

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, May 2, 2013

The Town Council, with Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, May 2, 2013, at the Town Hall. Also in attendance were town staff members Brian Buchanan, Anthony Hensley, and Jeanne Martin; and visitors Jana Bartleson, Lucy Doll, Dean Gates, Jody Higgins, 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 May, 2013.

- Public Comment – Lucy Doll said she had many issues she wanted to discuss with Council, but spoke mainly about her concerns over pollution caused by lighting and herbicides. Council received printed material on these issues.
- Adoption of Agenda – Ron Powell 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 April 4, 2013
 - b. Regular meeting held April 4, 2013
 - c. Special meeting held April 22, 2013

Council action requested: Approve 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) / Burnsville Development Group

At the April meeting we discussed the downtown beautification project. Discussion to place three tree planters in a few locations along Main Street, hanging baskets on the perimeter light posts of Town Square and the front of Town Center, while encouraging businesses to put hanging baskets in front of their businesses is the goal. The light posts will be checked by an engineer and town staff for feasibility. This project would work within the design guidelines being discussed at the Planning Board meetings.

Bill Baker will be landscaping the town's West Main entrance by the welcome sign this week.

- b. NC STEP/BDG – The youth retention project involving the middle school age children is underway. May 17th will be the filming of the concert portion of the video being taken. The ExploreBurnsville.com project has gone live with over 50 businesses already participating. Decals have been printed for storefront display.
- c. East Yancey Sewer District (Yancey County) – Anthony Hensley attended the April 23rd progress meeting with representatives from Yancey County, McGill, Deven

Const., Moore and Sons Const., Whitson Electric, and Gerald Thornton. A site visit followed. The structures are almost complete and much of the equipment is installed that is necessary to operate the facility. As stated last month, 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.

- d. Micaville Water Line Extension (GoldenLEAF) – As stated last month, the agreement with DOT 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.
- e. US 19E Utilities Relocation (NC DOT) – The project is complete and we have submitted and are awaiting the final reimbursement from DOT. McGill has completed and delivered the "as built" drawings.
- f. 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.
- g. I & I Remediation Projects (NC Clean Water Revolving Loan / McGill) – Weather has been better this month for construction, and as stated last month, 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. We have run into some unforeseen issues that are going to require a redesign of certain areas, and may require additional easement acquisition. We are working closely with McGill to handle these issues. On a different note, we have been able to save some money by electing to "pipe line" certain areas that were originally to be "dig and replace." Depending on how much money is saved at the end of the project, we may be able to expand the scope of work and rehab more sewer lines than the project initially called for.
- h. 2012 Sidewalk Project (NC D.O.T.) – The perimeter of the square is complete. We have asked DOT to complete the interior crosses with remaining funds and we will supplement the remaining +/- \$8,000. The extra brick required to complete the project arrived this week. Construction of the West Main portion of the project is well underway and most of the straight run curb, gutter and sidewalk are complete and the contractor continues with the curb cuts and storm drain rehab.
- i. Lincoln Park Pump Station (McGill) – Plans and specs have been sent to the state for approval and we are waiting for their reply. Also, we are working with the county to draft an easement agreement near the ball field where the pump station will sit.
- j. Broadband/Cable – No report was available.

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.

- Town Center Art Project – Ron Powell reminded Council that they had agreed to consider commissioning artist Robert Johnson to design artwork for installation on the exterior of the Town Center, which is not a space designated for public art by the Public Art Design Board.

Mr. Johnson was present to unveil his proposed art, depicting Yancey County in April, which would be painted on an aluminum-faced panel and permanently attached to the auditorium wall at the Town Center. The artwork would be installed with the assistance of town staff, and the town would be charged approximately \$2,000 for the cost of materials. Mr. Johnson's artwork is on display in the towns of West Jefferson and Blowing Rock, and he would like to have a piece on display in his hometown.

Councilors agreed to consider the proposal during budget discussions.

- Planning Board Report – Dean Gates reported:
 - Design guidelines, which include set back lines, curbs and gutters, parking issues, and landscaping, are the current focus of the Planning Board. A public forum will be scheduled for next month at the Town Center, and it is hoped that Council will attend. The project is expected to be complete in July.
 - Planning Board member Jana Bartleson explained the interest she has in the concept of "back-in, head-out" angled parking. She said the concept prevents drivers from backing into traffic, and that she has noticed dangerous moments on the Square where this has occurred. She mentioned that the corner at Wells Fargo/Garden Deli is particularly disturbing. Dean Gates remarked that the Town Hall is another dangerous spot.

Ms. Bartleson said this method of parking is used by some communities in downtown revitalization as it has a narrowing effect, and is something that was recommended by Betsy Kane (Department of Commerce). She asked Council for permission to contact the D.O.T. and have an assessment done around the Square.

Bill Wheeler made a motion to direct Public Works Director Anthony Hensley contact the D.O.T. to arrange a meeting with Planning Board members. Ron Powell seconded the motion, which was unanimously approved.

- According to American Legal, our sign ordinance is currently enforceable, although a date of July 1, 2013 has been established. Ron Powell made a motion to establish May 2, 2013 as the effective date of the sign ordinance. Bill Wheeler seconded the motion. Voting results were as follows:

Ayes

Ruth Banks
Judy Buchanan
Ron Powell
Bill Wheeler

Noes

Danny McIntosh

Jody Higgins agreed to publish information about the ordinance in the newspaper.

- Open Burning as it Relates to Solid Waste – Council was told that Paul Muller, NC Division of Air Quality in Asheville, called the mayor about this issue at the request of Mitch Gillespie. An email from Mr. Muller was available for review, in which he outlined a plan for town residents to burn residential leaves, tree branches and other vegetation once they have opted this method over brush pickup and have registered their option with the town.
- Settlement Agreement – US Fish and Wildlife Service – Available for review was a proposed Settlement Agreement between the US Fish and Wildlife Service and the Town of Burnsville for violations occurring as a result of a sewage overflow in 2008. The agreement provides for the payment of \$15,000, which was negotiated down from the original fine of \$29,000.

Ron Powell made a motion to amend the budget to accommodate payment of this fine, and authorize the Mayor to sign the Settlement Agreement. Ruth Banks seconded the motion, which was unanimously approved.

- Agreement to Maintain Sidewalks from QP to East Yancey Middle School – Available for review was a Supplemental Agreement between the D.O.T. and the Town for the town's agreement to maintain the proposed sidewalks along both sides of US 19E near SR 1357 to near SR 1427. The county has agreed to provide 20% of the building costs of the project, with the D.O.T. providing the remainder.

Ron Powell made a motion to authorize the Mayor to sign the aforesaid Supplemental Agreement. Bill Wheeler seconded the motion, which was unanimously approved.

- ABC Appointment – Council considered the need for appointment of a member to the ABC Board resulting from the termination of Chairman Todd Bailey's 3-year appointment.

Bill Wheeler made a motion to reappoint Todd Bailey to the ABC Board and designate him Chairman. Ron Powell seconded the motion, which was unanimously approved.

- Contract for FY 2012 – 2013 Audit – Available for review was proposed contract with Young, Miller and Gillespie, P.A., for performance of the town's 2012-2013 audit. Ron Powell made a motion to authorize the Mayor to sign the aforesaid contract. Ruth Banks seconded the motion, which was unanimously approved.
- Resolution: In Support of a Substantial Appropriation to the Rural Center – Council considered this proposed resolution that petitions the NC General Assembly to fund the Rural Center at a level comparable to past appropriations. Judy Buchanan made a motion to adopt the aforesaid Resolution. Ron Powell seconded the motion, which was unanimously approved.

- Department Updates:

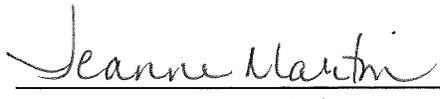
- Administration – A worksession was scheduled for May 21, 2013, at 4:00 p.m. for consideration of the general fund budget.
- Fire Department – It was reported that an appraisal update on the Forest Service building is expected the end of May of the first part of June.

- Police Department - Chief Brian Buchanan reported that 176 lbs. of drugs were collected during the April "drug take-back," 10 lbs. of which were controlled narcotics. The drugs were taken to the DEA in Asheville.
- Public Works Department – Public Works Director Anthony Hensley reported:
 - a. SCADA systems have been installed and are working well.
 - b. Plans and specifications have been sent to the state for approval of the Lincoln Park pump station.
 - c. Brick for the square has arrived and the project is wrapping up. Work is ongoing on West Main Street.
 - d. Ronnie Tipton received his plumbing, mechanical and electrical certifications; Anthony Hensley has the standard certificate for building inspections.
 - e. Resolution *Declaring Certain Property Surplus and Authorizing its Disposal by the Town's Public Works Director* – Council considered a resolution to declare surplus a 1990 Ford F150 truck that has been in service by the public works department. The truck has worn steering, a rusty body, and an engine with 165,731 miles on it that no longer runs properly. Judy Buchanan made a motion to adopt the aforesaid Resolution. Ron Powell seconded the motion, which was unanimously approved.
- Town Center – an update on activities was provided. The Bellamy Brothers concert was well attended; two fundraisers, two homeschool graduations, three weddings and a concert/dance are scheduled among other events for the upcoming month.
- Council Members' Reports
 - Ron Powell reported that he and several staff members attended the School of Government's *Rules of Procedure* session in Asheville in the past month. Fleming Bell, who taught the session, informed attendees that Roberts Rules of Order was designed to address chaotic issues experienced in large towns. Smaller organizations can relax their rules, to allow such things as discussion before and after motions, and dispensing of the need for a second after a motion, which would allow voting to begin once a motion is made.
 - The Mayor reported that he and George Nero attended a regional (Avery, Madison, McDowell, Mitchell and Yancey Counties) *Blue Ridge Music Trails* meeting in the past month.
- Minutes from Advisory Boards and Non-Profits – Minutes available for review included:
 - Burnsville Planning Board (April 10 and March 13)
 - Parkway Playhouse (April 10, 2013)
 - Yancey Public Library
- Closed Session Pursuant to N.C.G.S. 143-318.11(a)(6) – Judy Buchanan made a motion to enter closed session to discuss personnel matters as provided by N.C.G.S. 143-318.11(a)(6). Ruth Banks seconded the motion, which was unanimously approved.

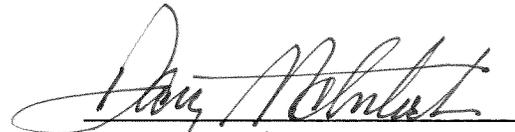
Council reconvened in open session. No action was taken as a result of closed session.

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

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



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor