

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, February 6, 2014

The Town Council, with members Mayor Theresa Coletta, Ruth Banks, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, February 6, 2014, at the Town Hall. Council member Judy Buchanan was absent due to illness. Also in attendance were town attorney Heather Hockaday, town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Randy Proffitt, Jeanne Martin and George Nero; and visitors Lucy Doll, Dean Gates, Ron Hancock, Charlie Hensley, Jody Higgins, James Holland, Ginger Johnson, Justin Layell, Michael Luker, Jeff Mertz, Wanda Proffitt, Dean Russell, 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 February, 2014.

- Public Comment
 - James Holland complained about general regulations.
 - Lucy Doll spoke favorably about the inclusion of tattoo parlors in town ordinances

- Adoption of Agenda and Consent Agenda – Ron Powell moved to add sub-item #8(d) to discuss a scheduled workshop for the Planning Board, the Design Review Committee and the Town Council; #10(b) to discuss the town administrator’s duties; and adopt the agenda as amended. Bill Wheeler seconded the motion, which was unanimously approved.

- Consideration of Consent Agenda
 1. Consideration of Minutes
 - a. Special meeting held January 9, 2014
 - b. Special meeting held January 18, 2014

Council action requested: Approve aforesaid minutes
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2. Status Updates:
 - a. Administration
 - 1) Tax Settlement Report for 2013
Comment: The attached *Unpaid Balance Report by Receipt Number* dated February 3, 2014, is a statement of total taxes for the current year that are liens on real property. We would like to mail letters of notification on February 7th and advertise on March 19th.
 - 2) Unpaid Balance Report (Tax History) dated February 3, 2014 is provided as an update of uncollected revenues. A variety of collection efforts are underway.
 - 3) Contract to Audit FY 2014 between Town and Young, Miller and Gillespie, P.A.
 - 4) Burnsville Town Square Events – attached is a list of events that were scheduled for the town square last year, both town-sponsored and unsponsored. We have no requests this year so far, but would like an indication of the town’s interest in sponsoring the events they have in the past.

Council action requested:

- 1. Issue Order to Tax Collector to advertise aforesaid liens**
- 2. Approve Contract to Audit for FY ended June 30, 2014**
- 3. Agree to renew sponsorship of 2013 town square events**

b. Police Department

The Department has had a busy month of January. The open position within the department has been offered to Paul Garland and he has accepted. We are awaiting his paperwork to be approved by Training and Standards in order to get him sworn and on the job.

The Department has received two different grants over the last month toward the purchase of new body armor for a couple officers. The Bulletproof Vest Partnership Grant from the Department of Justice awarded \$654.72 and the NC League of Municipalities awarded \$500 toward the purchase of three new vests. We hope to apply for more of these grant funds in the near future to continue to replace older vests.

We have two vehicles which we would like the Board to consider taking action with. The first is a 2001 Ford Crown Victoria which we would like to put on GovDeals to be sold and the second is a 2002 Chevrolet Impala which we would request be transferred to Public Works to replace a worn out vehicle that they are currently using. It is my opinion that transferring this vehicle would be in the best interest of the town to provide the Code Enforcement/Operations Manager with a much more dependable vehicle that the one he is currently assigned. Two resolutions will be included in this packet for your consideration regarding these vehicles.

I attended a recent conference and met with a couple representatives at that conference of businesses who provide the type of radar sign that the council had asked about at a previous board meeting. I have asked the Clerk to include some copies of the information they provided to me and was informed by both companies that their most basic model had a starting price of around \$2,500 and went up from there depending on sizes and options. I was also informed by one representative that he lived less than an hour away and would be happy to come and give a presentation to the board during a meeting if the board wished him to do so.

Council Action Requested:

Adopt Resolution to Declare Aforesaid 2001 Ford Crown Victoria Surplus Property

c. Public Works

- 1) East Yancey Sewer District (Yancey County) – The treatment plant is getting very close to completion. Some of the training that was scheduled for the 9th and 10th of January was cancelled due to equipment start-up issues. 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 water line is almost finished and we have received a partial invoice from the NC DOT. We will be preparing a reimbursement request for GoldenLEAF.
- 3) I & I Remediation Projects (NC Infrastructure Finance Section / McGill) – This project is in the close-out phase.
- 4) Lincoln Park Pump Station (McGill) – The pump station is installed. We are waiting on some small parts to arrive. We should have it up and running in the next couple of weeks.
- 5) Request consideration of declaring the following surplus property:
1995 Chevrolet Caprice, VIN 1G1BL52P0SR163519 (see attached)

Council Action Requested:
Adopt Resolution to Declare Aforesaid Vehicle Surplus Property

d. Other

- 1) Small Town Main Street – STMS did not meet this month. Dean Gates was registered to attend the annual Main Street conference in New Bern, but it was cancelled due to weather. There are plans to reschedule later.
- 2) NC STEP/BDG – BDG did not meet this month.

Bill Wheeler made a motion to adopt/approve items on Consent Agenda that were identified for Council action. Ron Powell seconded the motion, which was unanimously approved.

- Adoption of Rules for Public Hearings – Council considered a proposed policy for Public Hearings. Bill Wheeler moved to adopt the aforesaid policy, a copy of which is attached to these minutes and by reference made a part hereof. Ron Powell seconded the motion, which was unanimously approved.
- Public Hearing to Consider Adoption of Design Guidelines to be Added to the Zoning Ordinance of the Town of Burnsville as Article IX – The Mayor opened the hearing and invited comments, which were considered from the following individuals:

Lucy Doll
Michael Luker

There being no further comment, Ron Powell made a motion to end the Public Hearing. Bill Wheeler seconded the motion, which was unanimously approved.

- Public Hearing on an Ordinance Establishing a Design Review Committee under the Provisions of N.C.G.S. Section 160A-361 – Upon motion made by Bill Wheeler, seconded by Ron Powell, and unanimously approved, the Mayor opened the hearing on the aforesaid matter and invited comments, which were considered from the following individuals:

James Holland
Lucy Doll

There being no further comment, Ron Powell made a motion to end the Public Hearing. Bill Wheeler seconded the motion, which was unanimously approved.

- Presentation by Planning Board chairman Dean Gates of Plan Consistency Statement - Planning Board Chairman Dean Gates explained the need for a Planned Consistency Statement in order to ensure consistency in adopted planning and policy documents and serve the public interest pursuant to N.C.G.S. 160A-383. A Plan Consistency Statement was available for consideration and is attached to these minutes.
 1. Ron Powell made a motion to approve and adopt the Plan Consistency Statement as presented by the Chair of the Planning Board in support of the proposed zoning ordinance amendments. Bill Wheeler seconded the motion, which was unanimously approved.
 2. Action on Adoption of Design Guidelines to be Added to Zoning Ordinance – Ron Powell made a motion that Council approve and adopt into the Burnsville Zoning Ordinances the new “Design Guideline Requirements” for multi-family, commercial and business use within the town’s commercial districts, and that the same be codified into the Zoning Ordinances for the Town of Burnsville. Bill Wheeler seconded the motion, which was unanimously approved.
 3. Action on Amendment to the Zoning Ordinance of the Town of Burnsville – For the purpose of making the town’s existing zoning ordinances consistent with new design guidelines, Ron Powell made a motion that council approve and amend the existing Burnsville Zoning Ordinance to include additions and deletions as set forth in the “Proposed Zoning Ordinance Amendments” as presented, and that the same be codified into the Zoning Ordinances for the Town of Burnsville, North Carolina. Bill Wheeler seconded the motion, which was unanimously approved.
 4. Action on Ordinance to Establish a Design Review Committee – Available for review was proposed *Ordinance to Establish a Design Review Committee*. Ron Powell made a motion to approve and adopt the aforesaid *Ordinance to Establish a Design Review Committee* in the Town of Burnsville as presented and that the same be codified into the Ordinances for the Town of Burnsville, North Carolina. The motion was seconded by Bill Wheeler and unanimously approved.
- Planning Board Report
 1. Request for Declaration of Landmark Sign – A request was considered from Wallace B. Edge for Council to declare the *Lil Smokeys* sign located at 702 East Main Street a “landmark” sign. The Planning Board recommended to Council that the sign be considered a “landmark” sign, since the restaurant opened for business over fifty years ago and the plan is to restore the sign to its

original condition. Ron Powell made a motion to designate the Lil Smokys sign as a landmark sign. Ruth Banks seconded the motion, which was unanimously approved.

2. Appointment to Planning Board – Ron Powell made a motion to appoint Willis P. “Woody” Ryan to the Planning Board to fill an existing vacancy. Bill Wheeler seconded the motion, which was unanimously approved.
3. Appointments to Design Review Committee – Ron Powell made a motion to appoint the following individuals, as recommended by the Planning Board, to the newly established Design Review Committee:

Dean Gates (also on Planning Board)
J. Jeffrey Merck
Andrea Surface
Harrison Tyner (also on Planning Board)
Armin Wessel

Ruth Banks seconded the motion, which was unanimously approved.

4. Other – Dean Gates asked Council to set a date for a ½ day workshop led by Ron Hancock on the topic of conditional use permits. Council agreed to hold the workshop on March 4, 2014, from 4:00 p.m. until 8:00 p.m. at the Burnsville Town Center.
- Policy to Establish Town Hall a Tobacco-Free Building – Available for review was a proposed policy that would establish the Town Hall as a tobacco free building. This issue was tabled until the March meeting.
 - Establishment of Position for “Town Administrator” – Council engaged in an open conversation about the need for an Administrator for the town. Ruth Banks said Council needs to look further into the administrator’s duties and spell out the time frame. Ron Powell said the sooner the position was filled, the better. Council decided they would meet at a later date to discuss the salary and job duties.

Ron Powell made a motion that Council create the position of “Administrator” for the Town of Burnsville; prepare a job description and list of duties for the position; direct that publication of an advertisement inviting applications for the position be posted in town buildings where notices are generally posted, and publish for one week in the local newspapers. Bill Wheeler seconded the motion, which was unanimously approved.

- Department Updates:
 - Administration – Town Clerk Jeanne Martin reported on the Annual City and County Clerks’ Conference she attended in the past month in Raleigh. The Master Municipal Clerks Academy session was devoted to *Building Effective Clerk-Manager Relations*.
 - Fire Department – Assistant Fire Chief Randy Proffitt told Council that the department is pleased to see Council’s interest in their operation. Charlie Hensley told Council that the Chief, Justin Layell, George Nero and Architect Armin Wessel will be attending a Fire Symposium.

Charlie Hensley updated Council on the Forest Service property, mentioning that the \$480,000 purchase price is firm.

Mr. Hensley updated Council on an expenditure for turnout gear that will cost the town approximately \$11,000 after the receipt of a proposed grant in the amount of \$11,000. Bill Wheeler made a motion to approve the expenditure. Ron Powell seconded the motion, which was unanimously approved.

- Police Department:

Police Chief Brian Buchanan discussed a request he's had to allow the 17 year old daughter of a town resident to ride along in a patrol car with an officer for a class assignment at Appalachian State University. Current policy requires the passenger to be 18 years of age. The request will be referred to Town Attorney Heather Hockaday.

With regard to radar signs, Council asked Chief Buchanan to make a selection and work out the details with the D.O.T.

Regarding security services for the public housing complex, a letter will be sent from Council to Ned Fowler terminating any prior agreement/understanding.

- Public Works Department:

Concerning the crosswalk at Academy Street, Public Works Director Anthony Hensley met with the D.O.T. and got their agreement to install a crosswalk if we make Academy Street one-way. Ron Powell made a motion to authorize Mr. Hensley to create a one-way street at Academy Street and finalize the agreement with the D.O.T. Bill Wheeler seconded the motion, which was unanimously approved.

- Town Center – George Nero provided an update on upcoming events. He told Council that there have been very few events lately due to the weather.

- Council Members' Reports

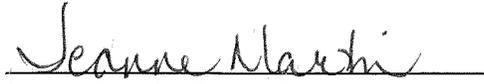
- The Mayor said that there will be a report on the brush pickup policy in March.
- Mayor Coletta advised that Judy Buchanan and Jeanne Martin will co-chair a committee assembled to study the town's personnel policy. Other committee members will be Ruth Banks and Brian Buchanan.

- Minutes/Reports from Advisory Boards and Non-Profits

- Yancey County EDC – no minutes available. Wanda Proffitt reported that she continues to work with Denise Cook (TRAC) on the Smart Initiative. She is also currently working with the Public Art Design Board on the gateways to town.
- Council heard an update on the status of the broadband project. Mrs. Proffitt said carpet is being installed this week in the old library that will house the *Yancey County Technology Center*.
- Anthony Hensley provided a recap of action taken during the meeting.

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

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



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor