

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, March 5, 2015

On March 5, 2015, the Town Council, with members Mayor Theresa Coletta, Judy Buchanan, Ron Powell and Bill Wheeler present, held a special meeting at the Burnsville Town Center. Councilor Ruth Banks was absent due to illness. Also in attendance were staff members Brian Buchanan, Leslie Crowder, Chad Fox, Anthony Hensley, Niles Howell, and Jeanne Martin; and visitors Elaine Boone, Lucy Doll, Dean Gates, David Grindstaff, Rachel Lewis, Jamie McMahan, Wanda Proffitt, Kelly Roth, Kim Simpson, and others. The Mayor, who presided, stated that the purpose of the meeting was to conduct regular business for the month of March.

- Public Comment
 - a. Kelly Roth gave more detail about a proposed event, *Yancey County Health Fair*, that is planned for August 22nd on the Town Square. She hopes to include a component about healthy eating, with tours of the farmers' market and cooking classes at the NuWray.
 - b. Lucy Doll spoke about the need for town and county government to protect trees on public property.
- Adoption of Agenda – Ron Powell made a motion to adopt the agenda as presented. Judy Buchanan seconded the motion, which was unanimously approved.
- Consideration of Minutes – The minutes of a regular meeting held on February 5, 2015 were available for review:

Judy Buchanan made a motion to approve the minutes from the aforesaid meetings. Bill Wheeler seconded the motion, which was unanimously approved.

- Public Hearing on Amendment to the Ordinance Establishing a Planning Board for the Town of Burnsville adopted September 1, 2011 – Bill Wheeler made a motion to open a public hearing on an amendment to the *Ordinance Establishing a Planning Board for the Town of Burnsville*. Judy Buchanan seconded the motion, which was unanimously approved. Anthony Hensley explained details of the amendment, which provides for two alternates on the five member Planning Board. After a short period, during which no one commented either for or against the amendment, Judy Buchanan made a motion to close the hearing. Bill Wheeler seconded the motion, which was unanimously approved.
- Action on an Amendment to the Ordinance Establishing a Planning Board for the Town of Burnsville - There was no discussion among council members regarding the aforesaid amendment. Bill Wheeler made a motion to adopt the amendment to the aforesaid ordinance as presented. Judy Buchanan seconded the motion, which was unanimously approved. Planning Chair Dean Gates commented that an applicant for alternate, Kimberly Simpson, was in the audience, and recommended she be considered for appointment. Ron Powell made a motion to appoint Kimberly Simpson as an alternate member of the Planning Board. Bill Wheeler seconded the motion, which was unanimously approved.

- Yancey County Marketing - Jamie McMahan – Yancey County Planner Jamie McMahan provided background on county/town/EDC marketing activities. A committee has been formed and it was decided there would be two areas of focus, broadband opportunities and travel/tourism in Yancey County. Craig Distal, who has worked with the Chamber of Commerce in the past, has been engaged to provide services. The group has gotten approval to use the Burnsville Development Group’s website name, *Exploreburnsville.com*. Chance Simpson and David Biddix, will revamp the website for \$8,200, which will provide website enhancements and a year of hosting. Work is to be completed in April. Funding will be provided through the EDC and the Chamber of Commerce. The county will be asked to defray any expense over the funds already collected.

Mr. Distal has recommended advertising in a variety of media. Mr. McMahan said he hopes to approach the town in the future for funding. Ron Powell explained that the Burnsville Development Group not only established the You Tube channel, but it contributed significantly to the existing website. Mr. McMahan agreed the town has done a good bit to spearhead the project, and its infrastructure and planning investments have been tremendous, but it is time now to articulate and market what we have.

- Yancey History Association - Elaine Boone shared information about the structures/facilities operated by Yancey History Association. She said additional money will be needed for work that is being undertaken, and asked the town to give consideration to these needs. The mayor said Mrs. Boone has been resourceful in maximizing volunteers. She said that because of the town’s new software it may be a while before a funding request can be analyzed and considered.

- Planning Board Report

- a. Minutes from Planning Board meeting held February 24, 2015 were available for review.
- b. Planning Board Chair Dean Gates provided an update on the Animal Control Ordinance, mentioning that a proposed amendment to the Zoning Ordinance, No. 2015.03.05.1 to include provisions allowing backyard chickens and establishing regulations regarding the keeping of domestic chickens within the city limits was available for review.

Ron Powell and Dean Gates engaged in a discussion about whether it was appropriate or not to place chicken regulations in Zoning. It was mentioned that the amendment available at this meeting was designed to be placed in Zoning and would have to be rewritten if it was determined it should be placed elsewhere. Mr. Powell pointed out that variances could possibly be permissible if chicken regulations were embodied in Zoning, and he didn’t find it appropriate to allow those regulations to be subject to the quasi-judicial procedures that are afforded other uses.

Addressing the amendment before Council at this time, Judy Buchanan made a motion to call for a public hearing during the town’s next regular meeting on April 2, 2015. Bill Wheeler seconded the motion.

Voting was as follows:

Ayes

Judy Buchanan
Theresa Coletta
Bill Wheeler

Noes

Ron Powell

- c. Mr. Gates commented on the tree issue raised by Lucy Doll during the public comment period, remarking that he couldn't agree more. He asked Council if Planning should study the issue. Bill Wheeler made a motion to refer the tree issue to the Planning Board for a recommendation. Ron Powell seconded the motion, which was unanimously approved.
- d. Mr. Gates encouraged those present to attend the Small Town Main Street annual event in Morganton with him and Woody Ryan.
- Certificate of Sufficiency regarding Petition for Voluntary Annexation (Pizza Hut of Burnsville, Inc.) – Town Clerk Jeanne Martin certified the sufficiency of the Pizza Hut's Petition for Voluntary Annexation. Ron Powell made a motion to forward this issue to the Planning Board for a recommendation. Bill Wheeler seconded the motion, which was unanimously approved.
- Town Administrator/Public Works Report – Town Administrator/Public Works Director Anthony Hensley reported:
 - a. Available for review was an amendment to *Town of Burnsville Personnel Policy* related to health coverage. As we continue to search for options to reduce long term costs, this amendment eliminates lifetime healthcare benefits for new hires, but does not affect current employees. Ron Powell made a motion to adopt the aforesaid amendment. Judy Buchanan seconded the motion, which was unanimously approved.
 - b. Update on State Healthcare - We have been asked by the state to furnish information, which is currently being compiled.
 - c. Motor vehicle tax distribution – Attorney Heather Hockaday has advised that laws relating to timely distribution of vehicle tax apply to the state and its distribution to local government. The county is working out a better schedule to help us anticipate revenues from them on a more consistent and timely basis.
 - d. Dollar General Store – Council was reminded of the conditional use permitting process that Dollar General went through several months ago. A problem has developed with D.O.T. regarding the access from 19E that would coordinate with the site plan that was approved by the town, resulting in the need to redesign the property layout and go through the conditional use process again. Judy Buchanan made a motion to hold a public hearing and special meeting on Monday, March 23, 2015, at 6:00 p.m. at the Burnsville Town Center. Ron Powell seconded the motion, which was unanimously approved.
 - e. A conflict exists at the town center on May 7, 2015, when Council holds its regular May meeting, arising from a reservation made for the entire facility on that day/evening by another group. Judy Buchanan made a motion to hold a special meeting on May 7, 2015 at the Technology Center at 6:00 p.m. to conduct regular business for the month of May. Ron Powell seconded the motion, which was unanimously approved.

- f. Micaville waterline project – We are continuing to iron out the process for ARC funding with the USDA, the administrator of ARC projects.
- g. Capital improvement projects – With regard to water projects, radio-read meters are currently being installed. With regard to sewer projects, filming and cleaning lines on the east side will be undertaken this year; results will be taken to McGill.
- h. An information packet provided by the organizers of the Health Fair in August was distributed.
- i. The Mayor read a Proclamation of Appreciation for George Nero. Ron Powell made a motion to adopt the aforesaid Proclamation. Bill Wheeler seconded the motion, which was unanimously approved.

▪ Department Updates:

a. Administration:

- Personnel Policy update (Jeanne Martin/Judy Buchanan)
 - ✓ New work undertaken: benefits
 - ✓ Final review of work completed to date is underway
- Unpaid Balance Report pursuant to G.S. 105-369(a) dated March 2, 2015 was available for review. Council was told that a variety of collection efforts are underway. An *Order to Advertise Taxes* will be brought to the next meeting for Council consideration.
- Release of personal property tax ~ After a review of information available on Motors, Inc., Judy Buchanan made a motion to release the aforesaid tax. Bill Wheeler seconded the motion, which was unanimously approved.
- Refund of tax – Councilors reviewed a printout of payments received on the following tax accounts and were asked consider refunding as requested on accompanying documentation, a copy of which is attached to these minutes and by reference made a part hereof:
 - ✓ Financial Pacific Leasing
 - ✓ Mark K. Grindstaff
 - ✓ National Equipment Management (Fred's)
 - ✓ Allen Robinson
 - ✓ Nancy Westall

Judy Buchanan made a motion to refund the aforesaid tax accounts in the amounts indicated on the attached documentation. Bill Wheeler seconded the motion, which was unanimously approved.

- Finance Issues (Leslie Crowder)
 - ✓ Available for review was a Promissory Note for the Inflow and Infiltration Project in the amount of \$745,937. Ron Powell made a motion to authorize the Mayor to sign the aforesaid Promissory Note. Judy Buchanan seconded the motion, which was unanimously approved.
 - ✓ Council considered a budget amendment to recognize the expenditure for ½ year additional software maintenance. In addition, the amendment covered \$295,000 for the purchase of property for the Fire Department. Judy Buchanan made a motion to approve the budget amendment. The motion was seconded by Bill Wheeler and unanimously approved.
 - ✓ Council considered possible dates to begin work on the 2015-2016 budget. Judy Buchanan made a motion to schedule a budget worksession at the Burnsville

Town Center on April 23, 2015 at 10:00 a.m. Ron Powell seconded the motion, which was unanimously approved.

✓ Council reviewed the Budget vs. Actual dated March 2, 2015.

- b. Fire Department – Chief Niles Howell provided the Burnsville Volunteers Fire Department's Monthly update dated March 5, 2015, which is attached to these minutes and by reference made a part hereof.

With regard to the status of the property currently under contract for a future Fire Department facility, Anthony Hensley reported that we are awaiting the environmental assessment, but it is not expected to be a problem. Afterwards, a closing date will be scheduled. Mr. Hensley advised that if the assessment isn't complete by the end of next week, another \$5,000 will be due the escrow account pursuant to the due diligence clause in the contract.

Judy Buchanan expressed her appreciation for the Fire Department and the work they do for the community.

- c. Police Department – Chief Brian Buchanan reported that it had been an unusual February with the bad weather conditions. He told Council that body armor is being replaced with funding assistance from the NC League of Municipalities.
- d. Town Center – An update on upcoming events was provided by Manager Chad Fox. Somewhat restricted events include home school classes every Wednesday for nine weeks, a memorial event for Raven Tata, and a prom fashion show. Public events include the Joel Asher, Jr. concert on March 14th sponsored by Ingle's. All proceeds from the concert will benefit the Reconciliation House.

▪ Council Members' Reports

- a. The mayor gave an update on the upcoming *Planning for our Prosperity* program that is being cosponsored by the town and the Chamber of Commerce.
- b. Mayor Coletta announced a *Teen Life* program that will be held at the Town Center. This will be a complimentary dinner planned to share information about the program at Mountain Heritage High School.
- c. Councilors were updated on House Bill 152 that concerns historic tax exemptions.
- d. The mayor discussed the 100th birthday of Mt. Mitchell in 2016, which is also the birthday of state parks being in existence. Representatives from the Yancey History Association, the EDC, The Chamber of Commerce, Yancey County and the Town of Burnsville have formed a core group focused on planning activities to celebrate the event. A brainstorming session is planned for March 31st at 6:15 p.m. at the Town Hall.
- e. Councilor Ron Powell updated Council on the status of the Public Art Design Board.

The Board met a few days ago for a telephone conference with Denise Dickens, Jack Mackie, and Chris Beacham for discussion about the sidewalk project and obtained more information about the town's role and how we move forward with that project.

Mr. Powell said that at the last meeting the group discussed the direction in which they were going with the public art plan. The task of developing a process to inform developers about public art has been delegated to the Planning Board.

The PADB will meet again once the Planning Board has met to hear updates on the public art plan. Mr. Powell said that the public art plan is a project connected to the SmART Initiative. He reminded Council that public artist Jack Mackie was retained in part to develop the plan and design the gateways, which Mr. Mackie has worked on, but his work is now to the point that if Council would adopt the plan, Chris Beacham and Mr. Mackie could begin work to leverage funding for gateways and provide opportunities for other things. It is possible that the completed plan will be ready for Council at the April meeting.

Mr. Powell said that the town's commitment to art is not moving in the direction of an ordinance, but rather towards a resolution or policy statement or something of that nature.

- f. Councilor Powell reported on a meeting he recently attended at the Tech Center on the subject of marketing Burnsville's technology.

- Updates from Advisory Boards and Non-Profits

- a. Yancey County EDC – minutes were available. Wanda Proffitt gave a broadband update and reported she will be going to Raleigh to discuss the status of broadband in Burnsville.

In an update on marketing activities, Mrs. Proffitt reported that TRAC and the joint regional group have been in discussion about marketing and wayfinding signs.

- b. High Country Council of Governments – minutes were available.
- c. Toe River Arts Council – minutes were available.

- Anthony Hensley provided a recap of action taken during the meeting.
- Next Regular Town Council Meeting – The next town council meeting will be held on April 2, 2015 at 6:00 p.m., at the Burnsville Town Center to consider regular business for the month of April. There being no further business, Ron Powell made a motion to adjourn. Bill Wheeler seconded the motion, which was unanimously approved.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor