

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, April 2, 2015

On April 2, 2015, the Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, Ron Powell and Bill Wheeler present, held a regular meeting at the Burnsville Town Center. Also in attendance were staff members Brian Buchanan, Leslie Crowder, Chad Fox, Jeanne Martin and Ronnie Tipton; and visitors Denise Cook, Lucy Doll, Dean Gates, Larry Howell, Ginger Johnson, Rachel Lewis, Wanda Proffitt, Thomas Surber, Kirby Troutman, Armin Wessel, and others. The Mayor, who presided, stated that the purpose of the meeting was to conduct regular business for the month of April.

- Public Comment
 - a. Lucy Doll spoke about public safety and the need for a 20 mph speed limit sign on Summit Street. She also spoke about the possibility of having the DOT recycle the salt and sand left on town streets. Ronnie Tipton said the DOT will be addressing the salt and sand left over from this past winter.
 - b. Thomas Surber spoke on behalf of the Mountain Heritage JROTC. He has been organizing a 5k race but has learned the date he chose has been taken by Young Life. He said he would schedule the race for a date in October and would re-file his packet. He introduced Council to several student cadets in the audience.

- Adoption of Agenda – As council members reviewed the agenda, the Mayor said the public hearing on the chicken ordinance that was previously scheduled for this meeting would be held at a later date. Judy Buchanan made a motion to adopt the agenda as presented. Ruth Banks seconded the motion, which was unanimously approved.

- Consideration of Minutes – The minutes of a regular meeting held on March 5, 2015 were available for review. Bill Wheeler made a motion to approve the minutes from the aforesaid meeting. Ron Powell seconded the motion, which was unanimously approved.

- Traditional Voices / Riddlefest – Larry Howell addressed Council about the upcoming *Riddlefest* event and presented a budgetary request for support of the event.

- Consideration of Mid-Year Budget Requests
 - a. Traditional Voices/Riddlefest
 - b. Yancey History Association

Ron Powell commented that both of these requests are coming mid-year, and he would rather have them included for consideration with the entire annual town budget. The mayor said budget meetings would begin shortly, and Council agreed to consider these requests for support during those meetings.

- Public Art Design Board – Armin Wessel, Chairman of the Public Art Design Board, gave a brief history of art activities in which the town has been involved, beginning with art pieces that have been installed at various locations in town. After these installations, the Town Council approved the

formation of the Public Art Design Board. He spoke about recent activities that have led to the Board's decision to form a public art design master program.

Mr. Wessel presented a proposed resolution that was drafted to facilitate the adoption of a public art plan. A copy of the Resolution is attached hereto and by reference made a part of these minutes. He answered Council's questions and provided clarification on the various elements of the Resolution.

Denise Cook spoke about some of the art initiatives in which she has been involved and some that are planned for the future. She told Council that the Toe River Arts Council is committed to this program.

Several Council members said they had experienced difficulty reading documents supporting this program that had been sent prior to this meeting; for this reason, consideration of the Resolution was tabled until the next regular Council meeting.

- Planning Board Report – Chairman Dean Gates, with Council member Ron Powell:
 - a. Minutes from the Planning Board meeting held March 17, 2015 were available for review.
 - b. Mr. Gates told Council he has prepared a flow chart on how private development can work with public art. He advised that the 2% commitment will not apply to private developers.
 - c. 2015 Governor's Award for Volunteer Service – Ron Powell advised that Dean Gates is a recipient of this award, chosen for his volunteer work with and commitment to the town's planning board, as well as other community endeavors.
 - d. Animal Control Ordinance – Dean Gates and Ron Powell engaged in another discussion about the appropriateness of placing chicken regulations in the Zoning Ordinance. Attorney Heather Hockaday advised that these regulations don't typically appear in zoning ordinances, and said the issue with them being in zoning is that in a situation of non-compliance, the only remedy is to ask for a variance, and she couldn't envision any way under state law where denial of being allowed to have chickens would qualify for a variance.

The mayor said Council has already voted to hold a hearing on the matter as the ordinance was written.

- e. Pizza Hut Annexation Request – Ronnie Tipton reported that Pizza Hut built their building before they requested annexation, but they are very close to compliance with town design guidelines. Anthony Hensley has asked them to comply with outdoor lighting. Dean Gates said the Planning Board has recommended annexation in order to ensure contiguity. A metes and bounds description and survey will be necessary for mapping the amendment to the town. Ronnie Tipton agreed to follow up with Anthony Hensley to gather this missing documentation.
- f. Report on Small Town Main Street Annual Event – Dean Gates reported this event was the best he's attended in the years he has been on the Planning Board. He plans to send a recap of the sessions to Council.
- g. Ongoing work includes the gathering of all new ordinances for Council approval of formal codification.

- Town Administrator/Public Works Report – Operations Manager Ronnie Tipton reported:
 - a. A public hearing date on the chicken ordinance will need to be established. Judy Buchanan moved to hold a public hearing on this issue on April 27, 2015, at 10:00 a.m. at the Burnsville Town Center. Ruth Banks seconded the motion. Voting results were as follows:

<u>Ayes</u>	<u>Noes</u>
Ruth Banks	Ron Powell
Judy Buchanan	
Theresa Coletta	
Bill Wheeler	
 - b. Application for Variance – The town has received an application for variance from a business owner. Council may either set a hearing date to consider the variance, or send the issue to the Planning Board for consideration. Ron Powell moved to send this matter to the Planning Board for a recommendation. Bill Wheeler seconded the motion, which carried unanimously.
 - c. New Event for the Town Square – Council heard about plans for a *Young Life 5k* scheduled for June 20th, which doesn't conflict with any other events on the calendar. This event will provide money to pay transportation costs for 21 high school students and 4 leaders who will be going to camp in Brevard this year. Ron Powell moved to approve addition of this new event to the calendar. Bill Wheeler seconded the motion, which carried.
 - d. Public Works Update:
 1. GoldenLEAF – We are in receipt of a letter from the GoldenLEAF Foundation advising that our application package for the *Town of Burnsville/Yancey County Commercial Park Infrastructure Improvement Project* has been received and is complete.
 2. Operations are going smoothly. The D.O.T. has told us that East Main Street will be repaved this fall. In the meantime, we will be trying to discover and make necessary repairs to utilities prior to paving. Ronnie Tipton said any potholes created by the town crew will be worked on.
 3. We are currently pursuing ARC funding through the USDA for the Micaville project.
 4. *Resolution Declaring Certain Property Surplus and Authorizing its Disposal* – Council was told that the 1995 Chevrolet S10 Blazer is worn out. Judy Buchanan moved to authorize disposal of the vehicle as described in the Resolution. Ruth Banks seconded the motion, which carried.
- Department Updates:
 - a. Administration:
 - Personnel Policy update (Jeanne Martin/Judy Buchanan)
 - ✓ Currently working on benefits, including short term disability
 - ✓ Final review of work completed to date is underway
 - Unpaid Balance Report pursuant to G.S. 105-369(a) dated March 27, 2015 was available for review. Council was told that a variety of collection efforts are underway.
 - *Order to Advertise Taxes* – Ron Powell moved to order the tax collector to advertise uncollected taxes. Judy Buchanan seconded the motion, which was unanimously approved.
 - Refund of tax – Councilors considered a request to refund \$5.37 Robert Proffitt due to an overpayment of tax. Judy Buchanan made a motion to refund the aforesaid tax

account in the amount of \$5.37. Bill Wheeler seconded the motion, which was unanimously approved.

- Finance Issues (Leslie Crowder)
 - ✓ Budget Worksession - Council will hold its first budget worksession for the upcoming fiscal year on April 27, 2015 at 10 a.m. at the Burnsville Town Center.
 - ✓ Council reviewed the Budget vs. Actual dated March 27, 2015.
 - b. Fire Department – Chief Niles Howell was absent from the meeting due to illness. Leslie Crowder reported that the property purchased for a new fire station has been paid in full.
 - c. Police Department – Chief Brian Buchanan reported that he received a notice of audit for next month and he will be busy reviewing training records to prepare for the audit.
 - d. Town Center – An update on upcoming events was provided by Manager Chad Fox, including the Mountain Air job fair, the kindergarten kickoff, a bluegrass concert, the Burnsville metric event, a local government health fair, etc. He advised we have hired another part time employee, Bill Martin, who will give some staffing flexibility during busy periods at the town center.
- Council Members' Reports
- a. Mayor Theresa Coletta:
 - The mayor read a *Proclamation in Appreciation of Carolyn Ray Cort*. Judy Buchanan moved to authorize the mayor to sign the Proclamation. Ruth Banks seconded the motion, which was unanimously approved.
 - Mayor Coletta reminded Council about the *Teen Life* program that will be held on April 16th at the Town Center.
 - She reminded Council of the *Planning for Our Prosperity* program that is being sponsored by the town and the Chamber of Commerce on April 30th at the Town Center.
 - Councilors heard about the League's *Town Hall Day* in Raleigh which three council members attended.
 - Mayor Coletta updated Council on work that is underway to celebrate Mt. Mitchell's 100 years.
 - The mayor reported that she represented the town at *Small Farm Week*.
 - b. Councilor Bill Wheeler said Eddie Bodford's term as ABC board member is expiring. Ron Powell moved to reappoint Mr. Bodford to the ABC Board. Judy Buchanan seconded the motion, which carried.

▪ Updates from Advisory Boards and Non-Profits

- a. Yancey County EDC - Wanda Proffitt thanked Chad Fox for working with the NuWray Inn to accommodate overnight guests that were participating in the Burnsville Metric.

In an update on marketing activities, Mrs. Proffitt reported that funding issues are currently being considered.

Mrs. Proffitt said that she and Bill Baker are working on a *farm to table* dinner. Because of date conflicts that exist at the Town Center, the event is planned to take place on West Main Street. Ronnie Tipton cautioned that connections for a road closure need to be made with the D.O.T.

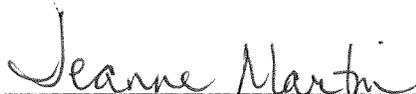
Councilors heard that the Governor will attend the Anspach Manufacturing ribbon cutting on April 13th. Town officials are invited to attend the luncheon.

Mrs. Proffitt gave an update on broadband activities, mentioning that the President of National Tech Association will be visiting here on April 16th. She has been invited to speak about our experience with broadband at a *NC Tomorrow* summit on technology.

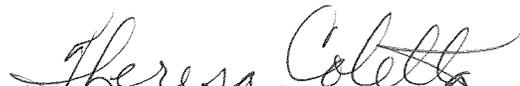
- b. High Country Council of Governments – minutes were available.
 - c. Parkway Playhouse – minutes were available.
 - d. Toe River Arts Council – minutes and financials were available.
 - e. Yancey County Public Library – minutes and financials were available.
- Closed Session – Council entered closed session pursuant to NCGS 143-318.11(a)(3) to consult with the town attorney.

As a result of closed session, Judy Buchanan made a motion to authorize the Mayor to sign documents related to a legal proceeding. Ron Powell seconded the motion, which was unanimously approved.

- Next Regular Town Council Meeting – The next town council meeting will be held on May 7, 2015 at 6:00 p.m., at the Commissioners' Meeting Room at the Yancey County Courthouse to consider regular business for the month of May.
- There being no further business, Judy Buchanan made a motion to adjourn. Ruth Banks seconded the motion, which carried.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor