

**Council action requested: approval of aforesaid minutes**

2. Status Updates
  - a. Small Town Main Street Advisory Board (NC Department of Commerce – Division of Community Assistance / NC STEP (NC Rural Center)

As to Small Town Main Street, at the February meeting Armin discussed his experience at the Main Street Conference and suggested we put the Burnsville Town Center up for an award next year. Bill Baker is interested in landscaping the School Circle behind the library. He said that was a long term goal of Dottie Buker's, that he felt we should follow through on. Discussion to place evergreen planters in a few locations along Main Street while encouraging businesses to put hanging baskets in front of their businesses is a spring goal. This would work within the design guidelines being discussed at the Planning Board meetings.

As to NC STEP/BDG, during the February meeting we agreed to go forth with the youth retention project involving the middle school age children. This, along with the ExploreBurnsville.com project, will be presented at the CEC Business Network forum on Thursday, March 7<sup>th</sup> at 5:30 p.m. We also agreed to fund the startup and the first year cost of the 5 year EverWondr project to attract entrepreneurs to Burnsville and visitors to our arts and crafts businesses. Robert Branch and George

Nero will meet with the proposed tech center principals to determine the viability of the project.

- b. East Yancey Sewer District (Yancey County) – Construction continues with the treatment plant. The collections system is at a standstill while negotiations with the NC Fish and Wildlife continue.
- c. Micaville Water Line Extension (GoldenLEAF) – McGill Associates is working to get the waterline design to the D.O.T. We hope to be ready to begin installation in the early summer. Kelly Coffey is working to put together information for the upcoming ARC grant funding cycle.
- d. U.S. 19E Utilities Relocation (NC D.O.T.) – The contractor has been paid and staff is working to put together the final D.O.T. reimbursement.
- e. I & I Remediation Projects (NC Clean Water Revolving Loan / McGill) – The contractor has completed the work along Love Fox Road, including service lines at David Peterson’s Trailer Park. Also, they have completed the pipe installation at East-West Boulevard, although the surface restoration has not yet been completed. They are ready to begin the bore and jack under roads, but weather conditions are hampering progress.

- 1) Capital Project Ordinance - Attachment “E” (required by Finance Section of DWQ)

**Council action requested: Adoption of Capital Project Ordinance**

- f. Ordinance Codification (American Legal)
- g. 2012 Sidewalk Project (NC D.O.T.) – The square is almost complete. Town crews have performed some of the pre-work for the West Main portion of the project.
- h. Broadband/Cable

**Ron Powell made a motion to adopt/approve items on Consent Agenda that were identified for Council action. Bill Wheeler seconded the motion, which was unanimously approved.**

- Consideration of Code of Ordinances for the Town of Burnsville – Councilors considered the adoption of the Town’s Code of Ordinances, which was the subject of a Public Hearing held earlier in the evening. Ron Powell made a motion to adopt said Code of Ordinances, which will be available for review in the Town Clerk’s Office. Ruth Banks seconded the motion, which was unanimously approved.
- Tax Issues:

It was agreed that this agenda item would be tabled until the Mayor could be present.

▪ Planning Board Report

1. Status of Sign Ordinance – Planning Board Chairman Dean Gates explained the changes that have occurred to the document since the last Council meeting, and reminded Councilors that the public is entitled to request variances should problems arise.

Ron Powell made a motion to schedule a public hearing on the sign ordinance for April 4, 2013 at 5:45 p.m. Ruth Banks seconded the motion, which was unanimously approved.

2. The design survey has been redesigned and is ready for distribution.

- Calendar of Events on the Town Square – Councilors reviewed a list of events that have already been scheduled for the town square, as well as a list of events that were town-sponsored last year. Ron Powell made a motion to continue sponsorship of any scheduled events that were sponsored by the town in the past year. Bill Wheeler seconded the motion, which was unanimously approved.

- Consideration of Ordinance for Open Burning – Fire Chief Niles Howell told Council there are inconsistencies between state law and our newly-adopted ordinances on open burning. The state will allow open burning in a municipality as long as brush pickup is not provided by the municipality. Since the town provides brush pickup, open burning needs to be removed from the town's ordinances. He provided a sample ordinance and permit for open burning that could be considered as an amendment in the newly adopted ordinance.

Ron Powell made a motion to hold a public hearing at 5:30 p.m. on April 4, 2013 on the subject of open burning and its relationship to solid waste. Bill Wheeler seconded the motion which, after discussion, was withdrawn by Mr. Powell. He then made a motion to call a special meeting to discuss the issue in depth on March 21, 2013 at 6:00 p.m. Ruth Banks seconded the motion, which was unanimously approved.

- Consideration of Revision to Personnel Policy – Section 8, Use of Town Owned Equipment – At the request of our risk management representative with the League of Municipalities, town staff has drafted a revision to that section of the personnel policy dealing with the use of town owned equipment {Section 8(b)}. Councilors were given copies of the proposed revision.

Ron Powell made a motion to adopt the revision to Section 8(b) of the Town's Personnel Policy as presented. Ruth Banks seconded the motion, which was unanimously approved.

▪ Department Updates:

Fire Department – Chief Niles Howell reported:

- Although the appraisal results on the Forest Service building were expected in December, 2012, no update is available.
- The Department has applied for a \$6000 state grant (50-50) for nozzles from the Fire Marshall's Office.
- The tanker is back in service after having its pump replaced.
- Routine work has been done around the fire department, including paint to the meeting room and shelving.

Police Department - Chief Brian Buchanan reported that the next community watch meeting will be held Monday, April 1st. Future meetings will be held every other month on the first Monday at 7 p.m. at the Fire Department.

Public Works Department – Public Works Director Anthony Hensley reported:

- Staff has been working to secure permits, and once secured they are being posted in the upstairs hallway.
- The Pine Swamp aerial project is complete.
- Tuesday, March 12<sup>th</sup> has been scheduled for a kickoff meeting with McGill for the GIS program.
- The Water Department has received an award for being in the top 25 water systems in the state. Our new orthophosphate system has caused a reduction in required sampling from 40 every six months to 20 every 3 years. This sampling reduction will result in a savings to the town, as samplings are very costly.
- Capital projects underway include SCADA installations at pump stations to remotely alarm staff of problems; settling basin engineering, and the Lincoln Park pump station.
- Proposed civil penalty (U. S. Fish and Wildlife) - The penalty was \$29,000. We filed a petition for relief. Fish and Wildlife came back with an offer to settle for \$24,000 payable at \$1000 per month for two years. Billy Clarke recommended that we offer \$12,000, payable at \$500 per month over two years, but we asked him to offer \$10,000, payable in one lump sum immediately. They counter-offered with \$15,000, payable in one lump sum to NC Wildlife Resources for restoration of the elk toe mussel in the South Toe River. Mr. Hensley asked for permission to continue negotiations, to which Council members agreed.

▪ Council Members' Reports

- Judy Buchanan reported that she will need to take another Ethics class due to her responsibilities on RTAC.

▪ Minutes from Non-Profits – Minutes available for review included:

- High Country Council of Governments
- Yancey County EDC

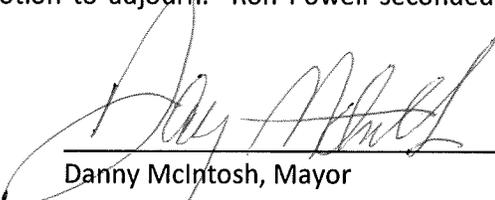
▪ Closed Session – Ruth Banks made a motion to enter closed session pursuant to N.C.G.S. 143-318(a)(1). Ron Powell seconded the motion, which was unanimously approved.

Council reconvened in open session. Ron Powell made a motion to authorize Public Works Director Anthony Hensley to continue discussions with attorneys regarding collection of utility debt. Ruth Banks seconded the motion, which was unanimously approved.

▪ Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, April 4, 2013 at 6:00 p.m.

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

  
\_\_\_\_\_  
Jeanne Martin, Town Clerk

  
\_\_\_\_\_  
Danny McIntosh, Mayor