

TOWN OF BURNSVILLE
Public Hearing
August 8, 2013

The Town Council, with Mayor Danny McIntosh and members Judy Buchanan, Ruth Banks, Ron Powell and Bill Wheeler present, held a public hearing at 5:45 on Thursday, August 8, 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 members Jana Bartleson, Chuck Aldridge, Dean Gates, and Harrison Tyner; and visitors including state Representatives Ralph Hise and Michele Presnell, as well as Lloyd Allen, Grant Blankenship, Theresa Coletta, Denise Cook, Lucy Doll, Lou Edwards, Ralph Hammonds, Jody Higgins, Sharon Hughes, Ginger Johnson, Barry Kelly, Freddie Penland, David Peterson, Minnie Powell, Justin Reed, Anthony Robinson, Tom Storie, Jeff Whitson, Kenny Wilson, and others. Mayor McIntosh, who presided, opened the hearing.

The purpose of the hearing was to consider proposed design guidelines for the Town of Burnsville.

Copies of the design guideline document were available for review. Comments, both negative and positive, some relevant to the topic and some not, were heard from the following individuals:

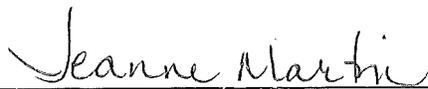
Ralph Hammonds
Anthony Robinson
Barry Kelly
Denise Cook
Grant Blankenship
Freddie Penland
Minnie Powell
Ginger Johnson

David Peterson
Justin Reed
Lou Edwards
Michele Presnell
Ralph Hise
Jeff Whitson
Sharon Hughes
Lloyd Allen

Planning Board Chairman Dean Gates attempted to dispel any misunderstandings resulting from propaganda that had been spread about extraterritorial jurisdiction and annexation. He explained the rationale behind the design guidelines and clarified that the guidelines would only affect commercial property lying inside town limits. He explained there is a mechanism for variances.

Planning Board member Chuck Aldridge commented that the board listened to what people had to say about ETJ and annexation in the fall of 2012, and made a decision to not move forward with a recommendation to Council.

After everyone had an opportunity to comment, Mayor McIntosh closed the hearing at 7:10 p.m.



Jeanne Martin, Town Clerk



Danny McIntosh, Mayor

BURNSVILLE TOWN COUNCIL
Special Meeting
Thursday, August 8, 2013

The Town Council, with members Mayor Danny McIntosh, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, August 8, 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 members Jana Bartleson, Chuck Aldridge, Dean Gates and Harrison Tyner; and visitors including State Representatives Ralph Hise and Michele Presnell, as well as Lloyd Allen, Grant Blankenship, Theresa Coletta, Denise Cook, Lucy Doll, Ralph Hammonds, Jody Higgins, Sharon Hughes, Ginger Johnson, Barry Kelly, Freddie Penland, David Peterson, Minnie Powell, Tom Storie, Jeff Whitson, Kenny Wilson, and many 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 August, 2013.

▪ Public Comment

1. Harrison Tyner spoke on behalf of the design guidelines that were the subject of a public hearing held earlier in the evening. He said the Planning Board spent many hours on the document which is intended to promote better and stronger businesses in the Town of Burnsville.

Mr. Tyner expressed appreciation to Council members who attended Planning Board meetings, commenting that the Mayor had not attended. He said his attendance would have been helpful if there were issues that needed discussion. This comment was disputed by the Mayor, who said minutes reflect his attendance at several meetings, and an ongoing monthly conflict with High Country Council of Governments prevented his attendance on a more regular basis.

2. Lucy Doll spoke about this year's Literary Festival.
3. Freddie Penland asked why Council was in such a rush about the design guidelines recommended by the Planning Board, rather than waiting until they are proven to be necessary.

- Adoption of Agenda and Consent Agenda – Judy Buchanan made a motion to adopt the agenda and consent agenda. Ruth Banks seconded the motion, which was unanimously approved.

▪ Consent Agenda

1. Consideration of Minutes
 - a. Special meeting held June 24, 2013
 - b. Special meeting held July 26, 2013

Council action requested: Approve aforesaid minutes

2. Status Updates:

Administration

- a. The Unpaid Tax Balance Report as of 08/05/13, representing outstanding taxes from 2002 to present, was attached for information.
- b. Order of Collection to Tax Collector for Fiscal Year 2013 was attached.

Council action requested: Approval of aforesaid *Order of Collection*

Police Department

- a. The police department has had a busy month ending with this past weekend's Mt. Mitchell Craft Fair. There were no major incidents at this year's fair and most of the feedback received from vendors and patrons was positive.
- b. Patrolman Brandon Mitchell has accepted the empty patrolman position and will be promoted from part time to full time status after he completes his two week notice with his current employer.

Public Works

- a. East Yancey Sewer District (Yancey County) – The treatment plant is getting very close to completion but the line work is not. The remaining line work will be re-bid in the next couple of months.
- b. Micaville Water Line Extension (Golden LEAF) – The contractor is installing water line. Staff has just submitted the second interim report to Golden LEAF. The town has submitted an application to ARC and the Rural Center for the remainder of the funds needed to complete the project.
- c. I & I Remediation Projects (NC Infrastructure Finance Section / McGill) – With the exception of a section of line at East Main, this project is nearing completion and a punch list is being generated for the contractor. 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. I would ask the council to consider a budget amendment in the amount of \$7000 to cover the cost of cleaning and filming these two areas.
- d. 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.
- e. CMT Tank Rehab – The 2mg tank rehab is complete and a ribbon cutting was held on July 23 at the WTP. Attached you will find the invoice from CMT that reflects \$0.00 due.

Other

a. Small Town Main Street – Our meeting was held in July. The work on the beautification project is completed. The hanging baskets have been made. The four light poles have been stabilized and brackets have been installed. Six planters have been placed on West Main and Town Square. The next meeting will be on Monday, August 19th. The annual statistics report has been completed and submitted.

b. The next quarterly meeting will be held on the third Monday in September.

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 Design Guidelines for the Town of Burnsville – Bill Wheeler made a motion to amend the town’s zoning ordinances as recommended by the Planning Board. Judy Buchanan seconded the motion, after which there was discussion:

Ron Powell said that updating Burnsville’s ordinances is necessary to improve the town’s economy.

Judy Buchanan said that planning meetings held during the design guideline process offered opportunities for discussion for anyone participating. She said she does not find the document overly restrictive, and it applies only to new construction or renovations in the business district. It does not restrict anyone outside of town limits.

Bill Wheeler agreed with Councilor Buchanan, stating that he had attended practically every meeting and thinks it is the best thing for the town.

The Mayor took issue with what he considered to be a short time frame from when he actually received the draft on July 19th. The final version, (which was voted on August 8th) came from Ron Hancock by email the week of July 29th. In between there were several revisions to the document. He said it was too much, too fast. Once he read the document, he realized he had concerns with such things as loading/unloading zones, the change in maximum building height from 35’ to 50’ without consultation with the Fire Chief, the requirement for new buildings to line up with the front edge of an adjacent building even if there is parking in front, etc. He said the town governs by ordinance, not guidelines and, in his opinion, the document is full of words that are not clear. The document does not spell out that the Board of Adjustment is the Town Council. He said much still needs to be discussed with Council, and it should not be adopted at this time.

After discussion, voting went as follows:

Ayes

Ruth Banks
Judy Buchanan
Ron Powell
Bill Wheeler

Noes

Danny McIntosh

- Planning Board Report

1. Resignation of board member – Chairman Dean Gates told Council that Planning Board member Chuck Aldridge has found it necessary to resign due to changes in his business.

Mr. Aldridge addressed Council, saying the past two years have been a blessing and a big learning experience. He said the board members have had disagreements, but continued to get along because they had a common interest in the town's future. He said it was an honor and privilege to serve and asked visitors to consider filling the vacancy.

2. Design Review Committee – There is a need at this time to select a Design Review Committee, which should be comprised of people who are knowledgeable in different fields. Five members are desirable; perhaps two planning board members, a business owner and a resident. This issue will be on the Town Council's agenda for its regular meeting in September.

- Request to Schedule Event on Town Square and Request for Town Sponsorship – Ron Powell explained that Graham's Childrens' Health Services would like to hold a family movie night on the town square on August 30th. He summarized preliminary plans, mentioning that an inflatable movie screen with sound system will be rented. The Chamber will promote another *Explore Burnsville* evening and will cover the cost of publicity for the event. He said a road closure will be necessary, and asked for the town to cover the cost of refreshments.

Ron Powell made a motion for the town to sponsor this event as customary, including the cost of refreshments. Ruth Banks seconded the motion, which was unanimously approved.

- Request to National Park Service for Consideration of Additional Detour Option – Available for review was a letter to the National Park Service asking that the detour plan utilized while sections of the Blue Ridge Parkway are closed includes a southerly route option from US 19-E to the Parkway via NC 80 South through the South Toe River Valley. Ron Powell made a motion to send the letter as written. Bill Wheeler seconded the motion, which was unanimously approved.
- High Country Council of Governments Annual Banquet – Councilors were reminded of this event that is scheduled for September 6th. The Town Clerk agreed to handle reservations for anyone wishing to attend.

- Department Updates:

Administration – No report.

Fire Department – Chief Niles Howell reported:

- The appraisal process on the Forest Service building is underway.

Police Department - Chief Brian Buchanan reported on progress establishing a site for an automatic speed detector. He said he spoke with the D.O.T. and was advised to select an exact location, which he and Anthony Hensley will work on together.

Public Works Department – Public Works Director Anthony Hensley reported:

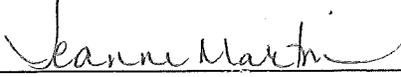
- The grit filter at the sewer plant has completely failed. The filter takes trash out of the sewer and filters it automatically. Currently, town staff has to man the plant 24 hours per day. The replacement, which will come from Italy, will cost \$6,000, and a budget amendment will be necessary.

- Council was asked to consider a closed session at the end of the meeting for discussion of a utility billing issue.
- Council Members' Reports – No report available.
- Minutes/Reports from Non-Profits –
 - High Country Council of Governments – minutes available
 - Parkway Playhouse – minutes available
 - Yancey County EDC – no minutes available, but Wanda Proffitt reported on a broadband meeting in Chattanooga.
- Other – Judy Buchanan found it necessary to leave the meeting early for personal reasons. Ron Powell made a motion to excuse Judy Buchanan's departure. Ruth Banks seconded the motion, which was unanimously approved.
- Closed Session – After a short recess, Ron Powell made a motion to enter closed session pursuant to N.C.G.S. 143-318(a)(1). Ruth Banks seconded the motion, which was unanimously approved.

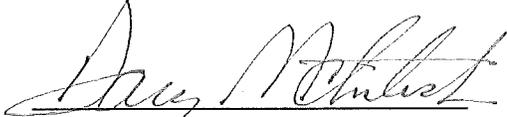
Council reconvened in open session. No action was taken as a result of the closed session.

- Upcoming Town Council Meeting - The next regular Town Council meeting will be held on Thursday, September 5, 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