

BURNSVILLE TOWN COUNCIL
Special Meeting (To Conduct Regular Business for the Month of October, 2014)
Thursday, October 9, 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, October 9, 2014, at the Burnsville Town Center. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Anthony Hensley, Niles Howell, Jeanne Martin, and George Nero; and visitors Lucy Doll, Dean Gates, Jody Higgins, Rhonda Higgins, Ginger Johnson, Eric Kline, Rachel Lewis, 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 October, 2014.

- Public Comment
 - a. Denise Cook – asked Council to meet with public artist Jack Mackie and Denise Dickens the week of November 10th to discuss an ordinance reserving a percentage of the cost of capital projects for public art projects, and to review a draft of the *Burnsville Public Art Master Plan*. Council members agreed to meet with these individuals at the Burnsville Town Center on November 12, 2014, at 3:45 p.m.
 - b. Rachel Lewis asked Council to allow chickens in town limits and commented that the existing ordinance is archaic in her opinion.
 - c. Lucy Doll supported Rachel Lewis' request.
 - d. Eric Kline supported Rachel Lewis' request, commenting that it is a tradition in the mountains to raise a family's food. He said that in his opinion the ordinance is unclear, and suggested corrections for clarification. Town Administrator George Nero will study the issue.
- Adoption of Agenda and Consent Agenda – Ron Powell made a motion to adopt the agenda as presented. Judy Buchanan seconded the motion, which was unanimously approved.
- Consideration of Minutes
 - a. Regular meeting held September 4, 2014 – Ron Powell made a motion to approve the minutes from September 4, 2014 as written. Bill Wheeler seconded the motion. Voting was as follows:

Ayes

Ruth Banks (did not attend the meeting, but her vote was recorded as an "aye")
Judy Buchanan
Theresa Coletta
Ron Powell
Bill Wheeler

- North Carolina Wildlife Resource Commission's Public Mountain Trout Waters Program

Council was reminded that last month Chris Wood, District 8 Fisheries Biologist, and Doug Bessler, Regional Supervisor, with the NC Wildlife Resources Commission, Division of Inland Fisheries addressed Council about the Public Mountain Trout Waters Program, and had asked for Council's blessing on the program, particularly for its establishment at Cane River Park. They mentioned that the idea was not favored by former Mayor Danny McIntosh as he had concerns about the 2008

sewer spill and its impact on the river. Since the September meeting, Public Works Director Anthony Hensley consulted with McGill Associates to share his concerns over potential odor and visual issues, as the town has a sewer system presence upriver. Mr. Hensley shared the viewpoints expressed by Forest Westall, of McGill Associates (formerly with NC DENR), acknowledging the potential odor and visual issues downstream that could be present whether the town supports the program or not, and suggested that the upside would be the attraction of more folks to the river.

Ron Powell made a motion to authorize Mr. Hensley to write a letter supporting the program. Bill Wheeler seconded the motion, which was unanimously approved.

▪ Planning Board Report

- a. Minutes from the Planning Board meeting held on September 13th and September 16th, 2014 were available for review.
- b. Recommendation for zoning of newly annexed parcel, Tract 2B (1.576 acres) – Mr. Gates reported that the Planning Board’s recommendation is to zone this property C-2, the same as the property planned for the Fast Stop parcel, which is contiguous.
- c. Recommendations on zoning map amendments to include a C-3 district and zoning ordinance amendments – Mr. Gates provided handouts that clearly illustrate the Planning Board’s recommendations. These handouts are attached to these minutes and by reference made a part hereof.
- d. Recommendation from Design Review Board on Dollar General Project – Mr. Gates told Council that the building is zoning compliant, and this is a conditional use.
- e. It is planned to hold an Open House on town rezoning at 5:00 p.m. Tuesday, October 21, 2014, at the Town Hall (regular Planning Board meeting will follow) – maps will be posted; planning board members will be in attendance.
- f. Planning Board Chairman Dean Gates recommended that the town advertise for two additional members to serve as alternates on the Planning Board to attend meetings and vote as necessary. This action would require an amendment to the ordinance.

▪ Action on Planning Board Recommendations

- a. Establish date for hearing on zoning of newly annexed parcel, Tract 2B (1.576 acres) ~ Council agreed that a public hearing on the zoning of the aforesaid property and subsequent map amendments would be scheduled for November 6, 2014 at 5:45 p.m. at the Burnsville Town Center.
- b. Establish date for conditional use hearing on the Dollar General project ~ Council agreed to schedule a Conditional Use hearing for October 24, 2014 at 6:00 p.m. at the Yancey County Technology Center.
- c. Establish date for hearing on zoning ordinance amendments ~ Council agreed to schedule a hearing for November 6, 2014 at 5:50 p.m. at the Burnsville Town Center.
- d. Establish date for hearing on zoning map amendments to include C-3 ~ Council agreed to schedule a hearing for November 6, 2014 at 5:55 p.m. at the Burnsville Town Center.

▪ Town Administrator Report

- a. George Nero reminded Council of the reception planned for Secretary of Commerce Sharon Decker at the Burnsville Town Center on October 17th at 8:30 a.m.
- b. Mr. Nero presented a proposed letter of support for the Toe River Arts Area. Ron Powell made a motion to authorize the Mayor to sign the aforesaid letter. Bill Wheeler seconded the motion, which was unanimously approved.
- c. At a previous meeting it was promised that we would address a request for the town to purchase a tent for use during events on the square. Mr. Nero told Council he has learned of a local vendor that rents event tents and suggested that rather than compete with that vendor, a referral to the vendor may accommodate the need. By consensus, Council agreed that event organizers should be referred to the local vendor.
- d. Establish date for quarterly review – Mr. Nero told Council that a date for quarterly review with department heads needs to be scheduled. Council agreed that the quarterly review should be scheduled for Tuesday, October 28th, at 3 p.m. at the Technology Center.
- e. Mr. Nero asked that Council enter closed session at the end of the meeting to consider a personnel concern.

▪ Department Updates:

a. Administration:

◦ Personnel Policy update:

- ✓ The substance abuse policy has undergone final review and may be presented for adoption on 11/6
- ✓ The vehicle and equipment policy is complete and has undergone final review
- ✓ A final review of work to date is in progress
- ✓ The next Personnel Policy Committee meeting will be October 22, 2014 at 10:00 a.m. at Ruth Banks' house

◦ Unpaid Balance Report pursuant to G.S. 105-369(a) dated October 7, 2014 was available for review. Council was told that a variety of collection efforts are underway.

◦ Release of personal property tax ~ After a review of information available on Property I. D. 20140200 (Dotty Morgan), Bill Wheeler made a motion to release the aforesaid tax. Ruth Banks seconded the motion, which was unanimously approved.

◦ Council reviewed the Budget vs. Actual dated 09/30/14. Leslie Crowder presented Budget Amendment #1 that was made necessary by the decision to purchase new software. Ruth Banks made a motion to approve Budget Amendment #1 for FY 2014-2015. Ron Powell seconded the motion, which was unanimously approved.

◦ Available for review was a revised comparison sheet between iPads and Chromebooks prepared by Janice McKinney. Ron Powell made a motion to purchase six Toshiba Chromebook 2s. Judy Buchanan seconded the motion, which was unanimously approved.

b. Fire Department – Fire Chief Niles Howell reported:

◦ Status of building and property – nothing new to report; department is currently considering various options, trying to explore remaining in its existing relationship with the town.

◦ Council considered a proposed *Verification from Municipality*, which Chief Howell explained will need to be available for the State Fire Marshall's inspection. Judy Buchanan made a motion to authorize the Mayor to sign the *Verification from Municipality*. Ron Powell seconded the motion, which was unanimously approved.

- The department will be spending quite a bit of time in the near future preparing for the inspection.
- The Rod Run was cancelled due to conflicts. The event may be rescheduled in the spring.
- As to new construction in town and rezoning issues, Chief Howell asked if the Fire Department could get some sort of construction documents for preplanning commercial purposes when new buildings are permitted. He asked that a mechanism be developed to trigger Fire Department notification.
- Chief Howell asked for maps that would change fire district lines. Public Works Director Anthony Hensley agreed to share the Powell map; Planning Board Chair Dean Gates agreed to provide GIS maps.
- c. Police Department – Chief Brian Buchanan reported:
 - The department has completed all mandatory trainings and qualifications for the year.
 - The next event is Halloween on the Square; some officers have volunteered to be present at the event.
- d. Public Works Department – Anthony Hensley, Public Works Director, reported:
 - The East Yancey sewer project is still on hold, but the treatment plant is basically complete. The pump station is almost complete; the remainder of the pipe work will be let out for bid soon.
 - The Micaville water line remains in the same status as it was last month.
 - We have gotten approval from the DOT for speed signs and they have been installed and are working.
 - Regarding our capital projects, filming and cleaning storage tanks has been completed. Divers actually filmed, and did not negatively report. Crews have begun the installation of the radio read meters.
 - Petition for Voluntary Annexation (Pizza Hut) – Pursuant to the town’s ordinance regarding water/sewer taps, we have a petition for annexation from the Pizza Hut. Ruth Banks made a motion to direct the clerk to investigate the sufficiency of the petition. Ron Powell seconded the motion, which was unanimously approved. Dean Gates asked that the petitioners be held to our design guidelines from this point forward. Mr. Hensley agreed to speak with them.
 - Resolution for *2013 Local Water Supply Plan*, a document that is customarily requested by DENR, was available for consideration. Judy Buchanan made a motion to adopt the aforesaid plan. Ruth Banks seconded the motion, which was unanimously approved.
- e. Town Center – An update on upcoming events was provided. Manager Chad Fox reported that bookings are strong through Christmas.

▪ Council Members’ Reports

- a. The mayor reported that she and Dean Gates attended the ACA-P meeting in Durham where the town was recognized for the *Peoples’ Choice* award. Mayor Coletta said she networked with the representative receiving the award for Morganton, who has been successful with public/private partnerships and hopes to connect with her for further conversations.
- b. Mayor Coletta also reported that she, Anthony Hensley, Wanda Proffitt, and Jamie McMahan attended the SOG Economic Development Toolbox in the past month.
- c. Councilor Bill Wheeler asked for approval of two complimentary days at the Burnsville Town Center for the Burnsville Little Theater. Profits will be given to the Town Center for special

- projects. Ron Powell made a motion to approve the aforesaid request. Ruth Banks seconded the motion, which was unanimously approved.
- d. Bill Wheeler reported that \$3.8 million has passed through the ABC store, which is celebrating its 4th anniversary. Five employees currently work at the store. He said that once the operation's debt is paid, the town will receive a larger distribution.
- e. Councilor Ron Powell provided an update on public artist Jack Mackie's progress on the Burnsville project.

- Updates from Advisory Boards and Non-Profits

- a. Yancey County EDC – Minutes available.
- Anthony Hensley provided a recap of action taken during the meeting.
- Closed Session – Judy Buchanan made a motion to enter closed session pursuant to NCGS 143-318.11(a)(6) to consider a personnel matter. Ron Powell seconded the motion, which was unanimously approved.

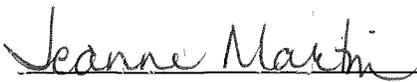
After returning to open session, the mayor said that George Nero plans to be leaving in June of 2015, and there is a need for someone to fill the administrative position in a part time capacity. Mr. Nero has recommended that Council appoint Anthony Hensley to assume those duties.

Ron Powell made a motion to accept George Nero's recommendation for Anthony Hensley to serve as Administrator, with George Nero remaining as consultant to Council, beginning November 1, 2014. Salaries will remain the same throughout this fiscal year.

Bill Wheeler seconded Mr. Powell's motion. Voting was as follows:

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

- Next Regular Town Council Meeting – The next regular town council meeting will be held on December 4, 2014 at 6:00 p.m., at the Burnsville Town Center. There being no further business, Ron Powell made a motion to adjourn. Judy Buchanan seconded the motion, which was unanimously approved.



 Jeanne Martin, Town Clerk



 Theresa Coletta, Mayo