

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, December 5, 2013**

The Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, December 5, 2013, in the Town Hall. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Niles Howell, Jeanne Martin and George Nero; Planning Board Chairman Dean Gates; and visitors Chris Carter, Lucy Doll, Jody Higgins, Heather Hockaday, Justin Layell, Kathleen Sioui, Wanda Proffitt, and others. The Mayor, who presided, called the meeting to order, stating that the purpose of the meeting was to consider regular business for the month of December, 2013.

- Public Comment
  - Lucy Doll shared her concerns about bees, lights and water.
  - Wanda Proffitt addressed Council concerning the trees that are planted in front of the town hall, which she said are obstructing the building and are in need of trimming. Councilor Ron Powell and Public Works Director Anthony Hensley agreed to consider options for correction of the problem.

- Adoption of Agenda and Consent Agenda – Bill Wheeler made a motion to adopt the agenda and consent agenda as presented. Ron Powell seconded the motion, which was unanimously approved.

- Consideration of Consent Agenda

1. Consideration of Minutes
  - a. Regular meeting held November 7, 2013

**Council action requested: Approve aforesaid minutes**

2. Status Updates:
  - a. Police Department - The Police Department has had a normal month of operation. We have added a reserve officer, Austin Wilson, to the force to help fill in when needed for covering shifts and special events. I have sent another email requesting a response to the question Councilman Powell had about the electronic sign for West Main Street but have not had a response as of yet.
  - b. Public Works
    - 1) East Yancey Sewer District (Yancey County)– The treatment plant is getting very close to completion. Some of the training had to be rescheduled due to a blower motor failure, and most recently a mixer failure. Training will continue as soon as the repairs have been. The line work is still on hold but will be re-bid as soon as the required permits are issued from the NC Fish and Wildlife.
    - 2) Micaville Water Line Extension (Golden LEAF)– The contractor is installing water line as the road construction progresses. We have received the first reimbursement from Golden LEAF that covers the engineering fees. The town submitted an application to ARC and the Rural Center for the remainder of the funds needed to complete the project. In a recent letter, ARC stated that the town of Burnsville’s project was not

selected for funding. Kelly Coffey from HCCOG said that even though the towns project was not selected that it was still possible for it to be funded if there were additional funds left over from other projects. At this time we do not know the status of the Rural Center request.

- 3) I & I Remediation Projects (NC Infrastructure Finance Section / McGill) – On November 20, 2013 McGill, Cajenn Construction, and the Town of Burnsville performed a final walk through. We walked most of the 15,000 feet of new or rehabbed sewer line and looked in most of the 60 manholes that had been replaced or rehabbed. A punch list was created that included about 18 items that Cajenn will complete in the coming weeks weather permitting. Once this is complete we will submit a final reimbursement request to IFS and close out the project.
- 4) Lincoln Park Pump Station (McGill) – The foundation for the pump station is under construction and the pump has been ordered.

c. Other

- 1) Small Town Main Street – Our meeting was held on November 18th. Main Street design information and the monthly newsletter were distributed. The next meeting will be on Monday, December 16th.
- 2) NC STEP/BDG - The video of the youth engagement portion has been put on YouTube to be viewed by all. Work on the video portion directed toward economic development needs is ongoing. The next quarterly meeting will be held on the third Monday in December.

**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.**

- Appointment of Town Attorney – Council reviewed a letter from Attorney Todd Bailey offering his resignation as town attorney in order to provide the newly-seated council an opportunity to take advantage of institutional change. Ron Powell made a motion to accept Mr. Bailey’s resignation. Judy Buchanan seconded the motion, which was unanimously approved.

Council considered a proposal for legal services from Attorney Heather Hockaday. She agreed to be available at 90% of council meetings and other times upon request. The proposed retainer would ensure her availability to the town and would include consultations with council and/or staff. An hourly fee would apply for documentation preparation or research, or attendance in legal proceedings. Ron Powell made a motion to accept Ms. Hockaday’s proposal and retain her as town attorney. Ruth Banks seconded the motion, which was unanimously approved.

- Consideration of Ordinance to Establish Design Review Committee – Council directed that the proposed ordinance be given to the town attorney for review.

- Request from High Five Hospitality Holding, LLC for Annexation – Information was not available at meeting time; the issue remained on the agenda as it continues to be “open.”

- Planning Board Report

1. Minutes from the Planning Board’s meeting held October 28, 2013 were available for review.
2. Ordinance for tattoo parlors – Planning Board Chairman Dean Gates updated Council on the status of the tattoo parlor ordinance. A document outlining the proposed ordinance criteria was available for consideration, which Chairman Gates advised would need Council approval prior to legal review. Ron Powell made a motion to adopt the proposed criteria as presented and forward it on to the town attorney for drafting of the ordinance. Judy Buchanan seconded the motion.

Bill Wheeler said he wanted to delete the reference in the criteria related to distance separating tattoo parlors from residential property. Ron Powell made a motion to amend his previous motion. Bill Wheeler seconded the motion, which was unanimously approved.

Inasmuch as the proposed criteria was the Planning Board’s recommendation, Judy Buchanan made a motion to adopt the criteria as presented. Ruth Banks seconded the motion. Voting results were as follows:

<u>Ayes</u>	<u>Noes</u>
Ruth Banks	Ron Powell
Judy Buchanan	Bill Wheeler
Theresa Coletta	

3. Appointment to Planning Board – There is a vacant seat on the Planning Board. The town clerk will re-advertise.
4. Appointments to Design Review Board – Appointments will be made upon establishment of the Design Review Board.

- Appointment to Economic Development Commission – Council was reminded that EDC bylaws provide for either the mayor or a town council member to be appointed to its board. Mayor Coletta said she would personally like to be appointed for at least the first year, and suggested that Councilor Judy Buchanan be her initial alternate with voting rights. She further suggested a month to month rotation with Mrs. Buchanan after the first year. Ruth Banks made a motion to accept the proposal, as outlined. Ron Powell seconded the motion, which was unanimously approved. EDC Director Wanda Proffitt agreed to explore whether the proposal could be accommodated under the current EDC bylaws.

- Appointments to High Country Council of Governments

1. Executive Board – Ruth Banks made a motion to appoint Mayor Theresa Coletta to the High Country Council of Government’s executive board. Judy Buchanan seconded the motion, which was unanimously approved.
2. Rural Transportation Advisory Committee – Wanda Proffitt stressed the importance of this board, which is involved in decisions that are made regarding roadways and funding through the D.O.T. By consensus, Council appointed Bill Wheeler as the town’s representative to the RTAC.

- Consideration of Yancey History Association Request for Resolution – On behalf of the Yancey History Association, Chris Carter spoke to Council about plans for a “sesquicentennial commemoration.” She asked for a resolution proclaiming April 25, 26 & 27, 2014 as the “Sesquicentennial Commemoration Weekend of the Battle of Burnsville,” and permission to hold the event throughout the town. Ms. Carter agreed to work out details with the Police Chief and report back at the next meeting.
- Toe River Art District’s Request for Town Partnership on *Our Town* – George Nero explained that the Toe River Art District is reapplying for an NEA grant, and is once again asking for support from the Towns of Burnsville, Bakersville, Spruce Pine, and Mitchell and Yancey Counties to promote one marketing district. Ron Powell made a motion to authorize the mayor to sign a letter of support for the *Our Town* grant. Ruth Banks seconded the motion, which was unanimously approved.
- Department of Commerce’s 2014 Economic Development Tier Rankings - Wanda Proffitt explained the ranking process and said there is very little likelihood of a change in ranking from Tier 2 to Tier 1, which would only come from the General Assembly. Reevaluation occurs every two years.
- Department Updates:
  - Fire Department – Fire Chief Niles Howell advised the department is still working on an Assistant Firefighter grant. Among other things, air cylinders with airpacks are being requested, at a cost of \$17,444, along other necessary equipment, such as thermal engine cameras, volunteer PPE, etc., which will have to come out of capital outlay if the grant doesn’t come through. For this reason, permission was requested to spend over the \$10,000 capital outlay limit. Judy Buchanan made a motion to permit this expenditure. Motion carried.

The next business meeting at the Fire Department will be the first Monday in January. Bill Wheeler agreed to attend.

- Public Works Department:

Requests for Annexation - Anthony Hensley reminded Council that the town has an ordinance that requires the submission of a voluntary request for annexation with water/sewer applications. He asked for direction as to the frequency for Council review of these annexation requests. Council directed that the requests be reviewed on a monthly basis, first by the Planning Board and then by Council.

Crosswalk at Academy Street – Council discussed available options for installing a crosswalk at Academy Street, which some business owners think would be extremely detrimental to business. One option discussed was making Academy Street one way going north in exchange for the D.O.T. installing a crosswalk across Main Street at Academy. Anthony Hensley agreed to study this option.

OMC pump station – A budget amendment will be presented for consideration to recognize payments from the NC League of Municipalities and FEMA for storm damage sustained this

past July. The League is expected to pay \$22,800, and FEMA will pay \$5000 to cover the town's deductible.

- Town Center – George Nero provided an update on upcoming events, noting that the weekend's events include Santa and the annual non-profit day.

Mr. Nero advised that Burnsville's Small Town Main Street group did not apply for an award this year. There is a free opportunity for one person to attend the annual Main Street conference in New Bern from January 29<sup>th</sup> through the 31<sup>st</sup>. Council agreed to approve one individual's travel/lodging expense.

▪ Council Members' Reports

- The Mayor reported that she had attended the annual Farm City breakfast earlier in the day.

▪ Minutes/Reports from Advisory Boards and Non-Profits

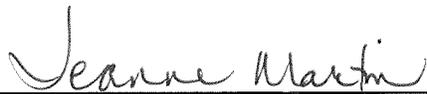
- High Country Council of Governments – minutes available.
- Parkway Playhouse – minutes available.
- Public Art Design Board - minutes available.
- Toe River Arts Council – minutes available.
- Yancey County EDC - minutes available.
  1. Council heard an update on the status of the broadband project. It was noted that Country Cable is awaiting signoff from Rural Utility Service to hook up.

▪ Upcoming Dates:

- Christmas parade – Saturday, 12/7 at 3 p.m.
- Town employee Christmas party – 12/17 at 11:30 a.m. at the Town Center
- Employee holidays: December 24 and 25. It was agreed that Town Hall would be closed on December 26<sup>th</sup>, which is a holiday observed by Yancey County and the state. Town Hall employees will use this day as a vacation day. Town Center employees may also take a vacation day on the 26<sup>th</sup> if no events are scheduled.
- Town Council workshop at Town Center on January 18, 2014 from 10 a.m. until 2 p.m. to prioritize planning. George Nero will moderate. Concerns/issues/questions should be forwarded by Council to George by January 10<sup>th</sup> so an agenda can be organized.

- Upcoming Town Council Meeting – A special Town Council meeting will be held on Thursday, January 9, 2014 at 6:00 p.m. to conduct regular business for the month of January, 2014.

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



Theresa Coletta, Mayor