

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, April 4, 2013**

The Town Council, with Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, and Bill Wheeler present, held a regular meeting on Thursday, April 4, 2013, at the Town Hall. Councilor Ron Powell attended via electronic media. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Niles Howell, Jeanne Martin, George Nero, and Ronnie Tipton; and visitors Donna Banks, Larry Banks, Dean Gates, Jody Higgins, Mike Lawrence, Wanda Proffitt and Dean Russell. 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 April, 2013.

- Public Comment – Donna Banks and Mike Lawrence shared information about “*Young Life*,” a proposed ministry that targets middle and high school students. It is projected that the ministry will have a real presence in Yancey County by fall of 2014; work is currently underway to share information and create supporters.
- Adoption of Agenda – Bill Wheeler made a motion to adopt the agenda as presented. Ruth Banks seconded the motion, which was unanimously approved.

- Consent Agenda

1. Consideration of Minutes from the following meetings:
  - a. Public Hearing held March 7, 2013
  - b. Regular meeting held March 7, 2013
  - c. Closed session held March 7, 2013
  - d. Special meeting held March 21, 2013
2. Status Updates
  - a. Small Town Main Street Advisory Board (NC Department of Commerce – Division of Community Assistance / NC STEP (NC Rural Center) / Burnsville Development Group

As to the Burnsville Development Group, George Nero reported that the *Explore Burnsville* website will be live on April 15, 2013. There has been a good reaction in the community since the news article that appeared in the Yancey Common Times.

- b. East Yancey Sewer District (Yancey County) – Although behind schedule, the treatment plant construction continues. The collections system is still at a standstill while negotiations continue with NC Fish and Wildlife about permit issues and the contractor cannot continue work until those issues have been worked out. The county and the contractor could not reach a “suspend work” agreement while negotiations with Fish and Wildlife were being conducted so the contractor will be asked to wrap up loose ends and forego the project. When an agreement has been met with Fish and Wildlife, the county will then rebid the remainder of the work to be completed by others.
- c. Micaville Water Line Extension (GoldenLEAF) – The agreement with D.O.T. has been executed and sent to Raleigh. The cost for Phase 1 of the project is \$1,028,295. This is over and above what has already been set aside for betterment.

- d. U.S. 19E Utilities Relocation (NC D.O.T.) – The project is complete and we have submitted a final reimbursement to D.O.T. McGill has completed the “as built” and they are in review.
- e. I & I Remediation Projects (NC Clean Water Revolving Loan / McGill) – Weather conditions have hampered progress, but construction continues as allowed. Most of the bore and jack under road is complete and they are progressing with some of the dig and replace sections of the project.
- f. Ordinance Codification (American Legal) – Project complete. Will be removed from update.
- g. 2012 Sidewalk Project (NC D.O.T.) – The perimeter of the square is complete. We have asked D.O.T. to complete the interior crosses with remaining funds and we will supplement the remaining +/- \$8,000. Construction of the West Main portion of the project started this week.
- h. Broadband/Cable – Dean Russell updated Council on the broadband project, mentioning that 25 miles of new fiber were constructed in March; April 29<sup>th</sup> will be the start date for construction of satellites; the headend building has been approved; connections will be made to the new headend site the week of May 27<sup>th</sup>; and between July 1<sup>st</sup> and 8<sup>th</sup> everything should be up and ready.

**Judy Buchanan 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 sign ordinance, which was the subject of a Public Hearing held earlier in the evening. The Mayor took issue with Page 5, Section 1.6 (Non-Conforming Signs), and asked if portions could be omitted. Judy Buchanan agreed that portions of that Section of the ordinance have always bothered her, as well. Dean Gates said the Planning Board voted unanimously to recommend the ordinance, as written, to Council for adoption. Ruth Banks made a motion to adopt the sign ordinance, as written, effective July 1, 2013, and stated that the Planning Board has worked hard and there are provisions in the ordinance for appeal. Bill Wheeler seconded the motion. Voting results were as follows:

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

Ronnie Tipton said he would be comfortable with the ordinance being effective after it has been codified by American Legal.

- Tax Issues – The following tax issues were considered by Council:
  - Unpaid Balance Report (Tax History) dated April 2, 2013 – provided as an update of uncollected revenues. There was discussion of collection efforts that are underway.
  - Tax Settlement Report for 2012 (Unpaid Balance Report dated 2/15/13) – It was noted that since the date of the report, an additional \$24,698 has been collected for 2012 taxes, leaving a balance of \$69,673 uncollected. Ruth Banks made a motion to order the tax

collector to advertise tax liens in accordance with N.C.G.S. 105-369(a). Judy Buchanan seconded the motion, which was unanimously approved.

- Request to Release Taxes – Council considered the following tax release request:
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#20110120 – La Casa Arts & Crafts - \$19.52 (business closed December 31, 2010)

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

- Report of Minimal Taxes – Council reviewed a report of taxes amounting to \$5.00 and less that will not be collected pursuant to a Resolution by Council in February of 2006 concerning minimal taxes.

▪ Planning Board Report – Dean Gates reported:

- Upcoming Planning Board meetings include a workshop on April 10<sup>th</sup> and a special meeting on April 22<sup>nd</sup>, to handle regular business for the month of April. A public forum is planned for the latter part of May, but a date has not yet been established.
- The visual appeal survey has received 171 responses to date. Mr. Gates said that design elements, which will be presented to Council piecemeal over the next month or so, could be more contentious than signs.
- Wayfinding signs are being studied at this time, and it is hoped to coordinate colors and logos.
- The sign ordinance took a while, but time was taken to listen to the public. Mr. Gates thanked Council for adopting the ordinance and the confidence they've shown in the Planning Board.

- Open Burning as it Relates to Solid Waste – Council reviewed and approved a letter drafted by the Mayor asking for assistance from our state representatives in the form of local legislation or a waiver from DENR Air Quality that would allow the town to permit open burning even though Burnsville citizens are entitled to brush pickup. The letter will be prepared for the entire Council to sign.

- Resolution Declaring Certain Property Surplus and Authorizing its Disposal by Town Police Chief – Council considered a resolution to declare surplus a 2004 Ford 4S (Crown Victoria) that has been in service by the police department and has been replaced by a new vehicle. Bill Wheeler made a motion to adopt the aforesaid Resolution. Judy Buchanan seconded the motion, which was unanimously approved.

- May 2013 Proclamation for Lyme Disease Awareness – Council reviewed a *Proclamation for 2013 Lyme Disease Awareness Month*. The Proclamation was signed by the Mayor and will be sent to organizers of this initiative.

▪ 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.
- Many members have completed training in the past month (CPR renewal, basic first aid, emergency driver training, etc.)
- Chief Howell and Justin Layell have been checking the mapping on hydrants and coordinating with the EOC.
- Preparations are being made to test hydrants.

Police Department - Chief Brian Buchanan reported:

- Mothers on a Mission have asked the Mayor to proclaim June 15, 2013 as *North Carolina Domestic Violence Proclamation 100 Day.* A Proclamation was available for review and the Mayor's signature.
- The Community Watch meeting scheduled for this past Monday evening was cancelled due to the Fire Department's schedule change. The next meeting will be held in June.
- On April 27<sup>th</sup> the department will be involved in a "drug take-back."

Public Works Department – Public Works Director Anthony Hensley reported:

- Ronnie Tipton is heading up OSHA mandated training with staff;
- The town is a recipient of the CMT Gives Back award for a \$56,000 paint project at the water plant. The effort will be coordinated with Harry Buckner.
- SCADA (auto dial) systems are being installed at pump stations;
- Plans for the Lincoln Park substation have been submitted to the state;
- Fifteen applications have been received thus far for the job opening at the sewer plant;
- The contractor ran out of brick for the town square sidewalk project, so workers moved to West Main. They will return upon delivery of more brick.

Town Center – George Nero updated Council on upcoming events.

▪ Council Members' Reports

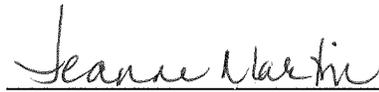
- Ron Powell reminded Council of the Parkway Playhouse *Patsy Cline* production that will be held at the Town Center April 12-13-14.
- Bill Wheeler said the ABC Board is close to final negotiations with Wells Fargo, but Council will still be asked to consider foregoing distribution.
- Danny McIntosh reported that he participated in an Institute of Government webinar on gun control.
- The Mayor said *Riddlefest* is being moved from the month of February to June.
- The Mayor talked about plans to restore the *Li'l Smoky* sign. Ron Powell asked if the plan could be submitted to the Planning Board and considered by Council in May.

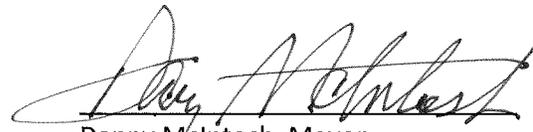
▪ Minutes from Non-Profits – Minutes available for review included:

- Burnsville Planning Board
- Burnsville Public Art Design Board
- Parkway Playhouse (January 9, 2013 and March 20, 2013)
- Toe River Arts Council

- Yancey County EDC – In addition to minutes, Wanda Proffitt reported:
  - ▶ Jeff Lackey will be in Burnsville the 24<sup>th</sup> or 26<sup>th</sup> of April for discussions about landscape design on Highway 19;
  - ▶ Advantage West CEC Communities are being hosted next Tuesday at the Burnsville Town Center.
  - ▶ There has been a request from the NC film industry to use the Town of Burnsville for a movie featuring a 1900's town with dirt streets. This would involve closing streets for three days. Judy Buchanan made a motion to support any reasonable accommodations for the effort. Bill Wheeler seconded the motion, which was unanimously approved.
  
- Other – Finance Officer Leslie Crowder asked for the first budget work session to be scheduled on April 23<sup>rd</sup>, covering the water/sewer fund. Judy Buchanan made a motion to hold a budget work session on April 23<sup>rd</sup> at 5:00 p.m. Ruth Banks seconded the motion, which was unanimously approved.
  
- Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, May 2, 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.

  
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Jeanne Martin, Town Clerk

  
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Danny McIntosh, Mayor