

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting**  
**Thursday, January 7, 2016**

On January 7, 2016, the Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, Shannon Peterson, and Ron Powell present, held a regular meeting at the Burnsville Town Center. Also in attendance were staff members Brian Buchanan, Leslie Crowder, Chad Fox, Niles Howell and Jeanne Martin; Town Attorney Heather Hockaday; and visitors Denise Cook, Lucy Doll, Sharon Gillespie, Charlie Hensley, David Grindstaff, (Yancey Common Times), Rhonda Higgins, Gary Peterson, Wanda Proffitt, Woody Ryan, and others. The Mayor, who presided, stated that the purpose of the meeting was to conduct regular business for the month of January, 2016.

- Public Comment
  - a. Lucy Doll said that she is living in an historic area of the town on Summit Street and would like to see more owner-occupied homes rather than rentals.
- Adoption of Agenda – Judy Buchanan moved to adopt the agenda. The motion was seconded by Ruth Banks and carried.
- Consideration of Minutes – Minutes from the following meetings were available for consideration:
  - a. Special (organizational) meeting held November 30, 2015
  - b. Regular meeting held December 3, 2015
  - c. Closed session held December 3, 2015
  - d. Special meeting held December 29, 2015
  - e. Closed session held December 29, 2015

Ron Powell moved to approve all of the aforesaid minutes. Shannon Peterson seconded the motion, which carried.

- FY 2014-2015 Audit Review - CPA Sharon Gillespie discussed the details of the town's audit for FY 2014-2015. A copy of the audit report, which was favorable, was available for review.

Ms. Gillespie responded to a question about the segregation of duties, mentioning that dual signatures for checks over \$25,000, rather than the use of a signature stamp taking the place of one of the two required signatures, would be a good policy. Answering a question about adjustments made in the past year, Mrs. Gillespie said most adjustments were made as a result of transitioning to new software, although there was nothing significant. She advised that any recommendations for improvements to accounting methods would have been noted in the management letter.

A copy of the FY 2014-2015 audit will be kept with the town's minutes and by reference has been made a part thereof.

- USA Cycling National Collegiate Championship – Connie Molland and Jim Malloy spoke to Council about the upcoming USA Cycling National Collegiate Championships in May, which is a three-day event. A course in Weaverville (an alternate to an initial course that was rejected by their Town

Council) has been walked off, but event officials have not approved the course as yet. Ms. Molland and Mr. Malloy have taken an interest in a course in Burnsville as an alternate. They have connected with Healthy Yancey to partner with them, as the date (May 14) is the date of Healthy Yancey's 5(k) run. They said the contestants are extremely dedicated collegiate bikers from across the country, and some will be future Olympians. The race will be a great experience for local people to observe, and will appeal to spectators from other parts of the country, creating a significant economic impact for Burnsville. The event will be publicized nationally.

Ron Powell moved to sponsor the event and approve it for inclusion on the Square Events calendar. Ruth Banks seconded the motion, which carried.

- Toe River Arts Council Update – Denise Cook gave an update on the SmART initiative, mentioning that Jack Mackie will be at Penland next week to begin blowing glass for prototypes. Ms. Cook also told Council that she and Wanda Proffitt would be attending a NC Arts Council executive retreat soon.

Council considered a revised *Resolution Supporting the Town's Application for Public Art at the Gateway/Intersections into Downtown Burnsville from Scenic Highway 19E in Accordance with the North Carolina Public Art on the Right-of-Way Policy*. Ms. Cook said the Resolution has been adjusted to reflect language that indicates funding "as the town's budget allows." Ron Powell moved to adopt the Resolution as presented. Theresa Coletta seconded the motion, which carried.

The Mayor commented that she has had feedback that the proposed art is not reflective of the area, and wondered if there would be further opportunity for public input.

- Planning Board Report – Planning Board Chair Dean Gates was absent from the meeting. Planning Board member Woody Ryan said that there has been no activity in the past month on which to report, but mentioned that the board members have been reviewing ordinances.

There was a discussion on a proposed moratorium on the enforcement of temporary business signage until January of 2017. The mayor reported that a number of business owners have spoken to her asking for relief from restrictions on temporary signs in order to help people navigate the construction barrels on the bypass.

Ron Powell said that the Planning Board intended to consider the issue later in the month at its January meeting, and he thought the process should include their recommendation before Council action. Judy Buchanan said businesses would then have to wait another month for relief. The mayor said she was only trying to help the businesses; Councilor Powell said Planning has the expertise to make a recommendation. Ruth Banks said we should support the Planning Board since they are donating their time. Woody Ryan offered to speak to Chairman Gates and have recommendations ready for the February Council meeting.

Ron Powell moved to defer discussion of a moratorium on the enforcement of temporary business signage until the February Council meeting in order to allow the Planning Board to consider the issue at their meeting in January. Ruth Banks seconded the motion. Voting was as follows:

Ayes  
Ruth Banks  
Ron Powell

Noes  
Judy Buchanan  
Theresa Coletta  
Shannon Peterson

Motion failed.

Judy Buchanan made a motion to impose a moratorium on the enforcement of temporary signs until January 1, 2017. Voting was as follows:

Ayes  
Judy Buchanan  
Theresa Coletta  
Shannon Peterson

Noes  
Ruth Banks  
Ron Powell

Motion carried.

- Petition for Voluntary Annexation – Council learned that a petition for voluntary annexation has been received from True North Equities, LLC. This would be the first satellite annexation in which the town has been involved. Attorney Heather Hockaday explained options available to Council.

Ron Powell moved to table the issue until the February meeting. Ruth Banks seconded the motion, which carried.

- Department Updates:

- a. Administration:

- Personnel Policy update (Jeanne Martin/Judy Buchanan)
  - ✓ The last two job descriptions will be reviewed at the January work session. The policy will need further review once the Efficiency/Salary study is complete.
- Unpaid Balance Report pursuant to G.S. 105-369(a) dated January 5, 2016, provided as an update of uncollected revenues, was available for review. Council was told that a variety of collection efforts are underway.
- State Health Plan – town employees will be covered by the State Health Plan effective February 1, 2016. We are currently in open enrollment.
- Finance Issues
  - ✓ The Budget vs. Actual dated January 4, 2016 was previously provided to Council for review.
  - ✓ Leslie Crowder presented a Project Ordinance recognizing projected revenues and expenditures for the Burnsville Business Park project. Ron Powell moved to adopt the ordinance. Ruth Banks seconded the motion, which carried.
- Mayor's Administrative Report
  - ✓ The Mayor distributed a packet of material that would be covered in the January work session. She said the work session date will change to January 26, 2016 at 3 p.m. at the Town Center to accommodate staff schedules. She asked Niles Howell and Brian Buchanan to attend, as Robert Branch will be discussing the Efficiency/Salary Study. Heather Hockaday said there will be an item to discuss in closed session, and asked Wanda Proffitt to attend.

- ✓ Public Works Director's Resignation and Resignation Agreement – Shannon Peterson moved to accept the Public Works Director's resignation and the agreement reached with the town to work until February 2<sup>nd</sup> to transition staff. Ruth Banks seconded the motion, which carried.
  - ✓ The Mayor distributed a packet concerning *NC Connect*. She told Council she had met with Phil Trew with the High Country Council of Governments to discuss funding that will be available through this program for water and sewer projects. She promised further updates in the future.
  - ✓ Suggested procedures for Public Works Director Vacancy – The Mayor distributed material outlining a process for selecting a Public Works Director, and recommended that Councilors Shannon Peterson and Judy Buchanan act as a screening committee for applicants to the position. Both Councilors indicated a willingness to serve. Judy Buchanan moved to approve the outlined procedures. Shannon Peterson seconded the motion, which carried.
- b. Fire Department – Chief Niles Howell reported:
- Status of Property
    - ✓ Fundraising efforts – A fundraiser, *Battle of the Blues*, has been scheduled at the Town Center for February 17<sup>th</sup>.
  - Operations
    - ✓ Council reviewed a written report.
    - ✓ The department is currently working on a 90/10 FEMA grant to replace air packs that are 10-15 years old. This is a lengthy grant; \$12,000 would be the department's share. Another grant underway is a 50/50 grant through the State Fire Marshall.
  - Charlie Hensley spoke to Council on behalf of the Firemen's Relief Fund, mentioning that two members need to be appointed by Council to the local board, one for a one year appointment and the other for a two year appointment. Upon Mr. Hensley's recommendation, Ron Powell moved to appoint Randy Banks for the 1 year term and Charlie Hensley for the 2 year term to the local board. Judy Buchanan seconded the motion, which carried.
- c. Police Department – Chief Brian Buchanan reported:
- An activity log was available for review.
  - A no-match grant has been submitted to upgrade computer systems in vehicles.
  - A 2005 Crown Victoria needs to be declared surplus; the department has no use for the vehicle any longer. Fire Chief Niles Howell said the big red box truck that was assigned to the Fire Association has been returned to the department and needs to be declared surplus also. Judy Buchanan moved to declare both vehicles as surplus and authorize their sale. Shannon Peterson seconded the motion, which carried.
  - Calendar of events – Chief Buchanan reminded Council that all town-sponsored events in the future will require ordinances. Events that are not town-sponsored will be the responsibility of the organizer.
- d. Public Works Department – No report was available.
- Council Members' Reports
- a. Mayor Theresa Coletta:
- The Mayor said caroling on the square was a wonderful success and will be repeated this year.

- Ron Powell shared a revised public art policy and asked for the item to be on the February agenda for consideration and approval.
- Updates from Advisory Boards and Non-Profits
  - a. High Country Council of Governments – minutes and financials available.
  - b. Toe River Arts Council - minutes and financials available.
  - a. Yancey County Economic Development Commission – minutes were available.
    - EDC Director Wanda Proffitt said the Burnsville Business Park can't be marketed until water is on the property, and said the EDC is going to give a bridge loan for \$40,000 to get water from the street to the building
    - Mrs. Proffitt mentioned other projects on which she is currently working and promised further information in the future.
- Other – Judy Buchanan moved to recess and convene in closed session. Ron Powell seconded the motion, which carried.

Pursuant to NCGS 132-1.1(c); 143-318.11(a)(1) and NCGS 143-318.11(a)(3), Council entered closed session for discussion of a utility account, and pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

After reconvening in open session, and as a result of closed session, Judy Buchanan moved to authorize the Finance Officer to issue a refund check to a utility customer for payments that were collected in error, provided that the customer signs an Easement and a Release. Ruth Banks seconded the motion, which carried.

Theresa Coletta moved to authorize the Personnel Committee to consider an employee assessment that was done by a department head, and if the committee does not agree on the assessment, the issue will be returned to Council for consideration. Ron Powell seconded the motion, which carried.

Additionally, as a result of closed session, Shannon Peterson moved to appoint Ronnie Tipton to perform the duties of the Public Works Director on an interim basis in addition to his current duties, until the position is filled; an adjustment of \$100 per week will be made to his salary during this period. Ruth Banks seconded the motion, which carried.

- Next Regular Town Council Meeting – The next regular town council meeting will be held on Thursday, February 4, 2016 at 6:00 p.m., at the Burnsville Town Center to consider regular business for the month of February.
- There being no further business, Judy Buchanan moved to adjourn. Ron Powell seconded the motion, which carried.

  
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 Jeanne Martin, Town Clerk

  
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 Theresa Coletta, Mayor