

BURNSVILLE TOWN COUNCIL
Special Meeting
Thursday, January 8, 2015

On January 8, 2015, the Town Council, with members Mayor Theresa Coletta, Ruth Banks, Ron Powell and Bill Wheeler present, held a special meeting at the Burnsville Town Center. Judy Buchanan, who was not present, attended via skype. Also in attendance were staff members Brian Buchanan, Leslie Crowder, Chad Fox, Anthony Hensley, Niles Howell, Jeanne Martin, and George Nero; town attorney Heather Hockaday; and visitors Lucy Doll, Dean Gates, Sharon Gillespie, David Grindstaff, Janice McKinney, Wanda Proffitt, and others. The Mayor, who presided, stated that the purpose of the meeting was to conduct regular business for the month of January.

- Public Comment
 - a. Lucy Doll discussed the lighting at the new Pizza Hut. She said they didn't meet design guidelines that have been established by the town.
- Adoption of Agenda – Ruth Banks made a motion to adopt the agenda as presented. Ron Powell seconded the motion, which was unanimously approved.
- Consideration of Minutes – The minutes of the following meetings were available for review:
 - Closed session held November 6, 2014
 - Regular meeting held December 4, 2014
 - Closed session held December 4, 2014
 - Special meeting held December 11, 2014
 - Special meeting held December 18, 2014

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

- FY 2013-2014 Audit Review - CPA Sharon Gillespie discussed the details of the town's audit for FY 2013-2014, which was available for review. The audit, which the town "passed," is attached to these minutes and by reference made a part hereof.

Councilors were directed to page 8, where a list of the year's financial highlights appears. A concern of Mrs. Gillespie's is the registered motor vehicles collection rate, which is 44.92%. That rate has adversely affected the overall tax collection rate, which is 90.35%. The ad valorem tax collection rate is 95.04%, within normal range. Motor vehicle collections are down due to Yancey County holding six months' of disbursements, which statutorily should be disbursed monthly. Bill Wheeler made a motion to direct Attorney Heather Hockaday to ask the County to be more timely in their payments as the law requires. Ron Powell seconded the motion, which was unanimously approved.

When questioned about major improvements this year, Mrs. Gillespie said she had fewer journal entries and no software issues.

Ron Powell asked about OPEB and what would be an appropriate response to the increasing number. Mrs. Gillespie said the state does not require a contribution set aside for OPEB and that across the state there are only two to three larger cities addressing the issue and making contributions. She reported that Burnsville paid approximately \$61,000 for other post-employment benefits (OPEB) this year, and as long as a town can make contributions on a pay-as-you-go basis without hardships, that is an appropriate response. The OPEB liability will not jeopardize our borrowing power with lending institutions. She cautioned that the age of the workforce should be regularly reviewed at budget to manage funding needs.

▪ Planning Board Report

- a. Minutes from the Planning Board meeting held on December 16, 2014 were available for review.
- b. Recommendation on Criteria for Animal Control Ordinance – The planning board is currently working on a revised animal control ordinance and backyard chicken ordinance, which should be available next month.
- c. Planning Chair Dean Gates advised he has invited the Public Art Design Board and Design Review Board to meet with the Planning Board at its January 20th meeting as SmART initiatives are considered. Mr. Gates feels it is important and timely for a plan “buy-in” and he asked for council members to attend the meeting. He mentioned it is his plan to also invite representatives from Yancey County.
- d. Discussion: Planning Board membership – Mr. Gates discussed the need for alternate Planning Board members. Attorney Heather Hockaday said she is working an ordinance that will provide for alternate members. Ron Powell made a motion to hold a public hearing on the revised ordinance during the next regular town council meeting, on February 5, 2015 at 6:00 p.m. at the Burnsville Town Center. Bill Wheeler seconded the motion, which was unanimously approved.

- Certificate of Sufficiency regarding Petition for Voluntary Annexation (Pizza Hut of Burnsville, Inc.) – Town Clerk Jeanne Martin reported that there has been insufficient time to certify Pizza Hut’s Petition for Annexation. Planning Board Chair Dean Gates said that there are design guideline issues, including lighting, that have not been met, should they be annexed. Mr. Gates and Anthony Hensley will be studying these deficiencies and plan to visit Pizza Hut owners to encourage them to be part of the community and accept the town’s design guidelines, making changes as appropriate.

- Town Administrator/Public Works Report – Town Administrator/Public Works Director Anthony Hensley reported:

- a. Health Insurance Update/Annual Town Council Planning Workshop/Fire Department Planning update – 01/24/15 (9:30-4:00 at the Burnsville Town Center) – At the request of the mayor, the fire department’s planning update has been added to the day’s agenda. Judy Buchanan made a motion to formally include the fire department update on the agenda and meeting notice for the special meeting January 24, 2015 at the Burnsville Town Center from 9:30 a.m. to 4:00 p.m. Ruth Banks seconded the motion, which was unanimously approved.
- b. Bonus for Planning Board members – Due to an oversight, Council was never asked for authority to award Christmas bonuses this past year to Planning Board members as practiced in the past. Ron Powell made a motion to gift Planning Board members bonuses each year when employee bonus checks are written, and in the same amount as employees’

checks. Bill Wheeler seconded the motion, which was unanimously approved. The finance officer was directed to charge the expenditure to the governing board.

▪ Department Updates:

a. Administration:

- Personnel Policy update:
 - ✓ New work undertaken: benefits
 - ✓ Final review of work completed to date is underway
 - ✓ The next Personnel Policy committee meeting date has not been set in the absence of member/co-chair Judy Buchanan, who will return January 18th.
- Unpaid Balance Report pursuant to G.S. 105-369(a) dated January 7, 2015 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 for parcel number 20140076 (Ruby W. Letterman, d/b/a D & R Discount Furniture), Ruth Banks made a motion to release the aforesaid tax. Ron Powell seconded the motion, which was unanimously approved.
- Refund of tax – Councilors reviewed a printout of payments received from Burnsville Chevrolet-Buick that indicated a duplicate payment of \$278.42 for tax bill 20140025. Ruth Banks made a motion to refund the duplicate payment in the amount of \$278.42. Ron Powell seconded the motion, which was unanimously approved.
- Council reviewed the Budget vs. Actual dated 12/31/14. Leslie Crowder told Councilors they will probably have the report in a different format next month, when it is generated through Southern Software rather than CSI. She said there will probably be a budget amendment request next month to cover ½ year of maintenance fees from CSI, since the transition from CSI to Southern Software wasn't completed by the end of the calendar year.
- Payment Service Network, Inc. – The town will soon be adding on-line credit card payments as a payment option for utility and tax payments. There is an annual fee of \$100, and the consumer pays a fee to complete the transaction. Ron Powell made a motion to authorize Anthony Hensley to sign the service agreement. Ruth Banks seconded the motion, which was unanimously approved. The mayor commented that she has had requests for the service. Leslie Crowder said it is planned that we will advertise the new option on utility bills, on the town's website, and in the newspaper.

b. Fire Department – Fire Chief Niles Howell reported:

- Status of building and property – Councilors were told that the sellers are firm on the price, and town attorney Heather Hockaday has a contract for sale that she is reviewing.

Mrs. Hockaday informed the board there is a potential conflict for her to represent the town in this transaction, as she is related to both the seller's attorney as well as the seller. She advised the town should find another attorney with no conflict to review the documents.

Bill Wheeler made a motion to authorize the mayor to sign the contract for purchase once it has undergone legal review. Judy Buchanan seconded the motion, after which discussion began.

Ron Powell said he was interested in delaying the execution of the contract, and said the motion is premature. He distributed a four-page document that illustrated his concerns. A copy of this document is attached to these minutes and made a part hereof.

A brief recess was called by the Mayor.

After recess, Councilor Wheeler was encouraged to withdraw his motion, which he said he was not willing to do because he was concerned about slowing down the funding process.

Ron Powell reiterated that he is not comfortable with the contract, for many reasons, especially if the mayor is authorized to execute it without council review after legal review.

Judy Buchanan said that she was comfortable with the motion.

Ron Powell made a motion to amend the motion to authorize the mayor to sign the contract for purchase once it has undergone legal review and has then been reviewed and approved by Council. Ruth Banks seconded the motion. Voting went as follows:

Ayes

Ruth Banks
Judy Buchanan
Theresa Coletta
Ron Powell
Bill Wheeler

Noes

Fire Chief Niles Howell reminded Council that if the contract is signed, a budget amendment will be necessary.

- Monthly Call Summary for the past month was available for review.
 - The 9E inspection letter from the NC Office of State Fire Marshall was available for review.
 - The 2015 NC Fire Department Fund Grant Opening was January 2, 2015 – Grants are for \$30,000 max with a 50-50 match. The Chief advised the department will be seeking the full \$30,000 for two new thermal imaging cameras and a turnout gear washer extractor. A budget amendment may be necessary to fund the match if the grant is awarded.
 - Chief Howell and Anthony Hensley are currently developing a five-year strategic plan.
 - The department is currently exploring funding opportunities.
- c. Police Department – Chief Brian Buchanan responded to a letter from Wanda Woodby, on behalf of the Yancey-Mitchell branch of the NAACP, that contained concerns over law enforcement and community relations in poor and ethnic minority communities. The letter encouraged local officials to support their recommendations for local police departments. Chief Buchanan commented that while there is federal money available for body cameras, it goes to larger units, and with the small town nature of our community, the expense is hard to justify. He said the town does not have any military weapons, and dash cameras pose a

storage and records issue. He said he is supportive of educational efforts, which were mentioned in the letter. He told Council that he is aware that both Yancey and Mitchell Counties have received similar letters.

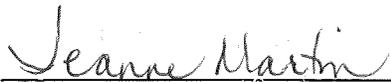
- d. Town Center – An update on upcoming events was provided by Manager Chad Fox. Public events in January include a small business center series, a dance/karate recital and a Darren Nicholson concert.
- Council Members' Reports – There were none.
- Updates from Advisory Boards and Non-Profits
 - a. Yancey County EDC – Minutes were available for Council review.

Wanda Proffitt said numerous people have commented to her about the beautiful Christmas decorations this year.

Mrs. Proffitt discussed the opportunity for GoldenLEAF funding to expand the waterline to the old Burnsville Hosiery Mill. Because the town owns the infrastructure, the application should come from the town, through Yancey County. Bill Wheeler made a motion to authorize Wanda Proffitt and Anthony Hensley to make application to GoldenLEAF for funding to expand the waterline to the Burnsville Hosiery Mill area. Ron Powell seconded the motion, which was unanimously approved.

Mrs. Proffitt advised that Country Cable has two headends and has expanded capacity beyond what was originally expected.

- Anthony Hensley provided a recap of action taken during the meeting.
- Other – Planning Board Chair Dean Gates asked for permission to advertise for additional members to the Planning Board, to which it was generally agreed.
- Next Regular Town Council Meeting – The next town council meeting will be held on February 5, 2015 at 6:00 p.m., at the Burnsville Town Center to consider regular business for the month of January. There being no further business, Judy Buchanan made a motion to adjourn. Bill Wheeler seconded the motion, which was unanimously approved.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor