

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting - Thursday, January 7, 2021**

On Thursday, January 7, 2021, the Burnsville Town Council, with members Mayor Theresa Coletta, Denise Collier, and Bunnie McIntosh present, held a regular meeting at the Burnsville Town Center. Council member Judy Buchanan joined the meeting via remote simultaneous communication at 6pm and was counted present for purposes of quorum and voting. Member Russell Fox was absent. Also in attendance were town staff members Heather Hockaday, Brian Buchanan, Dillon Lundy, Leslie Crowder, Chad Fox and Corbin Cooper; and visitors Jody Higgins, Christy Jones, former Mayor Danny McIntosh, and Jamie McMahan. The Mayor, who presided, called the meeting to order at 6pm and stated that the purpose of the meeting was to conduct regular business for the month of January, 2021. The meeting was streamed live for the public on the Burnsville Town Center's YouTube Channel.

**Adoption of Agenda** - Bunnie McIntosh moved to approve the agenda as presented. Denise Collier seconded the motion, which carried.

**Public Comment**

1. An email from Barbara Ramsey was available. Mayor Theresa Coletta shared with the council that Ms. Ramsey was concerned about how downtown merchants were handling COVID-19 prevention measures. She then gave the Members an opportunity to comment.
2. Former Mayor Danny McIntosh was present and wished to highlight three items. To begin, he felt that the town should prepare a written document about the condition and functionality of the Bolens Creek raw waterline. Second, he emphasized the need for a new water source and supports current efforts to obtain one. Lastly, Mr. McIntosh expressed gratitude for the leadership Mayor Theresa Coletta displayed by receiving the COVID-19 vaccine. He also expressed appreciation for the way Town Council and Staff have handled the difficulties of the pandemic.

**Consideration of Minutes** - Minutes from a closed session held on November 5, 2020 were available. Judy Buchanan made a motion to approve the November 5, 2020 closed session minutes. Denise Collier seconded and the motion carried. Minutes from a regular meeting held on December 3, 2020 were available. Bunnie McIntosh moved to approve the December 3, 2020 regular meeting minutes as read. Denise Collier seconded the motion, which carried.

**Appointment of Town Clerk** - *A Resolution to Appoint J. Chad Fox as Clerk to the Burnsville Town Council* was considered. Bunnie McIntosh moved to appoint Mr. Fox as Clerk to the Town of Burnsville. Judy Buchanan seconded the motion, which carried. The Mayor Theresa Coletta then administered the oath of office to Mr. Fox.

**Appointment of the Tax Collector** - *A Resolution to Appoint a Tax Collector for the Town of Burnsville, North Carolina*, appointing Heather Hockaday as Tax Collector, was considered. Denise Collier made a motion to appoint Mrs. Hockaday as Tax Collector for the Town of Burnsville. Judy Buchanan seconded the motion, which carried. The Mayor Theresa Coletta then administered the oath of office to Mrs. Hockaday.

**Presentations** - There were no presentations.

### **Administrator's Update** - Heather Hockaday

1. COVID-19 Update - Mrs. Hockaday updated the Council on recent announcements from the Governor's office, including an extension of the stay at home order and updates on vaccines. She mentioned that Yancey County remains red on the County Alert System with community transmission of COVID-19 very high and that local hospitals are concerned about several issues including their current ICU situation and staffing.
2. Update on Land Use Plan - Cory Osborne from High Country Council of Governments has completed the draft of the Comprehensive Land Use Plan and sent it to the Steering Committee. The plan, required by law, will be reviewed by the Planning Board and Steering Committee and then sent to Council for adoption at a public hearing.
3. Amendment to Agreement Between HCCOG and the Town of Burnsville pertaining to Stormwater Mapping - Due to an injury, the contract dates were revised.
4. Discussion of SOC with DEQ - Mrs. Hockaday has received a rough draft of the SOC and conversations were had about planning, diagnostics, location of infrastructure, and GIS mapping.
5. Funding Resources for water/sewer projects - A Town Council work session was set for February 1, 2021 at 1pm, in the Burnsville Town Center to discuss items such as possible projects, funding streams, and how to handle engineering.
6. Advisory Board Handbook - Town Clerk Chad Fox gave an overview of the handbooks objectives, saying it was especially helpful for new members. Denise Collier made a motion to approve the Advisory Board Handbook. Bunnie McIntosh seconded the motion, which carried.
7. Discussion on updating job descriptions in Employee Handbook - Recent changes in personnel has left a need to update the job descriptions. Mrs. Hockaday said staff would prepare the changes and have them ready for the February regular meeting.
8. Proposed amendments to Animal Control Ordinance - A draft of the updated Ordinance was available for review. Mrs. Hockaday explained that the changes were primarily to the nuisance and dangerous dog provisions. Judy Buchanan made a motion to approve the amendments to the animal control ordinance. Bunnie McIntosh seconded the motion, which carried.
9. Citizen Participation Plan for CDBG-I Grantees update. Mrs. Hockaday gave background on the updates to the plan that now contain language on virtual public hearings. Denise Collier made a motion to approve the new CDBG-I Citizen Participation Plan. Bunnie seconded the motion which carried.
10. CDBG-I grants compliance - In regards to the CDBG-I grants for Peterson Trailer Park and Indian Trail/Meadow Road, in the last 6 months there have been:
  - No Section 504/Americans With Disabilities Act complaints to the Town of Burnsville
  - No Fair Housing complaints to the Town of Burnsville.
  - No Limited English Proficiency translation requests.
11. Tax Report - Pursuant to G.S. 105-369(a), *Tax Delinquent Report* dated December 31, 2020 was provided as an update of uncollected revenues. Mrs. Hockaday mentioned that current collections were in line with past years.

### **Department Updates**

1. Public Works - Dillon Lundy
  - a. OMC Pump Station update - Mr. Lundy reported that recently the sump pump had been flooded which shorted out the electronics. The faulty motor was rebuilt and back up and running within a few days. He expects the new pumps to arrive by May.
  - b. Cane River intake pump update - While the second pump was pulled for maintenance, the first pump malfunctioned. This created a need to bring in raw water from Bolens Creek, which had obstructions in the line. To address the intake issues, Public Works and contractor Underwood worked around the clock during the holidays to return the water to appropriate levels.

- c. Wastewater treatment plant update - Mr. Lundy said that recent upgrades to the .3 WWTP have it operating like new, running efficiently and passing all testing. He mentioned that Public Works will be designing the .3 plant diffusers in house.
  - d. Safety Equipment discussion - Council was updated on efforts to acquire more updated and versatile safety equipment.
  - e. Employee safety and standard operating procedure training - Mr. Lundy spoke about efforts to create written safety procedures to follow for the variety of tasks that Public Works are involved in.
  - f. Glenn Raven road repair update - Mr. Lundy explained that the unusual depth of the hole, large amounts of water in the soil, and difficult weather conditions made proper compaction of the soil more difficult. The soil being difficult to compact created a dip in the pavement, which Public works has since repaired.
2. Finance Report - Leslie Crowder
- a. Budget vs. Actual dated December 31, 2021 was previously provided to the Council.
  - b. Project Ordinances
    - i. A Project Ordinance for the OMC pump station/Force Main improvements was available for consideration. Denise Collier made a motion to approve the Project Ordinance. Mayor Theresa Coletta seconded the motion, which carried.
    - ii. A Project Ordinance for the repair of the .3 Waste Water Treatment Plant was available for consideration. Bunnie McIntosh moved to approve the Project Ordinance. Denise Collier seconded the motion, which carried.
  - c. Budget amendment(s) - Finance Officer Leslie Crowder presented A budget amendment to the Town Council accounting for two reallocations of expenses.
    - i. Police Department - An increase to the vehicle maintenance line was needed after repairs were made to the 4-wheel drive truck.
    - ii. Water/Sewer Department - A line item transfer was needed to account for expenses associated with unforeseen water/sewer breaks. Bunnie McIntosh moved to approve the budget amendments. Denise Collier seconded the motion, which carried. Mayor Theresa Coletta and Judy Buchanan were also in agreement. (Following the meeting, a correction was made to the Police Vehicle Maintenance line which should read "10-510-1700". The error was corrected and sent to the Councilors on Monday of the following week.)
  - d. Signature card updates at UCB - Mrs. Crowder expressed a need to update the signature card for United Community Bank due to the retirement of signer Jeanne Martin. Mrs. Crowder suggested that the signers going forward should be Mayor Theresa Coletta, Heather Hockaday and herself. Judy Buchanan made a motion to update the UCB signature cards to Mayor Theresa Coletta, Heather Hockaday and Leslie Crowder. Denise Collier seconded the motion, which carried.
3. Fire Department - Niles Howell
- a. Operations - A monthly update was made available to the Council.
  - b. Building project update - Fire Chief Niles Howell submitted a report that the garage doors are mostly installed, framing has begun on the bays and administrative area, and some concrete work has been delayed due to weather.
4. Police Department - Chief Brian Buchanan reported end of year numbers. He mentioned that the department has been fortunate to have few absences throughout the pandemic as officers have begun to receive vaccinations.
5. Zoning/Code Enforcement - Brian Buchanan

- a. Rezoning Request - Town Council heard background on a rezoning request by Ron Powell at 407 East Main Street, changing the parcel from R-10 to C-3. Zoning Administrator Brian Buchanan said the property would be appropriate for a commercial use as it abuts to both zones and has a main street address. Town Administrator Heather Hockaday advised that the Town Council could have a public hearing in February once the application has been reviewed by the Planning Board. Mayor Theresa Coletta made a motion to refer the application to the Planning Board and have a public hearing at the February 4, 2021 regular meeting to consider a zoning change to 407 East Main Street. Bunnie McIntosh seconded the motion, which carried.
  - b. 160-D update. Staff continues to look at necessary language changes to ordinances in order to be compliant with 160-D by the deadline of July 1, 2021.
6. Burnsville Town Center - Town Clerk Chad Fox reported that this January has more rentals than the previous year.

**Council Members' Reports** - There were no reports.

**Updates from Advisory Boards and Non-Profits**


1. Economic Development Commission - Jamie McMahan
  - a. Little Leaf Farm's request for extension of water service - The possible two mile extension could serve two separate projects near the former Hickory Springs property. Town staff and EDC Director Jamie McMahan have had conversations with grant funders as the job creation component could open up the project to funding opportunities. Mr. McMahan reported that the current timeline has the incentive agreement completed in January, LGC approval by March, grading shortly after, and building to begin in August.
  - b. Farmers' market design process - The first phase, with twenty-one different designs narrowed down to one, has been completed. Mr. McMahan expects the slab and footers to be finished by March, with the entire project completed by August. He also mentioned that the possible coordination between MHHS and ASU, would be the first time this type of collaboration will have occurred.
  - c. Homegrown Developers Project - Mr. McMahan updated the Council on a program being discussed to educate and foster Burnsville's own developers and contractors.
  - d. Mr. McMahan also updated the council on a new potential collaboration with MHHS and ASU. Students would compete by designing energy efficient, affordable homes that could potentially be constructed by Habitat at the highschool.
2. Burnsville/Yancey Chamber of Commerce - Director Christy Jones reported that the Chamber is gearing up to have an arts and crafts fair and more socially distant events.

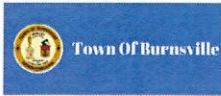
**Closed Session** - There was no closed session.

**Next Town Council Meeting** - The next Town Council regular meeting will be held at the Burnsville Town Center on February 4, 2021 at 6pm, to conduct regular business for the month of February, 2021.

There being no further business, Judy Buchanan made a motion to adjourn. The meeting adjourned.

  
 Chad Fox, Town Clerk

  
 Theresa Coletta, Mayor



Jeanne Martin &lt;clerk@townofburnsville.org&gt;

**Fwd: Violation of COVID Restrictions**

1 message

**Public Comment** <publiccomment@townofburnsville.org>

Mon, Dec 7, 2020 at 12:37 PM

To: Jeanne Martin &lt;clerk@townofburnsville.org&gt;, Heather Hockaday &lt;hhockaday@townofburnsville.org&gt;

----- Forwarded message -----

From: &lt;bgramsey13@aol.com&gt;

Date: Sun, Dec 6, 2020, 5:06 PM

Subject: Violation of COVID Restrictions

To: publiccomment@townofburnsville.org &lt;publiccomment@townofburnsville.org&gt;, yanceyhd@toeriverhealth.org &lt;yanceyhd@toeriverhealth.org&gt;

To the Burnsville Town Council and Yancey County Health Department,

As residents of Weaverville and Asheville, my family, friends, and neighbors often drive to Burnsville to enjoy the local shops, cafes, and the pre-pandemic holiday celebrations and craft shows. Unfortunately my experience on Main Street on Saturday December 5, 2020 guarantees that we will no longer bring business to Burnsville until all NC COVID restrictions are removed.

As I came into town I noticed a large number of people walking on the sidewalks, standing in line for food, and clustering in groups around chairs and vehicles. The lack of face coverings and social distancing was patently obvious. The line to get into a coffee cafe stretched out to the sidewalk and down the street. I planned on going in but people were not only maskless but standing shoulder to shoulder. When I went into a shop that had a sign out front requiring masks, I asked about the crowds and the lack of COVID precautions. The salesperson told me about the Christmas parade, then implied that the lack of masks and distancing was a deliberate plan made by many parade goers.

Any community that allows intentional violation of NC COVID restrictions is not a place that I, family and friends will visit. Perhaps your businesses are fortunate to not need support from Buncombe County "outsiders" but I still feel compelled to send this message.

Stay healthy,  
Barbara Ramsey

A RESOLUTION TO APPOINT J. CHAD FOX AS CLERK TO THE BURNSVILLE TOWN COUNCIL

WHEREAS, Jeanne Martin served as Clerk to the Town Council until her retirement on December 31, 2020; and

WHEREAS, pursuant to NCGS 160A-171 the Town shall appoint a Clerk and the Clerk shall fulfill all statutory duties proscribed and all other duties assigned by Council; and

WHEREAS, J. Chad Fox has earned and achieved a certification from the North Carolina School of Government of Certified Municipal Clerk (CMI) in October 2020; and

WHEREAS; J. Chad Fox has served as Deputy Clerk to the Council since February 7<sup>th</sup> 2020; and

WHEREAS; the Burnsville Town Council desires to appoint J. Chad Fox as Clerk to the Council.

NOW, THEREFORE, BE IT RESOLVED the following:

1. That J. Chad Fox is hereby appointed to serve as Clerk to the Burnsville Town Council and shall serve at the pleasure of the Council pursuant to the requirements of NCGS 160A-171 and other such duties as Council may assign.
2. That J. Chad Fox shall be sworn in by the Mayor on January 7, 2021.

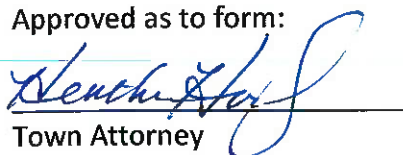
This the 7<sup>th</sup> day of January, 2021.

  
Theresa Coletta, Mayor

ATTEST:

  
Town Clerk

Approved as to form:

  
Town Attorney

A RESOLUTION TO APPOINT A TAX COLLECTOR FOR THE TOWN OF BURNSVILLE, NORTH  
CAROLINA

WHEREAS, Jeanne Martin served as Tax Collector for the Town of Burnsville until her retirement on December 31, 2020; and

WHEREAS, NCGS 105-349 requires that the governing body appoint a tax collector; and

WHEREAS, NCGS 105-296(f) authorizes that the tax collector may hold dual appointments at the same time. The Burnsville Town Council desires to appoint Heather N. Hockaday as Tax Collector;

WHEREAS, Heather N. Hockaday has been determined to be a person of character and integrity whose experience in business and collection work is satisfactory to the governing board; and

WHEREAS, the North Carolina League of Municipalities has bonded the Tax Collector for the Town of Burnsville in the amount of TWENTY- FIVE THOUSAND DOLLARS AND NO/100 (\$25,000) and the Council finds this amount sufficient and approves the same.

NOW, THEREFORE, THE BURNSVILLE TOWN COUNCIL RESOLVES the following:

1. That Heather Hockaday is appointed Tax Collector for the Town of Burnsville, North Carolina and shall serve a term beginning January 7, 2021 and ending July 1, 2022.
2. That the tax collector be bonded in the amount of TWENTY-FIVE THOUSAND DOLLARS AND NO/100.
3. That the appointee shall be sworn in by the Mayor on January 7, 2021.

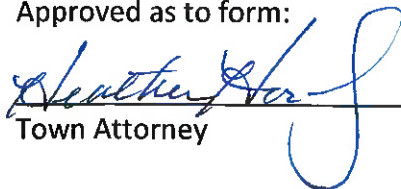
This the 7<sup>th</sup> day of January, 2021.

  
Theresa Coletta, Mayor

ATTEST:

  
Chad Fox, Town Clerk

Approved as to form:

  
Town Attorney

## Project Ordinance

### OMC Pump Station / Force Main Improvements

**BE IT ORDAINED** by the Burnsville Town Council, pursuant to Section 13.2 of Chapter 159 of the general statutes of North Carolina, the following grant project is hereby adopted:

1. The projects authorized are the Division of Water Infrastructure Projects. Described in the work statement contained in the Loan Documents between this unit and the NC Department of Environmental Quality (DENR)
2. The officers of this unit are hereby directed to proceed with the loan project within the terms of the loan document(s), the rules and regulations of the loan, and the budget contained herein.
3. The following revenues are available to complete this project:

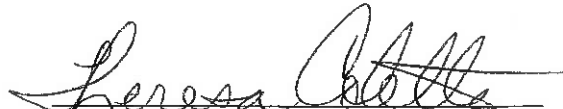
State Revolving Loan	\$ 1,142,750
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4. The following amounts are appropriated for the project:

Engineering (Both Projects)	\$ 173,850
Administration	\$ 10,000
Contingency	\$ 6,400
Construction (Pump Station Repair)	\$ 650,182
Construction (Force Main Repair)	\$ 126,460
Reimbursement for expenses (Failure of Force Main)	\$ 153,450
Closing Costs	\$ 22,407
<b>Total Project Costs</b>	<b>\$ 1,142,750</b>

5. Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

**ADOPTED** this \_\_\_\_ day of January 7, 2021.

  
Mayor

ATTEST:

  
Clerk



# Town of Burnsville

## Project Ordinance

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**BE IT ORDAINED** by the Burnsville Town Council, pursuant to Section 13.2 of Chapter 159 of the general statutes of North Carolina, the following grant project is hereby adopted:

Section 1. The project authorized hereby is the Repair of the .3 Waste Water Treatment Plant, including, without limitation, general construction, and the installation of a new walkway, as well as other mechanical and electrical installations and repair to provide an appropriate and compliant facility for the citizens of the waste water system.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms and provisions of Chapter 159 of North Carolina General Statutes and the budget contained herein.

Section 3. The following revenues are available to complete this project:

Town of Burnsville Contribution	\$ 525,588.00
<b>Total</b>	<b>\$ 525,588.00</b>

Section 4. The following amounts are appropriated for the project:

Town of Burnsville – Repair and Rehab the .3 WWTP

Construction Admin	\$ 22,200.00
Tank Clean out	\$ 14,115.00
Construction (Walkway)	\$ 40,835.00
Construction	\$ 415,768.00
Electrical	\$ 7,500.00
Clarifier Rehab/ Misc. Parts	\$ 25,170.00
<b>Total Project</b>	<b>\$ 525,588.00</b>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to provide the accounting information as required by Chapter 159 of the North Carolina General Statutes. Further the Finance Officer is directed to include a detailed analysis of past and future costs and revenues of the capital project in every budget submission made to the Town Council.

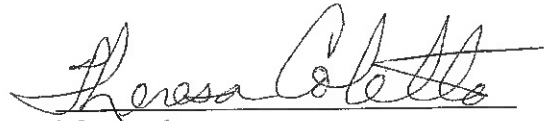
Section 6. The Town Administrator is hereby authorized and empowered to execute any and all documents necessary to commence, carry out, and complete the capital project set forth herein without any further direction, authorization, or consent, including without limitation any and all contract documents, change orders, and any other in completing this capital project. Further that the Administrator is authorized to transfer appropriations within various line items of this capital project ordinance as she shall in her discretion deem necessary, according to law. Further that the Administrator shall from time to time report to the Town Council as they shall direct as to the status of completion of the capital project and/or the status of the budget for the capital project.

Section 7. Copies of this capital project ordinance shall be made available to all Town staff for the purposes of direction in carrying out the completion of this capital project.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this 7<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

Town of Burnsville, North Carolina  
Budget Amendment (Line item Transfer)  
GENERAL- WATER/SEWER FUND

over correction  
on Police increase  
line should say  
10-510-1700. a  
correction was sent  
to councilors.

**Budget Amendment Item:** Account for reallocation of expenses.

Background Information: A line item transfer is needed to:

▪ **POLICE DEPARTMENT:**

Increase vehicle maintenance line to cover possible needs after repair of the 4 wheel drive truck.

**Increase:** 10-510-1701 (Vehicle Maintenance) - \$5,000

**Decrease:** 10-420-7401 (General Fund Reserve) - \$5,000

▪ **WATER DEPARTMENT:**

To account for expenses associated with unforeseen water/sewer breaks.

**Increase:** 30-810-1410 (Infrastructure Supplies) -\$16,187

**Increase:** 30-810-1420 (Gravel, Asphalt repair) -\$19,500

**Decrease:** 30-810-7400 (Capital Outlay) -\$ 35,687

▪ **SEWER DEPARTMENT:**

**Increase:** 30-815-1420 (Gravel, Asphalt repair) - \$10,000


**Increase:** 30-815-1430 (Waste Water Analysis) -\$1,000

**Decrease:** 30-815-7403 (Capital Outlay) - \$11,000.00

Requested by:

  
Budget Officer

Authorized by:

  
Mayor

Council Vote: 4 Yes 0 No

Date approved by Council: 1-7-21

# Burnsville Police Department

## Activity totals for December 2020

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	Monthly	Yearly
	Totals	Totals
Total Calls:	<b>204</b>	<b>1973</b>
Motor Vehicle Accidents:	<b>7</b>	<b>115</b>
Vehicle Stops:	<b>52</b>	<b>843</b>
Citations Issued:	<b>30</b>	<b>561</b>
Arrests:	<b>8</b>	<b>45</b>
Driving While Impaired Charges:	<b>2</b>	<b>16</b>

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## Burnsville Fire Department Monthly Update January 7, 2021

### Call Summary for December 2020

Monthly Call Summary				
Call Type		In District	M/A	Total
F/A		4	1	5
Structure		3	7	10
Assist EMS		3		3
Standby		3		3
Assist Police				
MVA		3	2	5
Public Service				
Drill				
Hazmat				
Landing Zone		3		3
Brush Fire				
Road Hazard				
Investigation		2		2
Tree Down		2		2
Bomb Scare				
CO Alarm		2		2
Smoke Det. Alarm				
Stranded Motorist		2		2
Search		2		2
Vehicle Fire				
Fire – Other				
Rescue/Extrication				
Cancelled Enroute		5	6	11
		Total – 50		

2020 Yearly Total- 442 2021 Yearly Total - 8
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