

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, June 6, 2013**

The Town Council, with Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, June 6, 2013, at the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin and George Nero; and visitors Dr. John Boyd, Brian Franklin, Dean Gates, Jody Higgins, and Wanda Proffitt. 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 June, 2013.

- Public Comment – No one asked to speak during the period set aside for Public Comment.
- Adoption of Agenda and Consent Agenda – Ron Powell made a motion to adopt the agendas as presented. Judy Buchanan seconded the motion, which was unanimously approved.
- Consent Agenda
  1. Consideration of Minutes
    - a. Regular meeting held May 2, 2013
    - b. Closed session held May 2, 2013
    - c. Special meeting held May 21, 2013

**Council action requested: Approve aforesaid minutes**

2. Status Updates:

a. Administration

The Unpaid Tax Balance Report as of 5/31/13, representing outstanding taxes from 2002 to present, is attached for your information. In May we received \$26,798.67 from one taxpayer, bringing his account, which spanned several years, up to date. Raw figures indicate we have collected 95% of the 2012 taxes thus far.

As you will remember, there have been discussions in the past about the art project for the Town Center, which will cost approximately \$2,000. We have discussed using funds from the sale of a police car to pay for this project. Attached you will find Budget Adjustment #4.

**Council action requested: Adoption of Budget Adjustment #4**

b. Police Department

The department has had mostly business as usual over the last month. Our officer who was injured has returned to duty and is doing well.

We had a Community Watch meeting on Monday night with the topic of discussion being the various scams that people should be aware of and how to protect yourself and your loved ones from becoming a victim.

There were two large Square events over the past month and both seemed to go smoothly.

The Police Department would request a resolution from the town council declaring a 1997 Jeep Cherokee as surplus equipment to be sold. A seizure vehicle which was a 4 wheel drive Toyota was obtained last year and has replaced the usefulness of the Jeep Cherokee to the department. I have inquired to the other departments within the Town and none have indicated they have a use for the vehicle either. The vehicle is in running condition although it has some body damage and minor mechanical issues.

**Council action requested: Adoption of *Resolution to Declare Certain Property Surplus***

c. Public Works

- 1) Small Town Main Street – No meeting was held in May. Work towards the beautification project is ongoing. The hanging baskets have been made. The four light poles will have to have new foundations and brackets and the planters are being worked on. The next meeting will be on Tuesday, June 11<sup>th</sup> at 5:30 p.m., just before the Planning Board meeting.

Attached for Council consideration is a resolution *Adopting an Agreement to Continue Participation in the North Carolina Small Town Main Street Program*, which affirms the town's participation in the program for another year.

**Council action requested: Adoption of *Resolution Adopting an Agreement to Continue Participation in the North Carolina Small Town Main Street Program***

- 2) NC STEP/BDG – The youth retention project involving the middle school age children held the concert for videotaping. It was well received by the target audience. The video should be available by August, in time for the new school year.

The ExploreBurnsville.com project is moving along. Additional press releases promoting public awareness are planned throughout the summer. The EverWondr project to attract entrepreneurs to Burnsville and visitors to our arts and crafts businesses is up and running as [www.TRADNC.org](http://www.TRADNC.org). The next meeting will be on the third Monday in June.

- 3) East Yancey Sewer District (Yancey County) – There is little change from last month but here is a recap of what is happening. 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 ask 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.

- 4) Micaville Water Line Extension (Golden LEAF) – The contractor is ready to begin the work and has materials onsite. Staff is preparing the second interim report to Golden LEAF. Also, the town is working with Kelly Coffey at HCCOG to submit an application to ARC for the remainder of the funds needed to complete the project. In this packet you will find 2 resolutions necessary to complete the application. Please review and consider them for adoption at this meeting.

**Council action requested: Adoption of**

- ***Authorizing Resolution by Governing Board of the Applicant – Supplemental Grants Program***
- ***Resolution in Support of Local Commitment to the Micaville Water Line Extension Project***

- 5) U.S. 19E Utilities Relocation (NC D.O.T.) – This project is complete and the town has received the final reimbursement from DOT. This is the last month you will see this on the update.
- 6) I & I Remediation Projects (NC Infrastructure Finance Section / McGill) – As stated last month, 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”. This is allowing us to expand the scope of the project to possibly include the repair of two additional problem areas: 1.) Approx. 730 lf of 10in clay at the Prescription Pad and the Shell Station. 2.) Approx. 750 lf of 10in clay at Longview. I have discussed this with Tom Poe from IFS and he has advised me that the best way to get these areas funded/approved is for the Town to go ahead and have them filmed and cleaned and then IFS would kick in and allocate the extra funds as far as they will go toward doing the work. The town’s obligation to have the cleaning and filming done will result in the request for a budget amendment of \$7000. McGill will review the data and make a recommendation for the type repair needed.
- 7) 2012 Sidewalk Project (NC D.O.T.) – Done. This is the last month you will see this on the update.
- 8) Lincoln Park Pump Station (McGill) – The state has issued an authorization to construct. We are working with the county and the town attorney to secure an easement for the pump station site. In this packet you will find the easement that we will be asking the county for. Once this is complete we can work to get the project into the construction phase.

- 9) Sewer Use Ordinance – We have drafted and submitted a Sewer Use Ordinance for review by the Pretreatment, Emergency Response and Collection Systems (PERCS) Unit of the Division of Water Quality and have been notified that it is “adequate and meets the minimum requirements of 15A NCAC 2H .0900 and 40 CFR 403”. We are currently awaiting approval from the Town Attorney prior to moving forward with adoption of this ordinance. A copy of the ordinance is attached for your review.

**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.**

- Mayland Community College/Anspach Advanced Manufacturing School Update – Dr. John C. Boyd provided an update on some endeavors that are being undertaken by the college. Two projects that center around Yancey County and Burnsville are:
  - Anspach Advanced Manufacturing School – This \$2.5 million project should have a \$3.5 million impact on the community by 2016. Two year applied engineering degrees, which would be attractive to relocating businesses as well as Altec, will be available through this project. The facility is currently in the design process; ground breaking is planned for November.
  - The Energy Exchange is becoming a college facility; the college is currently working with Yancey County on a lease agreement. Plans include the installation of the largest telescope in North Carolina and as many as twenty theme-based gardens that will be planted alongside the Energy Exchange.

An endeavor being undertaken at the Mitchell County campus is a Community Kitchen that will be open to entrepreneurs for project development.

- ABC Board Issues
  - Available for review were copies of a Subordination Agreement between Wells Fargo Bank, the ABC Board, and the Town of Burnsville. The intent of the Agreement was to provide formal evidence of the town’s waiver of distributions until such time as the lines of credit are paid in full, which is estimated to occur in approximately four years.

Bill Wheeler made a motion to agree that distributions to the town would be waived until such time as the lines of credit are paid in full, and authorize the Mayor to sign the aforesaid Subordination Agreement. Ron Powell seconded the motion.

Mayor Danny McIntosh said the agreement not only takes the revenue we are accumulating, it also removes our right to any revenues should the ABC store become insolvent, placing the town back in the realm of illegally assuming ABC’s debt. He said designating town revenues to maintain the solvency of the ABC store is unconstitutional.

Ron Powell said Council was in agreement the last time this was discussed that we would like to see the venture succeed and until it pays its debts off we would help it along. Judy Buchanan and Ruth Banks agreed with Mr. Powell. Brian Franklin, Manager of the ABC store, reported that the State is projecting a 2.5% growth rate, and business has not slowed down, even with construction on the bypass.

Voting results were as follows:

Ayes

Ruth Banks  
Judy Buchanan  
Ron Powell  
Bill Wheeler

Noes

Danny McIntosh

- Health Insurance for ABC Employees – Councilors learned that since the ABC store opened, its employees were provided health insurance through the NC League of Municipalities. That coverage is going up 19.6% this year, from \$703 to \$850. Going on models in other cities/towns like Asheville and Weaverville, where ABC employees' health insurance is provided under the municipal umbrella, the Burnsville ABC employees asked for Town Council approval to apply for coverage under the town's umbrella, through Eben Concepts in Spruce Pine. If accepted, the ABC store would pay premiums in advance, and would be able to apply savings to its loan.

Bill Wheeler made a motion to permit the ABC employees access to insurance coverage under the town's umbrella. Ron Powell seconded the motion, which was unanimously approved.

- Planning Board Report – Planning Board Chairman Dean Gates reported on upcoming meeting dates. He said the Board is continuing its work on design guidelines, which will give consistency through the C-2 and C-1 areas, and will dictate how Burnsville will develop from this point forward.
- Proclamation – Councilors reviewed a Proclamation the Mayor will sign, designating June 2013 as *Pulmonary Hypertension Awareness Month*.

- Department Updates:

- Administration

- ▶ Budget Worksession Dates - Councilors were given the latest version of the proposed budget, which reflected a 2.5% salary increase for employees. Councilors were also given the dollar amount of the increases and the impact each fund would experience. It was generally agreed that unless there are some dramatic changes coming from Raleigh, the budget would be prepared with the increases as stated, and there would be no need at this point for any more worksessions.

Ron Powell made a motion to hold the budget hearing at 4 p.m. on June 24<sup>th</sup> and a special meeting for regular business for the month of July directly thereafter. Bill Wheeler seconded the motion, which was unanimously approved.

- ▶ Discussion on Budget Ordinance – Judy Buchanan introduced the idea of placing language in the budget ordinance that would impose a spending limit on purchases, even if they were approved in the budget. Councilors were told that auditor Sharon Gillespie was consulted on this matter, and she has made a recommendation as to the mechanics of including this limitation in the ordinance:

Add: *"The Budget Officer may not make any individual capital disbursements in excess of \$10,000, even if those items are included in the current year budget. A disbursement exceeding this dollar amount must be brought before the Council for special approval at the regularly scheduled board meeting."*

Judy Buchanan made a motion to adopt the aforesaid language for addition in the budget ordinance; updates on disbursements should be brought to Council by the appropriate department head. Ruth Banks seconded the motion.

Voting results were as follows:

Ayes

Ruth Banks

Judy Buchanan

Danny McIntosh

Bill Wheeler

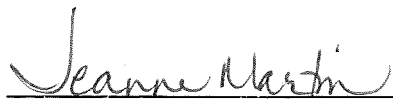
Noes

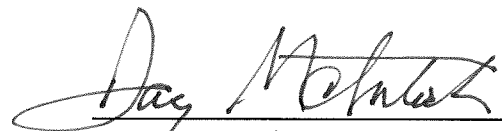
Ron Powell

- Fire Department – It was reported that an appraisal update on the Forest Service building is not available.
- Police Department - Already reported on *Consent Agenda*.
- Public Works Department – Public Works Director Anthony Hensley reported:
  - a. The proposed Sewer Use Ordinance was available for review. Attorney Todd Bailey has advised that a public hearing on this ordinance will be necessary, and that it can be included at the same time as the budget hearing on June 24<sup>th</sup>.
  - b. Councilors were given copies of the final version of an Easement Agreement drafted by Todd Bailey for the Lincoln Park lift station that will be presented to the County for consideration.
  - c. Next week work will begin on the refurbishment of light poles on the square. Flower baskets will hang from some poles, and they will need reinforcement. There are a other poles that are unsafe and will need reinforcement.
  
- Town Center – an update on activities was provided. George Nero reported that there will be four weddings over the next four weeks, which will hamper the scheduling of public events.
  
- Council Members' Reports
  - Danny McIntosh advised Council that recent rains have caused the drainage system under Phil's Tires to fail. Although the Mayor doesn't think the town is responsible for the problem, Tony Harris asked the Town Council to visit the building.
  
- Minutes from Advisory Boards and Non-Profits – No minutes were available for review, however the following Economic Development Commission update was provided by Wanda Proffitt:
  - The following appointments will be necessary, which is the responsibility of the Town Council:
    - ▶ Small Business (recommendation from EDC is John Ray)
    - ▶ Real Estate (recommendation from EDC is the reappointment of Jerri Storie)Bill Wheeler made a motion to appoint John Ray to the vacant Small Business seat and reappoint Jerri Storie to the Real Estate seat. Judy Buchanan seconded the motion, which was unanimously approved.

- Broadband Update – satellites are in and most equipment is in the head end building. Next step will be going “live.”
  - A “Dark Skies” event will be held on July 5<sup>th</sup> after fireworks. Prior to fireworks there will be a “cruise-in.”
  - An engineering company has looked at five industrial sites, which the EDC has been in the process of identifying.
- Upcoming Town Council Meeting - The next Town Council meeting, to consider regular business for the month of July, 2013, will be held on Monday, June 24, 2013, directly after the Public Hearing which is scheduled at 4 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