

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, June 5, 2014**

The Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a regular meeting on Thursday, June 5, 2014, at the Town Hall. Also in attendance were town attorney Heather Hockaday, town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Jeanne Martin, and George Nero; and visitors Bill Baker, Denise Cook, Denise Dickens, Dean Gates, Ron Hancock, Jody Higgins, Rhonda Higgins, Ginger Johnson, Rhea Ormand, 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 June, 2014.

- 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 agenda as presented. Ruth Banks seconded the motion, but the motion failed due to the absence of a vote. There was a discussion about the status of the Personnel Policy review. Ron Powell suggested that this item be added as a recurring report on the regular agenda; Judy Buchanan suggested it be mentioned under *Council Member Reports*. The Mayor advised that committee meetings are open to the public, and anyone is welcome to join if they wish. Ron Powell made a motion to add the item to the regular agenda as 10(b) and adopt the agenda and consent agenda as amended. Motion carried unanimously.

**Consent Agenda – June 5, 2013**

1. Consideration of Minutes
  - a. Regular meeting held May 1, 2014
  - b. Special meeting held May 15, 2014
  - c. Special meeting held May 20, 2014
  - d. Special meeting held May 22, 2014

**Council action requested: Approve aforesaid minutes**

2. Status Updates:
  - a. Administration
    - Unpaid Balance Report, pursuant to G.S. 105-369(a) (Tax History) dated June 2, 2014 is provided as an update of uncollected revenues. A variety of collection efforts are underway.
  - b. Police Department
    - The Police Department has had a busy month of operation. We have increased the traffic enforcement focus on Main Street and have implemented increased foot patrols in the area.
    - The springtime special events on the town square have begun and have run smoothly thus far.

- c. Public Works
  - East Yancey Sewer District (Yancey County) – The treatment plant is getting very close to completion. The contractor is working on the influent pump station and piping. Our staff attended training on May 28<sup>th</sup> as related to start-up of the plant. The line work is still on hold, but will be re-bid as soon as the required permits are issued from NC Fish and Wildlife.
  - Micaville Water Line Extension (Golden LEAF) – The water line is to the end of the DOT’s road project. We are continuing to seek additional funding for the project.
  - I & I Remediation Projects (NC Infrastructure Finance Section / McGill) – This project is finished and will no longer be a part of the update.
  
- d. Other
  - Small Town Main Street – No report this month.
  - NC STEP/BDG – No report this month.

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

- Consideration of Petition for Voluntary Annexation (High Five Hospitality) – Council considered this Petition to extend the boundary of the town limits, which was the subject of the Public Hearing held earlier in the evening. Attorney Heather Hockaday publicly read the following proposed ordinance:

**ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE TOWN OF BURNSVILLE, NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA ON THE WESTERN BOUNDARY OF TOWN (FORMERLY A PORTION OF THE AVONDALE MILLS PARKING AREA)**

---

**WHEREAS**, the Town Council of Burnsville, NC has been petitioned under N.C. Gen. Stat. Sec. 160A-31, to annex the area described herein; and

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Town Hall Meeting Room at \_\_\_\_\_ p.m. on the 5 day of June, 2014 after due notice by publication on the \_\_\_ day of \_\_\_\_\_, 2014; and

**WHEREAS**, the Burnsville Town Council does hereby find as fact that the petition meets the requirements of N.C. Gen. Stat. Sec. 160A-31 and that said petition was not submitted pursuant to subsection (b1) or (j) of said statute;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURNSVILLE, NORTH CAROLINA, THAT:**

Section 1. By virtue of the authority granted by N.C. Gen. Stat. Sec. 160A-31, the following described territory is hereby annexed and made part of the Town of Burnsville, North Carolina, as of the \_\_\_ day of \_\_\_\_\_, 2014. The property is more particularly described as follows:

That parcel or tract of land more particularly described as Lot 2 C on a map and plat prepared by Ed Holmes & Associates Land Surveyors, PA:

**BEGINNING** on a #5 rebar set the same being located N 80 36 23 W 451.71 feet from a .75" ID open pipe found the terminus of the fourth call shown at Yancey County Deed Book 433, page 611 and running thence S 11 09 30 E 170.67 feet to an unmarked point; thence running S 37 31 22 W 19.30 feet to an unmarked point; and running thence on a curve to the right having a radius of 4436.15 feet, an arc length of 111.18 feet, a bearing and chord distance of S 78 26 55 W 111.18 to feet to an unmarked point; thence running on a curve to the right having a radius of 4436.15 feet, an arc length of 32.23 feet, a bearing and chord distance of S 79 22 29 W 32.23 feet to an unmarked point; thence running on a curve to the right having a radius of 4436.15, an arc length of 63.08 feet, a bearing and chord distance of S 79 59 25 W 63.08 feet to a # 5 rebar set; thence running on a curve to the right having a radius of 2561.42, an arc length of 70.80 feet, a bearing and chord distance of S 81 11 19 W 70.80 feet to a # 5 rebar set; thence running N 03 44 42 W 200.3 feet to a # 5 rebar set; thence N 03 44 42 W 17.97 feet to an unmarked point; thence running east with Main Street N 86 33 58 E 15.25 feet to an unmarked point; thence N 86 42 58 E 100.00 feet to an unmarked point; thence N 82 16 58 E 100.00 feet to an unmarked point; thence N 72 24 58 E 49.87 feet to an unmarked point; thence leaving the line of Main Street and running S 11 09 30 E 20.57 feet to a # 5 rebar set the same being the point of **BEGINNING, containing 1.315 acres** according to a map and plat of a survey prepared by Ed Holmes & Associates Land Surveyors, P.A. Lic. # C-2806. A portion of Deed Book 528, Page 365.

Section 2. From and after the \_\_\_\_ day of \_\_\_\_\_, 2014, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Burnsville and shall be entitled to the same privileges and benefits as other parts of the Town of Burnsville. Said territory shall be subject to municipal taxes according to N.C. Gen. Stat. Sec. 160A-31 and 160A-58.10.

Section 3. The Mayor of the Town of Burnsville shall cause to be recorded in the office of the Register of Deeds of Yancey County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Yancey County Board of Elections, as required by N.C. Gen. Stat. Sec. 163-288.1.

Judy Buchanan made a motion to adopt the aforesaid ordinance. Ruth Banks seconded the motion, which was unanimously approved.

Judy Buchanan made a motion to refer the newly annexed property to the Planning Board for a recommendation on zoning and hear said recommendation at the next Town Council meeting. Ruth Banks seconded the motion, which was unanimously approved.

- Petition for Voluntary Annexation (High Five Hospitality – 1.576 acres) – George Nero reported that the subject petition covers a parcel of property that is now contiguous with the town limits. Bill Wheeler directed the clerk to investigate the sufficiency of the petition. Ron Powell seconded the motion, which was unanimously approved.
- TRAC – Gateway Presentation – Denise Cook and Denise Dickens presented an update on the “gateways-to-town” project that has been undertaken by the smART Initiative Team, which is comprised of a diverse group of community stakeholders. The team recently reviewed submissions and interviewed artists that had responded to an RFP for involvement in the design of the town’s

gateways, and subsequently selected a candidate, Jack Mackie, for consideration by the Town Council. Bill Wheeler made a motion to support the smART Initiative Team's recommendation to engage artist Jack Mackie for the aforesaid project. Ron Powell seconded the motion, which was unanimously approved.

- Consideration of Resolution in Support of TRAC's Application for EDA Grant – Available for consideration was a *Resolution in Support of an EDA Grant as Submitted by the Toe River Arts Council*. Ron Powell made a motion to adopt the aforesaid Resolution as a formal pledge of support for TRAC's EDA grant proposal for funding to engage a coordinator of a comprehensive branding project. Ruth Banks seconded the motion, which was unanimously approved.
  
- Business Concerns Follow-Up – George Nero and Brian Buchanan provided an update on the status of the concerns brought to Council last month by a business owner:
  - Loading zone – The loading zone on West Main Street was eliminated by the D.O.T.
  - Lack of parking signage – Signage for parking is currently being studied, but will require D.O.T. permission prior to installation.
  - Street cleaning – Done annually to remove salt after the end of season, as well as directly after the Crafts Fair in August.
  - Sidewalk cleaning – Considered to be the responsibility of the business owner and/or renter of the building.
  - Dumpster diving – Actually the issue is individual(s) picking through trash receptacles.
  - Speed/noise ordinance – Have focused traffic enforcement on Main Street and it is successful. Have noticed decrease in speeding.
  - French Broad trucks – French Broad maintains it is difficult to turn left on Cherry Lane. South Main is the easiest access point for long trucks, and a red light is necessary, which will probably not be installed at Cherry Lane.

George Nero agreed to contact V. J. Famularo with the above update.

- Planning Board Report
  - Minutes from the Planning Board meeting held on May 20, 2014 were available for review.
  - Consideration of Amendments to the Zoning Ordinance, Sign Ordinance, and Design Standards – Judy Buchanan made a motion to schedule Public Hearings on proposed changes to the Zoning Ordinance, the Sign Ordinance, and Design Standards for June 26, 2014. Ruth Banks seconded the motion, which was unanimously approved.

Planning Board Chairman Dean Gates provided Council with notebooks containing current ordinances, which will be updated again after the June 26<sup>th</sup> hearings.

- Town Administrator Report
  - Council was reminded that each year the Town has been asked to renew its agreement to participate in the Department of Commerce's *Small Town Main Street Program*. New this year is the requirement for a \$250 membership fee. Ruth Banks made a motion to approve *Resolution to Adopt an Agreement to Continue Participation in the North Carolina Small Town Main Street Program 2014-2015*. Judy Buchanan seconded the motion, which was unanimously approved.
  - George Nero and Wanda Proffitt recently attended a Rural Roundtable in Marion along with representatives from every county in the region.

- George Nero, Wanda Proffitt, Anthony Hensley, Nathan Bennett, and Jamie McMahan recently went to Raleigh to meet with Dr. Pat Mitchell and Mitch Gillespie to explore funding opportunities for infrastructure.
  - Personnel Policy Update – It was noted that a meeting was held on May 20<sup>th</sup>. Ron Powell asked about the mechanism for future updates to Council. The Mayor explained that the directive was charged to the Committee, with legal review as necessary. The item will be on the agenda for regular updates.
  - Department Updates:
    - Administration: No report was available.
    - Fire Department:
      - ✓ Council discussed the need to meet with the Fire Department to discuss departmental needs. It was agreed that a reasonable time would be on the Fire Department's regular meeting night in order ensure good attendance.
      - ✓ Leslie Crowder asked for consideration of the following budget amendment:
 

Increase 10-344-0000 to recognize state grant revenues - \$10,857  
Increase 10-530-6000 to recognize expenditures made possible by state grant - \$10,857
- Ruth Banks made a motion to approve the aforesaid budget amendment. Ron Powell seconded the motion, which was unanimously approved.
- ✓ Country Cablevision contract – the Fire Department will be using Country Cablevision for their bundled phone/internet service and will need authorization to direct them to represent the Fire Department as related to 911 issues. Council was asked to consider delegating signature authority to someone other than the Mayor in her absence. Ron Powell made a motion to authorize the town clerk and/or the town administrator to sign documents in the absence of the Mayor that have already been approved. Motion carried.
  - Police Department:
    - ✓ No report available, although the Mayor commented that the merchants are particularly appreciative of the officer who is doing foot patrol.
  - Public Works Department – Anthony Hensley, Public Works Director, reported:
    - ✓ We received a letter from the ARC inviting a full application for funding on the Micaville water line. Judy Buchanan made a motion to authorize the Mayor or other designee to sign the application or any other application that relates to the Micaville water line. Ruth Banks seconded the motion, which was unanimously approved.
    - ✓ Academy Street – the street is now one-way. Crosswalks will be installed by the D.O.T.
    - ✓ Radar signs – currently working with the D.O.T. on radar speed signage. The signs have been approved and work is underway to secure encroachment.
  - Town Center:
    - ✓ George Nero provided an update on upcoming events.
- Council Members' Reports
  - Judy Buchanan reported that she and Brian Buchanan recently attended a luncheon with the Sheriff and the new Episcopal priest that represents the Hispanic community. It was noted

that the Hispanic community is interested in volunteering in the community on beautification efforts, etc.

- Ron Powell reported on the recent public art celebration, which was quite successful.
- Theresa Coletta distributed copies of printed material she and Bill Wheeler received on their recent trip to Raleigh to receive the 2014 Great Place award and to attend the NCLM Town Hall Day event.

▪ Updates from Advisory Boards and Non-Profits

- High Country Council of Governments - minutes and financials available.
- Toe River Arts Council – minutes and financials available.
- Yancey County EDC – Minutes available. Wanda Proffitt said she has been busy working with local industry on training classes. Mayland Manufacturing is beginning tours of industries (industry to industry) for the purpose of sharing information. Other activities in which she has been involved include the search for funding for the infrastructure projects. The Altec expansion is in progress; they are expanding their office space.

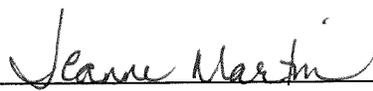
Broadband Update – Ms. Proffitt updated Council on broadband status, commenting that work will begin soon in Mitchell County.

- Anthony Hensley provided a recap of action taken during the meeting.
- Closed Session – Council entered closed session pursuant to NCGS 143-318.11(a)(3) to consult with the town attorney.

After Council reconvened in open session, Judy Buchanan made a motion to authorize payment to Wells Fargo for legal review pending signatures of the property owner and lessee for the CVS sewer line. Ruth Banks seconded the motion, which was unanimously approved.

- Upcoming Town Council Meeting – A special Town Council meeting will be held on Thursday, June 26, 2014 at 6:00 p.m. to conduct regular business for the month of July, 2014.

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

  
\_\_\_\_\_  
Theresa Coletta, Mayo