

**BURNSVILLE TOWN COUNCIL**  
**Special Meeting (To Conduct Regular Business for the Month of November, 2014)**  
**Thursday, November 6, 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, November 6, 2014, at the Burnsville Town Center. Also in attendance were town staff members Brian Buchanan, Chad Fox, Anthony Hensley, Niles Howell, Jeanne Martin, and George Nero; and visitors Lucy Doll, Dean Gates, Jody Higgins, 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 November, 2014.

- Public Comment
  - a. Lucy Doll promoted an after-Thanksgiving play scheduled at the Town Center, “The Christmas that Almost Wasn’t.” Proceeds will be donated to Hospice.
- Adoption of Agenda – Ron Powell made a motion to adopt the agenda as presented. Ruth Banks seconded the motion, which was unanimously approved.
- Consideration of Minutes
  - a. Regular meeting held October 9, 2014
  - b. Closed session held October 9, 2014

Ron Powell made a motion to approve minutes of the aforesaid meetings. Bill Wheeler seconded the motion, which was unanimously approved.

- Proclamation In Appreciation of Elaine Dellinger – The Mayor read *Proclamation In Appreciation of Elaine Dellinger* and presented the document to Mrs. Dellinger, who thanked Council and offered a few additional details about her career.
- Resolution to Establish Regular Town Meetings – Council considered temporarily changing the location of future council meetings from the Burnsville Town Hall to the Burnsville Town Center. Judy Buchanan made a motion to adopt a Resolution to implement the aforesaid change in location. Ron Powell seconded the motion, which was unanimously approved.
- Public Hearing to Consider Amendments to the Sign Ordinance Regarding Section 1.3, *Abandoned Signs*; Section 1.9, *Enforcement and Remedies*; Section 1.7.5C, *Size and Location Requirements/Freestanding Sign* – Mayor Coletta opened the hearing on the aforesaid matter. Zoning Administrator Anthony Hensley read the proposed ordinance and explained the purpose of the amendments. An opportunity was provided for public input, but no one spoke either for or against the proposed amendments. Mayor Coletta then closed the hearing.

Council discussed the proposed amendments and Planning Chairman Dean Gates read a letter of support from the Planning Board. Mr. Gates then read a statement of plan consistency, which was entered into the record, and recommended its adoption.

Ron Powell made a motion to adopt the Plan Consistency Statement. Ruth Banks seconded the motion, which was unanimously approved.

Judy Buchanan made a motion to approve the aforesaid amendments to the Sign Ordinance. Bill Wheeler seconded the motion, which was unanimously approved.

- Public Hearing to Consider Amendments to the Zoning Ordinance Regarding Article 9, Section 907, Building Facades and Openings - Mayor Coletta opened the hearing on the aforesaid matter. Zoning Administrator Anthony Hensley read the proposed ordinance and explained the purpose of the amendments. An opportunity was provided for public input, but no one spoke either for or against the proposed amendments. Mayor Coletta then closed the hearing.

Council discussed the proposed amendments and Planning Chairman Dean Gates read a letter of support from the Planning Board. A statement of plan consistency was presented, which was entered into the record. Dean Gates recommended its adoption on behalf of the Planning Board.

Ron Powell made a motion to adopt the Plan Consistency Statement. Ruth Banks seconded the motion, which was unanimously approved.

Ruth Banks made a motion to approve the aforesaid amendments to the Zoning Ordinance. Ron Powell seconded the motion, which was unanimously approved.

- Public Hearing to Consider Conditional Use Permit No. 090714 from Venture Properties VII, LLC – The Mayor opened the public hearing for Zoning compliance application #090714. She explained that this was a quasi-judicial hearing to consider a Conditional Use Permit. She gave a brief summary of the procedure for this hearing and then asked Zoning Administrator Anthony Hensley to announce the application.
  - a. **Announcement of Application by Zoning Administrator:** The applicant's name is Venture Properties IIV, LLC. Application number is 090714. Parcel ID is 082013242611000. The property is located at West US Hwy. 19E and Cooper Street. The use is commercial retail. Ron Powell pointed out a clerical error in the permit number on the agenda. Ron Powell made a motion to amend the agenda to reflect the correct permit number, which is 090714. Judy Buchanan seconded the motion and all agreed.
  - b. **Swearing in of witnesses that will give testimony:** The mayor asked everyone that would be giving testimony to step forward to be sworn in. Those who stepped forward included Planning Board Chairman Dean Gates, Town Zoning Administrator Anthony Hensley, Shea Davis with Venture Properties, and Derek Goddard with Blue Ridge Environmental Consultants. Witnesses placed their hand on the Bible as the Mayor read the oath and then asked witnesses to indicate they agreed by saying I do. All agreed.
  - c. **Zoning Administrator Report:** Anthony Hensley, Zoning Administrator, said he had reviewed the application and it is complete. Plans are compliant with zoning requirements. The application has been reviewed by the design review committee, and they have given their comments and approval. The project is consistent with the overall scheme anticipated by the town's zoning plan and ordinance. The zoning administrator tendered all maps, photos, drawings, surveys and documents that were submitted through the application process and made them part of the

application and file. Mr. Hensley recommended that the Town Council approve this Conditional Use Permit, #090714, for Venture Properties, LLC.

- d. Proper Notice: In response to questions by the Mayor, the Town Clerk said that proper notice had been sent in compliance with NCGS 160A-388(a)(2) and certification had been submitted as part of the record.
- e. Design Review Committee Report: Chairman Dean Gates welcomed the developers to Burnsville and complimented them for going above and beyond the minimum criteria as spelled out in the town's zoning ordinance. Mr. Gates presented the Design Review Committee's recommendation to approve the conditional use permit #090714 for Venture Properties, LLC.
- f. Testimony in Favor of the Project:
  - Stating his name, the name of his company, and its address, Shea Davis, with Venture Properties, LLC, Post Office Box 843, North Wilkesboro, NC, thanked staff for helping in this process, and asked for questions from Council. Councilor Ron Powell asked if the project was a Dollar General, which Mr. Davis confirmed to be true. Mr. Powell said he had been keeping up with this project and commented that he thought it was a beautiful building and was glad to hear that our process was not foreign. The Mayor displayed a rendering of the building for the audience to see, commenting that it was the nicest Dollar General she had ever seen. Mr. Davis said it was the nicest Dollar General they had ever built, and he felt like they had met the UDO.
  - Stating his name, the name of his company, and its address, Derek Goddard, with Blue Ridge Environmental Consultants, said his company was the engineering firm responsible for the project, which has been designed to UDO standards. He said he thinks the Town Council will be pleased with the project. Mr. Goddard asked for questions, but there were none.
- g. Testimony Against Project: None.
- h. Affirmation of Testimony: Zoning Administrator Anthony Hensley, Planning Chair Dean Gates, Shea Davis (Venture Properties, LLC) and Derek Goddard (Blue Ridge Environmental Consultants) each raised their right hands to affirm that the information provided in testimony this date was true and accurate to the best of their knowledge.
- i. Motion to adopt the findings of fact: Ron Powell made a motion to adopt the findings of fact as follows: Based upon the evidence presented to this board including the application, GIS map, design plans, pictures which have been submitted in advance of this hearing as part of their application process, and any other submitted exhibits along with oral testimony given at this hearing that all of the specific requirements set forth in the design standards and dimensional requirements of the ordinance for the proposed use will be satisfied if the property is developed in accordance with the plans submitted to the board; and also adopt as findings of fact the use will not materially endanger the public health or safety, will not substantially injure the value of adjoining or abutting property, and such loss, if any, would be outweighed by the benefit to the community from the proposed development, will be in harmony with the area in which it is to be located, and will be in general conformity with the Town of Burnsville Land Development Plan, or with any other plan officially adopted by the town; and concludes that the application does meet the criteria for a Conditional Use Permit. Judy Buchanan seconded the motion and all approved.
- j. Motion to grant or deny the Conditional Use Permit: Ron Powell made a motion to grant the Conditional Use Permit based upon the findings of fact. Ruth Banks seconded and all approved.

Mayor Coletta then closed the hearing.

- Public Hearing to Consider the Initial Zoning of a Recently Annexed Parcel of Property, a Portion of PIN #08101687933 (formerly the Avondale Parking Area ~ 1.576 Acres) and Map Amendments to the Town's Zoning Ordinance as Appropriate; and Subsequent Action - Mayor Coletta opened the hearing on the aforesaid matter. Zoning Administrator Anthony Hensley explained the need to zone this newly annexed parcel and amend the zoning map accordingly. An opportunity was provided for public input, but no one spoke either for or against the proposed amendments. Mayor Coletta then closed the hearing.

Anthony Hensley read a letter of unanimous support from the Planning Board. A statement of plan consistency was presented, which was entered into the record. Dean Gates recommended its adoption on behalf of the Planning Board.

Judy Buchanan made a motion to adopt the Plan Consistency Statement. Ruth Banks seconded the motion, which was unanimously approved.

Judy Buchanan made a motion to zone the subject property C-2. Ron Powell seconded the motion, which was unanimously approved.

- Planning Board Report
  - a. Minutes from the Planning Board meeting held on October 21, 2014 were available for review.
  - b. Planning Board Chairman commented that the Planning Board has been in existence three years and two months. He told Council he plans to hold an Open House on November 18, 2014, the night of the regular Planning Board meeting, for the purpose of acquainting the public with plans for town-wide rezoning. He plans to stress that the intent of the proposed rezoning is to avoid sprawl on 19E, maintain the town's current character, and provide a pedestrian-friendly community. He said that all changes are meant to enhance and protect property owners. He thanked the Town Council and staff for their assistance and support. The Mayor said Mr. Gates' direction has been an asset to the town, for which a debt of gratitude is due.
  - c. Consideration of Public Hearing for town-wide rezoning – Mr. Gates asked Council to schedule a hearing for town-wide rezoning. Ron Powell made a motion to hold a public hearing for town-wide rezoning during their regular Town Council meeting at 6:00 p.m. on December 4, 2014 at the Burnsville Town Center. Judy Buchanan seconded the motion, which was unanimously approved.
- Animal Control Ordinance
  - a. Information – Mayor Theresa Coletta reported on research she had done in the past month on the subject of chickens, and provided Council with material for review. From the City of Asheville she learned that ordinances must be in order, and the key to their program's success is prohibition of roosters. Asheville requires registration and a \$20 fee. The City of Durham has established a maximum of 10 hens, and stresses that they must be enclosed, have adequate drainage, and good ventilation. She told Council it would be advantageous for the town to entertain the idea of allowing chickens in town limits.
  - b. Discussion – Rachel Lewis distributed copies of the ordinance regulating chickens in the Town of Spruce Pine, noting that only hens are allowed.

- c. Clarification – George Nero pointed out that having chickens in town limits is illegal currently. A change to the ordinance may require a public hearing because it affects property rights. Planning Chairman Dean Gates commented that the Planning Board should be asked for a recommendation; however, the Board has not yet addressed the R-10 district as yet.

Ron Powell made a motion to refer the Animal Control ordinance to the Planning Board for a recommendation. Judy Buchanan seconded the motion, which was unanimously approved.

- Department Updates:

- a. Administration:

- Personnel Policy update:

- ✓ The substance abuse policy is complete; Council generally agreed that it should undergo legal review upon completion of the entire Personnel Policy.
- ✓ Final review of work completed to date is in progress.
- ✓ The next Personnel Policy committee meeting will be held on November 13<sup>th</sup> at 10 a.m. at Ruth Banks' house.

- Unpaid Balance Report pursuant to G.S. 105-369(a) dated November 5, 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 2014 bill number 20140183 (Sineath Construction), Judy Buchanan made a motion to release the aforesaid tax. Ron Powell seconded the motion, which was unanimously approved.
- Refund of taxes for PIN#081012967756000 (Chloe Ella Ray) ~ Ruth Banks made a motion to refund the tax paid on property described by the aforesaid PIN. Judy Buchanan seconded the motion, which was unanimously approved.
- Council reviewed the Budget vs. Actual dated 10/31/14.
- Consideration of health insurance options and authorization for execution of contract – Town Clerk Jeanne Martin explained the various options being considered for employee health insurance and attendant costs. George Nero recommended the Platinum ACA-compatible option with an opt-out of 45 days at any time. Ron Powell made a motion to choose the Platinum ACA-compatible option with a 45 day opt-out at any time, and authorize either the Town Clerk or Finance Officer to execute appropriate documents. Judy Buchanan seconded the motion, which was unanimously approved.
- Establish dates for:
  - ✓ Chromebook orientation/Quarterly Department Head meeting – Judy Buchanan made a motion to schedule a special meeting for December 11 at 10 a.m. for the purpose of chromebook orientation with a recess at 11:30 a.m. for the town employees' Christmas luncheon, followed by a quarterly department head meeting at 1:00 pm. Ruth Banks seconded the motion, which was unanimously approved.

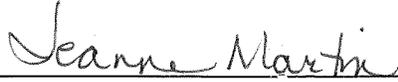
- b. Fire Department – Fire Chief Niles Howell reported:

- Status of building and property – Chief Howell asked Council to consider going into closed session at the end of the meeting pursuant to NCGS 143-318.11(a)(5) – *establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.*
- Monthly Call Summary for October of 2014 was available for review.
- A check for a State grant (50-50 match) was received in the amount of \$10,586.

- Approval for the NC Forest Service grant (\$1,200 local responsibility) was received.
  - c. Police Department – Chief Brian Buchanan reported:
    - Halloween on the Square was a success with a large turnout. There were many compliments and no destruction.
    - The next event is the Christmas parade the first Saturday in December.
  - d. Public Works Department – Anthony Hensley, Town Administrator/Public Works Director, reported:
    - Work is ongoing for budgeted capital improvement projects.
    - Micaville Water Line - ARC grant work is ongoing and it has been discovered that USDA handles the funds. We have met with USDA, and will have to complete an in depth application. Will meet with them and High Country COG next week. McGill will assist with technical and environmental assessments. GoldenLeaf has been asked for a one-year extension. Ron Powell made a motion to direct Anthony Hensley to pursue the ARC grant and to authorize him to execute appropriate documents Ruth Banks seconded the motion, which was unanimously approved.
    - Much work is being done in planning and zoning.
  - e. Town Center – An update on upcoming events was provided by Manager Chad Fox.
- Council Members' Reports
  - a. The mayor reported on Secretary of Commerce Sharon Decker's recent visit to Yancey County.
- Updates from Advisory Boards and Non-Profits
  - a. Yancey County EDC – Minutes were available for Council review.
    - Director Wanda Proffitt complimented Council and the Planning Board for work on the zoning map
    - GoldenLeaf's Pat Cabe is planning a visit to visualize the termination point of the Micaville water line and look at the sewer plant as well as other projects in the area, such as TRACTOR.
    - Ms. Proffitt reported on a recent workshop she attended at the Rural Center and advised that the agency will remain as the advocacy group for rural counties.
  - b. High Country Council of Governments (minutes available for Council review)
  - c. Toe River Arts Council (minutes available for Council review)
- 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)(5) to consider a matter concerning the acquisition of property. Ron Powell seconded the motion, which was unanimously approved.

Judy Buchanan made a motion to authorize Niles Howell to act as an agent of the town to negotiate a price for a piece of property for a future fire station; review the feasibility of the existing location and two alternate sites; and, with Town staff, contact the Local Government Commission for advice on borrowing \$1.5 million. Ron Powell seconded the motion, which was unanimously approved.

- 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, Judy Buchanan made a motion to adjourn. Ron Powell seconded the motion, which was unanimously approved.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor