

**BURNSVILLE TOWN COUNCIL**  
**Special Meeting**  
**Thursday, June 21, 2016**

On June 21, 2016, the Burnsville Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, and Shannon Peterson and Ron Powell present, held a special meeting at the Burnsville Town Center. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Chad Fox, Niles Howell, Jeanne Martin, and Ronnie Tipton; town attorney Heather Hockaday; and visitors Lucy Doll, Dean Gates and David Grindstaff. The Mayor, who presided, called the meeting to order, stating that the purpose of the meeting was to conduct regular business for the month of July, 2016.

- Public Comment – No one asked to speak during the time set aside for public comment.
- Adoption of Agenda – Judy Buchanan moved to adopt the agenda as presented. Shannon Peterson seconded the motion, which carried.
- Consideration of Minutes – Minutes from the following meetings were available for consideration:
  - a. Special meeting held June 2, 2016
  - b. Regular meeting held June 2, 2016

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

- Presentation on Otway Burns Pavillion – The individual scheduled to speak on this issue was not present at the meeting, so discussion was postponed; however, the mayor did remind Council that the town does not own the square.
- Budget Amendments for FY 2015-2016 – Finance Office Leslie Crowder presented a list of proposed end-of-year budget amendments, a copy of which is attached to these minutes and by reference made a part hereof. Ruth Banks made a motion to approve the aforesaid amendments. Judy Buchanan seconded the motion, which carried.
- Public Hearing on Proposed Allocations for Economic Development and Subsequent Action – Judy Buchanan moved to open the hearing on this matter. Shannon Peterson seconded the motion, which carried. Visitor Lucy Doll commented that the proposed allocations were a good idea. There were no other comments. Judy Buchanan then moved to close the hearing. Shannon Peterson seconded the motion, which carried.
- Public Hearing on FY 2016-2017 Budget and Subsequent Action – Ron Powell moved to open the public hearing on this matter. Ruth Banks seconded the motion, which carried. Leslie Crowder read the budget message; Lucy Doll commented that the message seemed sensible. Shannon Peterson moved to close the hearing. Ruth Banks seconded the motion, which carried. There was a discussion about the likelihood of projected tax revenues changing due to the county appeals process. Council was told that according to the county tax administrator, the appeals process will conclude the third week in July, and the remainder of appeals should not have much effect on the

town's revenues. Ron Powell moved to adopt the budget as presented. Ruth Banks seconded the motion, which carried. Ron Powell moved to return to the regular meeting agenda. Motion carried.

- Public Hearing on Proposed Revisions to the Zoning Ordinance for the Town of Burnsville – Shannon Peterson moved to open the hearing on this matter. Judy Buchanan seconded the motion, which carried. Public Works Director Ronnie Tipton explained the proposed changes to the zoning ordinance, which establishes a list of permitted and non-permitted uses in the C-1 zoning district. The revised ordinance is attached to these minutes and by reference made a part hereof. Judy Buchanan moved to close the hearing. The motion was seconded by Shannon Peterson and carried.
- Planning Board Report
  - a. Report from the Planning Board on the Mobile Home Ordinance and Subsequent Report on Recommendations for Conditional Use in the R-10 Zoning District - Planning Chair Dean Gates reported that the Planning Board has discussed the mobile home ordinance and possible recommendations for conditional use in the R-10 zoning district. He said that mobile homes can be attractive, and conditions can be imposed if they are allowed in the R-10 district; however, mobile homes are titled and considered personal property. Mobile homes depreciate the moment they leave the retail lot. Council must be mindful to protect other property values and if the home is personal property, which is depreciating, it could have an effect on the services the town is able to provide. These are some of the matters that have concerned the Planning Board, and no decision has been made as research continues. The mayor said she understood that Planning was directed to make a recommendation to allow mobile homes in the R-10 district as a conditional use. The 30 day response period from Planning will have expired on July 3<sup>rd</sup>. Mr. Gates said due diligence cannot be accomplished within that time frame, and spot zoning should not be permitted. Ron Powell said he would like to hear recommendations on conditions. The mayor said we will need to be careful to not impose so many conditions that they become unaffordable. Heather Hockaday asked if Planning would be ready by the August 11<sup>th</sup> meeting for a public hearing. Ron Powell moved to schedule a hearing on this matter for August 11, 2016 at 6 p.m. at the Burnsville Town Center. Shannon Peterson seconded the motion, which carried.
  - b. Recommendation on Amendments to the Zoning Ordinance – Dean Gates told Council that we are headed toward traditional zoning, which is the right direction, although there will always be a need for conditional zoning. We will have to make sure the public understands that in order to do business they will have to check with the Zoning Office to get a certificate of compliance. He offered suggestions for advertising, which included notices on French Broad materials, ads in the Times Journal from time to time, letters to all business owners, the town website, etc.
  - c. Other – Chairman Gates read the Plan Consistency Statement which supported the proposed zoning ordinance amendments, and recommended their adoption.
- Consideration of Proposed Revisions to the Zoning Ordinance
  - a. Plan Consistency Statement – Ron Powell moved to adopt the Plan Consistency Statement. Judy Buchanan seconded the motion, which carried.
  - b. Adoption of Amendments to the Zoning Ordinance – Shannon Peterson moved to adopt Ordinance 2016.6.21.2, which is attached to these minutes and by reference made a part hereof. Ron Powell seconded the motion, which carried.

- Mayor's Administrative Report
  - a. Legislative Day – The mayor reported that she asked to meet with legislators to thank them for funding that is making a difference. She also presented the letter requesting that one-half of the penalties that may be sent to the Chamber of Commerce by the DOT as a result of road construction delays be given to the Town of Burnsville after receipt by the Chamber.
  - b. The mayor pointed out that there is an article in the latest "Southern City" that reports on three towns that have made amazing comebacks.
  - c. Water/Sewer Grant Update – Ronnie Tipton updated Council on grant activity, mentioning that he would be meeting in July with the Mayor, Mike Waresak (McGill) Phil Trew and Kelly Coffey (High Country Council of Governments) to discuss the status of the infrastructure grant.
  - d. Council Worksession – It was agreed to suspend worksessions until August.
  
- Petition for Voluntary Annexation – True North Equities, LLC – Heather Hockaday reported that she has heard nothing on this issue, and advised she would connect with Jamie McMahan so there would be an update for the August meeting.
  
- Department Updates:
  - a. Administration:
    - Personnel Policy update – Heather Hockaday reported that we have received the redlined copy of the personnel policy, which is only a recommendation. The Personnel Policy Committee will meet before the August meeting to review this recommendation.
    - Unpaid Balance Report pursuant to G.S. 105-369(a) dated June 17, 2016, provided as an update of uncollected revenues, was available for review. Council was told that a variety of collection efforts are underway.
    - Finance Issues
      - ✓ The Budget vs. Actual dated May 31, 2016 was previously provided to Council for review.
  - b. Fire Department – Chief Niles Howell reported:
    - Status of Property
      - ✓ Fundraising efforts – Nothing new at this point.
      - ✓ Chief Howell said the qualifications packets are due back from architects on July 15<sup>th</sup>, and asked who should be involved in interviews for the selection process. The mayor and Judy Buchanan both indicated an interest in participating.
    - Operations
      - ✓ Council reviewed the Fire Department's Monthly Update.
  - c. Police Department – Chief Brian Buchanan
    - The police activity log was available for review.
    - Councilors were asked to consider an Ordinance for Street Closure for a Dark Skies event on July 2, 2016. Judy Buchanan moved to adopt the ordinance. Theresa Coletta seconded the motion, which carried.
    - Speed bumps have been researched, and there is no federal or state mandate how or where they can be used. There are no D.O.T regulations. A speed box can collect data on use, which will be valuable for Powell Bill purposes, as well. The chief also agreed to look at speed calming devices and develop a policy. Fire Chief Niles Howell said the speed bumps at Woodland Hills and others that were built in the pavement are hard on the fire trucks. Ronnie Tipton advised there is something in the subdivision ordinance

about streets, and agreed to research and make recommendations. Visitor David Grindstaff asked about the speed bumps that are already owned by the town, and was told that they upset neighbors. The town is trying to develop some guidelines that are fair for everyone.

- d. Public Works Department – Ronnie Tipton reported:
  - New mowing equipment has arrived; the crew has been mowing right-of-way. The machine does a really good job.
  - We are currently working with McGill to update the AMP and CIP. This required several hours of work on the part of Shane Dale, Matthew Robinson and Ronnie Tipton, as we identify what projects are done and what new projects we wish to add.
  - The contract for the July 2<sup>nd</sup> music event on the square has been signed.
  - East Yancey Wastewater Treatment Plant Project Update – Several issues have cropped up with the plant itself, since it has been left dormant for two years due to Fish and Wildlife. Warranties have expired on almost everything there. McGill Associates has been assisting with problems; Kim Shehan, our electrician, and the manufacturer of the plant, “Aqua” are on site this week doing a startup and identifying issues. We found pumps and pipes frozen and broken, valves not working, and equipment not working. Several items have been fixed, others are scheduled to be fixed. There have been several conversations with County Manager Nathan Bennett, who basically wants the operation fixed and operating. The county has already spent a lot of money. The project start date is July 1<sup>st</sup>, and while it may not happen, it must before school starts.
  - Unless it begins raining soon, the town will need to issue a conservation measure advisory, which would be voluntary.
- e. Town Center – Manager Chad Fox gave an update on upcoming events. He reported that he has been marketing to wedding receptions, because they have a positive economic impact on the town, with visitors staying multiple days, eating at local restaurants, shopping, and using local vendors. There have been twice as many weddings this year as last.

Mr. Fox pointed out that in the summer he fields lots of questions about outdoor activities, and as a response he has built a website for the Town Center that incorporates information on everything from campgrounds to swinging bridges to water falls.

- Council Members’ Reports

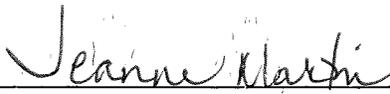
- a. Mayor Theresa Coletta asked Council members to remember the promise made to Chester Henson.

- Updates from Advisory Boards and Non-Profits

- a. Burnsville Public Art Design Board (minutes available)
- b. High Country Council of Governments (minutes and financials available)
- c. Yancey County Economic Development Commission (minutes available)
- d. Yancey History Association (minutes and financials available)

- Other – David Grindstaff spoke on the topic of delinquent taxes, mentioning that 10 percent of the delinquencies are taxes on mobile homes that have proven to be uncollectible. He said we will need to secure a way the town gets paid for these taxes in fairness to those taxpayers who honor their debt and don’t try to escape it.

- Next Regular Town Council Meeting – The next town council meeting will be held on Thursday, August 11, 2016 at 6:00 p.m., at the Burnsville Town Center to consider regular business for the month of August.
- There being no further business, Judy Buchanan moved to adjourn. Shannon Peterson seconded the motion, which carried.

  
\_\_\_\_\_  
Jeanne Martin, Town Clerk

  
\_\_\_\_\_  
Theresa Coletta, Mayor