

TOWN OF BURNSVILLE

Special Meeting

October 20, 2015

On October 20, 2015, the Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, Ron Powell, and Bill Wheeler present, held a special meeting at the Burnsville Town Center. Also in attendance were staff members Brian Buchanan, Leslie Crowder and Jeanne Martin; town attorney Heather Hockaday; and visitor David Grindstaff. The Mayor, who presided, stated that the purpose of the meeting was to conduct a work session to consider and possibly take action on the following:

- Amendment to *Article 8 Section 801, C-1 Central Business District Prohibited Uses, Section 802(2)(d), Tattoo Parlors and 804, C-3 East/West Main Street Business District, and Repeal of Section 802.1 of the Zoning Ordinance of Town of Burnsville Initially Adopted April 4, 1985; and Amended February 6, 2014 and with Subsequent Amendments Thereafter*
- Proposed ordinances for road closure (Chamber of Commerce/Halloween and rescheduled Mt. Mitchell Toy Run on 11/7/15)
- Health coverage issues
- Efficiency/Salary Study contract
- Financial issues

Approval of Agenda – Judy Buchanan made a motion to approve the agenda as presented. Ron Powell seconded the motion, which carried.

Consideration of Ordinance No. 2015.10.20.1 to Amend the Zoning Ordinance – Available for review was Ordinance No. 2015.10.20.1, *Amending Article 8 Section 801, C-1 Central Business District Prohibited Uses, Section 802(2)(d), Tattoo Parlors and 804, C-3 East/West Main Street Business District, and Repealing Section 802.1 of the Zoning Ordinance of Town of Burnsville Initially Adopted April 4, 1985; and Amended February 6, 2014 and with Subsequent Amendments Thereafter*. Attorney Heather Hockaday explained the purpose for the amendments, which include a provision for tattoo parlors in both C-2 and C-3 zoning districts. A copy of the proposed amendments is attached to these minutes and by reference made a part hereof.

Also available for review was a Plan Consistency Statement, which Judy Buchanan moved to adopt. Mayor Theresa Coletta seconded the motion, which carried.

Judy Buchanan moved to adopt aforesaid Ordinance No. 2015.10.20.1. Ruth Banks seconded the motion, which carried.

Proposed Ordinances for Road Closure - Available for review were:

- *Ordinance Declaring a Road Closure for an Event: "Trick or Treat on the Square"*
- *Ordinance Declaring a Road Closure for an Event: "Mt. Mitchell Toy Run"*

Police Chief Brian Buchanan explained the purpose for the proposed ordinances. Ron Powell moved to adopt both of the aforesaid ordinances. Ruth Banks seconded the motion, which carried.

Health coverage issues – The Town Clerk updated Council on the status of options for health insurance coverage, mentioning that we are waiting for more information on coverage from the State Health Plan. Because our existing policy will expire the end of November, and because the earliest effective date possible with the State Health Plan is February 1, 2016, Council was asked to consider a Blue Cross

"Gold" Plan at least as a temporary measure through our existing agent. The Gold Plan rates will be significantly less than a renewal of our existing policy.

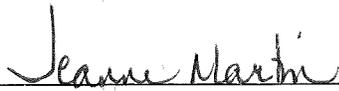
Bill Wheeler moved to authorize the Mayor to sign a contract for the Blue Cross Gold Plan, through our existing agent. Ron Powell seconded the motion, which carried.

Efficiency/Salary Study Contract – The Mayor advised that Robert Branch has revised his contract according to recommendations given by the Personnel Policy Committee, and has kept the cost within the \$7,000 maximum. Councilor Ron Powell recalled that the contract was to be revised and brought back to Council for approval at a later date.

Discussion of Financial Issues – Ron Powell updated Council on a School of Government workshop he attended that covered information on reading financial reports, restricted and non-restricted funds, etc. The program also covered the Council's relationship and work with the municipality's finance officer and auditor.

Subsequent to the workshop, Mr. Powell told Council he met with Leslie Crowder to get answers to questions he had compiled that relate to the Town of Burnsville's finance operation. Copies of the list of questions were available for Council review and discussion.

There being no further business, Ron Powell made a motion to adjourn. The motion was seconded by Bill Wheeler and carried.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor

Ordinance No. 2015.10.20.1

ORDINANCE AMENDING ARTICLE 8 SECTION 801. C-1 CENTRAL BUSINESS DISTRICT PROHIBITED USES, SECTION 802 (2)(d) TATTOO PARLORS AND 804 C-3 EAST/WEST MAIN STREET BUSINESS DISTRICT, AND REPEALING SECTION 802.1 OF THE ZONING ORDINANCE OF TOWN OF BURNSVILLE INITIALLY ADOPTED APRIL 4, 1985; AND AMENDED FEBRUARY 6, 2014 AND WITH SUBSEQUENT AMENDMENTS THEREAFTER:

WHEREAS, the Town Council of the Town of Burnsville pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes and Article 12 of the Zoning Ordinance of the Town of Burnsville has the authority to adopt zoning regulations, to establish zoning districts, to classify property within its jurisdiction according to zoning district, and to enforce and amend said regulations, district classifications and maps from time to time in the interest of the public health, safety and welfare;

WHEREAS, this amendment was properly noticed pursuant to NCGS 160A-364 (a) as evidenced by Affidavits of Publication from Asheville Citizen-Times; and a public hearing was conducted at the regular business meeting of the Town Council on October 1, 2015 at which time Council heard and considered public input;

WHEREAS, this amendment is consistent with the 2004 Yancey County/Town of Burnsville land use plan, NCSTEP and Small Town Main Street recommendations as set forth in the Planning Board Recommendation and Plan Consistency Statement, which was adopted by Council in its special work session meeting on October 20, 2015 and incorporated by reference; and

WHEREAS, this proposed ordinance amendment is determined to be reasonable and in the public interest as follows:

- a. It establishes quality commercial development in Town
- b. It will promote tourism in Town
- c. It will improve the local economy in Town
- d. It preserves property values in Town
- e. It will establish guidelines for potential commercial property use that will be in the best interest of the taxpayers and citizens of the Town
- f. It will protect established residential neighborhoods from inappropriate commercial development
- g. It will help care for the natural environment by requiring reasonable parking, landscaping and outdoor lighting standards
- h. It provides citizens with a clear and coherent set of guidelines and standards

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURNSVILLE THAT ARTICLE 8 SECTION 801; SECTION 802 (2)(d) and; SECTION 804 BE AMENDED, AND SECTION 802.1 BE REPEALED AND SAID AMENDMENTS BE ADOPTED AND READ AS FOLLOWS:

1. Article 8, section 801. C-1 Central Business District is hereby amended to add and include the following language and sections:

(a) "The following uses are **NOT** allowed in C-1" shall now include:

19. Tattoo/piercing parlors.

(b) Any uses not specifically listed in the List of Permitted Uses of this section are PROHIBITED uses.

(c) (3) Off-street loading and unloading space shall be provided as required in Section 1014 of this ordinance.

(d) (4) Where a use created in this district abuts a lot in a residential district, there shall be provided and maintained (by the use created in this district) along the abutting property line a continuous visual buffer strip as defined in Article 4 section 401.06.

2. Article 8, section 802 (2)(d) is hereby amended as follows:

(a) Section (1) is repealed;

(b) Section (3) is amended to allow hours of operation as follows:

Monday-Saturday 10:00 a.m.-8:00 p.m.

Sunday 12:00 noon to 8:00 p.m.

All other sections of 802 remain unchanged and in full effect. Any uses not specifically listed in the List of Permitted Uses of this section are PROHIBITED uses.

3. 802.1 C-3 Commercial District is hereby repealed:

4. 804 (1) C-3 East/West Main Street Business District (Permitted Uses) is amended to add the following:

A C-3 commercial zoning district within the Town of Burnsville is established. The purpose of this district is to provide for commercial activity along the transportation corridor of East/West Main Street, outside of the C-1 Central Business District. It is not the intent of this district to encourage extensive strip commercial development, but to provide concentrations of general commercial activities with development standards more conducive to Main Street than those allowed in the C-2 General Business District.

1. Any uses permitted in C-1 as shown in section 801 of this article;

2. Any uses permitted in C-2 district as shown in section 802 of this article, except Neighborhood and Community Shopping Centers. (Art. 4, secs 401.55.2 and 401.55.4)

3. Public Utility Facilities;

4. Hotels;

5. Mortuaries and Funeral Parlors;

6. Offices: Business, Professional, Public, Medical and Financial;
7. Personal services: Barber and Beauty Shops, Shoe and Watch Repair, Laundries and Laundromats, Dry Cleaners;
8. Rooming Houses: Bed and Breakfast businesses;
9. Dairy Bars and Ice Cream Parlors;
10. Convenience Shopping Centers as defined in Article 4, section 401.55.3;
11. Trade Schools;
12. Fraternal Organizations, Public Associations, Clubs and Lodges;
13. Medical and Dental Clinics;
14. Tattoo/body piercing parlors, provided no tattooing/body piercing business shall:
 - 1) Be located or operated closer than 1000 feet from any other like business.
 - 2) Have stated hours of operation outside the following:

MONDAY THROUGH SATURDAY 10:00 a.m.-8:00 p.m.

SUNDAY 12:00 noon-8:00 p.m.

4. All other sections of 804 remain unchanged and in full force and effect. Any uses not specifically listed in the List of Permitted Uses of this section are PROHIBITED uses.

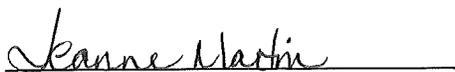
These amendments are passed on the first reading by unanimous/vote of 5 to 0 at the regular meeting held on October 20, 2015, of the Town Council of the Town of Burnsville, North Carolina, and become effective as of this the 20th day of October, 2015. This original Ordinance to Amend the Zoning Ordinance of the Town of Burnsville shall be kept by the Clerk for the Town of Burnsville and the same shall be included in any future codification in the Town of Burnsville Code of Ordinances.

Read, approved and adopted the 20th day of October, 2015.



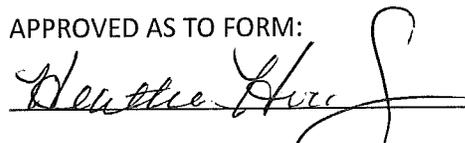
 MAYOR

ATTEST:



CLERK

APPROVED AS TO FORM:



 ATTORNEY for Town of Burnsville

Town of Burnsville Planning Board Recommendation and Consistency Statement

For: AMENDMENTS TO THE ZONING ORDINANCE ARTICLE 8 SECTIONS 801, 802 AND 804 and REPEAL OF SECTION 802.1 TO CONSOLIDATE WITH 804.

Amendment Date: 10-20-2015

Honorable Mayor and Town Council:

State law requires that municipal zoning regulations be made in accordance with any adopted plan. When local governments rezone property or adopt zoning amendments, decision makers are obligated to explain how their actions are reasonable, are consistent with any applicable plan, and serve the public interest (N.C.G.S. 160A-383).

The Planning Board was asked to make recommendations regarding the consistency of these amendments with the established plans referenced and made finding that these amendments are consistent with the 2004 Yancey County/Town of Burnsville land use plan, NCSTEP and Small Town Main Street.

The proposed zoning ordinance amendments are consistent with the economic development and planning goals of the Town. These changes are reasonable and will serve the public interest because they:

Allow for a legal business (tattoo/peircing parlors) to be established within commercial zones C-2 and C-3 of the Town of Burnsville providing economic benefit to the owners of such establishments and the citizens of the Town. Additionally, amendments regulating off street loading and unloading is a safety measure. Preservation of property values, by establishing guidelines for visual buffers, is an established planning goal of the Town.

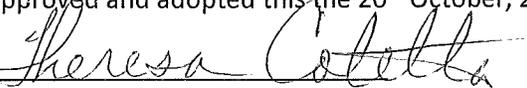
The Town of Burnsville Planning Board respectfully submits this consistency statement for your consideration.

Dean Gates

Chair, Town of Burnsville Planning Board

Read, approved and adopted this the 20th October, 2015.

Mayor:



Attested by the Clerk:

