

BURNSVILLE TOWN COUNCIL
Special Meeting – Thursday, October 1, 2020
(For Regular Business – Month of October, 2020)

On Thursday, October 1, 2020, the Burnsville Town Council, with members Mayor Theresa Coletta, Judy Buchanan, Denise Collier, Russell Fox and Bunnie McIntosh present, held a special meeting at the Burnsville Town Center. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Chad Fox, Heather Hockaday, Niles Howell, Dillon Lundy, and Jeanne Martin; and visitors Kelly Coffey, Jody Higgins, Christy Jones, former Mayor Danny McIntosh, Jamie McMahan and others. The Mayor, who presided, stated that the purpose of the meeting was to conduct regular business for the month of October, 2020.

- **Adoption of Agenda** – The Mayor asked for Item No. 10 on the agenda to be moved to the No. 8 position, and requested consideration of an additional Proclamation, *Paint the Town Pink*, listed under No. 8. Bunnie McIntosh moved to adopt the agenda as revised. Russell Fox seconded the motion, which carried.
- **Public Comment** – Former Mayor Danny McIntosh spoke about the town's water system, commenting that it is critical to consider water storage issues.
- **Consideration of Minutes** – Available for review were minutes from a special meeting and public hearing held September 3, 2020. Judy Buchanan made a motion to approve the aforesaid minutes as written. Bunnie McIntosh seconded the motion, which carried.
- **Ordinance Amending Section 30.15, Regular Meetings** – Council considered *Ordinance Amending Section 30.15, Regular Meetings*, which was drafted to change the Council meeting place from the Town Hall to the Burnsville Town Center. It was mentioned that when the elevator project is completed at the Town Hall, meetings would probably revert to being held in that building. Bunnie McIntosh moved to adopt the aforesaid Ordinance. Judy Buchanan seconded the motion, which carried.
- **Public Hearing on Application for CDBG-I Funding**– Russell Fox moved to enter a public hearing on the Town's application for a grant in the amount of approximately \$2 million in CDBG Infrastructure funds to replace an old and deteriorated main sewer interceptor line that collects wastewater from the entire town, running along West Main Street, Highway 19E, and Pine Swamp Road. Bunnie McIntosh seconded the motion, which carried.

Kelly Coffey, Senior Planner at High Country Council of Governments, was present to provide an explanation and description of the 2020 North Carolina Department of Environmental Quality (DEQ) Community Development Block Grant – Infrastructure Grant (CDBG-I). Mr. Coffey stated that the purpose of the public hearing was to obtain citizens' views and to respond to funding proposals and answer any questions posed by citizens.

Mr. Coffey also stated that the public hearing must cover the Town's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's CDBG-I funding application to the state of the North Carolina.

The Town of Burnsville proposes requesting funding from NCDEQ'S CDBG-I program for the Burnsville Main Sewer Interceptor Replacement Project. The proposed project will meet the community and housing needs of Burnsville by replacing an old and deteriorated main sewer interceptor line along West Main Street, Hwy 19E, and Pine Swamp Road that collects wastewater from the entire town. It consists of replacing the existing 10" VCP line with 12,999 linear feet of 10" HDPE sewer line. The project will also include 120 sanitary sewer service taps, 20 point repair sewer service taps, and the rehabilitation of 58 manholes.

The purpose of the CDBG-I grant program is:

- to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.
- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year 2020 the available CDBG-I funding is expected to be \$25.2 million, and the maximum available grant per applicant is \$2.0 million over a 3-year period. Applications for funding will be received until November 23, 2020.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency or compliance with regulations.

The Town of Burnsville is seeking an amount in CDBG-I funds not to exceed \$2.0 million for the Burnsville Main Sewer Interceptor Replacement Project. The purpose of the Town's request is to replace an old and deteriorated main sewer interceptor line along West Main Street, Hwy 19E, and Pine Swamp Road that collects wastewater from the entire town. It consists of replacing the existing 10" VCP line with 12,999 linear feet of 10" HDPE sewer line. The project will also include 120 sanitary sewer service taps, 20 point repair sewer service taps, and the rehabilitation of 58 manholes.

The project proposed by the Town was identified in the 2016 Capital Improvement Plan/Asset Management Plan.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Burnsville has been determined to have an area-wide LMI of 55.67%. The project area includes the entire town.

The range of activities covered by the CDBG-I funds for the Burnsville Main Sewer Interceptor Replacement Project includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and Observation
- Legal Activities
- Surveying.
- Grant Administration.

If the Town of Burnsville is awarded a CDBG-I grant, the Town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the Town of Burnsville receives CDBG grant funding that the Town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. No displacement and relocation will occur as a result of the proposed CDBG grant activity.

In the past, the Town has applied for and received the following completed CDBG projects:

- 2005 CDBG-ED Altec Sewer Line Extension- \$1.0 million – creation of 100 jobs
- 2016 CDBG-I – Peterson Trailer Park Sewer Line Rehab- \$900,000 – 45 homes served with functioning wastewater disposal
- 2017 CDBG-I – Indian Trail/Meadow Rd. Sewer Line Rehab - \$1,182,500 – 37 homes and a 32 unit apartment building served with functioning wastewater disposal

The Town of Burnsville will submit its CDBG-I application for the Burnsville Main Sewer Interceptor Replacement Project on or before November 23, 2020. The CDBG-I application will be available for review during normal business hours at the Burnsville Town Hall, 1 Town Square, Burnsville, NC. Additional information is available from the Town Clerk, Jeanne Martin, 828-682-2420, clerk@townofburnsville.org. Should there be any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by October 20, 2020 and a written response to the written complaints and/or grievances will be sent by the Town within 10 business days, where practicable.

Danny McIntosh commended Council for undertaking this project, for which he indicated his support.

No other comments were heard by Council on this issue.

Judy Buchanan made a motion to close the hearing. Bunnie McIntosh seconded the motion, which carried. Council then considered a Resolution that authorizes Town Administrator, Heather Hockaday, as the authorized official to execute and file an application for funding of the aforesaid project. A copy of this Resolution is attached to these minutes and by reference made a part hereof. Judy Buchanan made a motion to adopt the aforesaid Resolution. Russell Fox seconded the motion, which carried.

- A public hearing was scheduled for this meeting to give citizens the opportunity to provide input concerning participation in a proposed leak protection program, through ServLine Leak Protection. The Mayor opened the hearing and Administrator Heather Hockaday summarized details of the proposed program, which is designed to cover water that is lost due to a qualifying leak, covering up to \$1,000 per incident. The coverage is available once a year and begins at the customer's meter and includes leaks occurring along the remaining buried service line and plumbing inside the home. The cost to the customer would be \$2.55 per month and would be added to utility bills. Customers would be responsible for the normal usage amount and any costs that exceed the \$1000 in coverage. Mrs. Hockaday read a series of comments that had been submitted by water customers prior to the hearing, and Council heard comments from Danny McIntosh and Brant Casteel, who were both present at the hearing. Leslie Crowder answered questions and provided clarification: Bunnie McIntosh moved to close the Hearing. The motion was seconded by Judy Buchanan and carried. Heather Hockaday stressed that no changes are being made at this time, and other options would be available for Council review in the future.

Russell Fox commented that it appears emails and comments are equally divided about the leak protection program. However, he pointed out that a number of those in favor of the program are plainly stating they don't support a mandatory program.

- **Presentations**

1. Christy Jones, newly appointed Executive Director, Chamber of Commerce, introduced herself and was welcomed by Council.
2. David Graham, High Country Council of Governments, was on hand to give background on the need for an update to Yancey County's Comprehensive Transportation Plan. Available for review was material being used to assist in the development of the update, which was explained by Mr. Graham. Russell Fox made a motion to officially approve the projected socio-economic data being used to determine future deficiencies as shown on the charts included in the provided material. Judy Buchanan seconded the motion, which carried.
3. Representatives from the Burnsville Rotary Club announced proposed plans for a Veterans' Day ceremony on November 11th and placement of American flags in the ground around the Town Square. Council heard that flags would be offered to the community for purchase, and proceeds would be donated to local charities. There was a discussion about the method in which the flags would be installed and the effect to the Town Square, which was a particular concern of Councilor Bunnie McIntosh. Judy Buchanan made a motion to approve plans as presented by the Rotary Club, and permit the use of the performing stage at a cost of \$100 for this purpose. Russell Fox seconded the motion. Voting was as follows:

Ayes

Judy Buchanan
Theresa Coletta
Denise Collier
Theresa Coletta

Noes

Bunnie McIntosh

- **Public Works – Dillon Lundy:**

1. Update on OMC Pump Station and Force Main Project
 - a. Councilors heard that the force main project is almost complete.
 - b. Available for review was *Resolution of Tentative Award* for construction of the OMC Pump Station Improvements (E-SRP-W-17-0063), which contained the consulting engineers' recommendation for an award to the lowest bidder on the project, Carolina Grading & Utilities, Inc. Russell Fox made a motion to award the construction contract to Carolina

Grading & Utilities, Inc. at a total cost of \$498,500.00. Theresa Coletta seconded the motion, which carried.

2. *Meadow Road/Indian Trail Project Update* – This project continues to move forward.
3. Water treatment plant discussion – Councilors learned that the ceiling at the water plant appears to be failing. Contractors will be contacted for correction. A quote for repair of the flash mixer, which is needed for permitting, has come in at \$18,975. Russell Fox made a motion to approve this expenditure. Judy Buchanan seconded the motion, which carried.
4. Discussion regarding East Main Street sidewalk – Council was told that the low bid on the East Main Street sidewalk project is \$72,000. Yancey County is interested in helping financially up to \$29,000 after January 1st.
5. Council discussed arrangements for an ORC and lab work at the wastewater treatment plant. Options being considered are obtaining bids from outside sources, including existing and other contractors, as well as looking at an in-house ORC. Costs for different options will be available at the November Council meeting.
6. Update on wastewater treatment plant – Council heard a lengthy update on the status of emergency repairs at the wastewater treatment plant.

Council was reminded of last month's presentation from McGill Associates on the plan to reconfigure and alter the current wastewater treatment process, which is costly and does away with the work that has been done as an emergency measure. Heather Hockaday advised that she has reached out to Randy Hintz, with Withers-Ravenel Engineering, for another opinion of feasible options. He has proposed to present a plan that would optimize existing facilities. The cost of the plan and presentation would be \$10,000, which would be deducted from a future engineering contract with his firm. Judy Buchanan made a motion to accept this proposal, authorize Heather Hockaday to sign an agreement for engineering services as described, and further, schedule a meeting for the presentation on October 9, 2020 at 4:00 p.m. Russell Fox seconded the motion, which carried.

Council discussed the status of a GoldenLeaf application for upgrades to the .5 wastewater treatment plant. A letter of intent to pursue funding needs to be submitted to GoldenLeaf by October 22nd. Judy Buchanan moved to authorize Heather Hockaday and Theresa Coletta to sign the letter. Bunnie McIntosh seconded the motion, which carried.

▪ **Administrator's Update:**

1. Heather Hockaday provided an update on the COVID-19 pandemic, mentioning that the Governor has moved the State to Phase 3, explaining that we are still limited to gatherings of 25 indoors and 50 outdoors, except for conference halls, etc.
2. Update on Land Use Plan – Councilors heard that there have been 89 responses thus far to the land use survey that appears on the town's webpage.
3. Closeout approval for Peterson Trailer Park – Councilors were reminded of the Public Hearing that was held on September 3, 2020 for the closeout of the Peterson Trailer Park project, CDBG Infrastructure Grant #16-I-2915. It was noted that there have been no comments, either in favor or against closing the project. Judy Buchanan then moved to close out the aforesaid project, which was summarized at the public hearing in September. Bunnie McIntosh seconded the motion, which carried.

▪ **Council Members' Reports –**

1. The Mayor presented the following Proclamations for review:
 - a. Commemorating 100 years of the Burnsville Women's Club
 - b. Paint the Town Pink 2020

Bunnie McIntosh moved to approve the aforesaid Proclamations. Russell Fox seconded the motion, which carried.

The Mayor announced she would have to leave the meeting early. Russell Fox moved to excuse Mayor at this point in the meeting. Judy Buchanan seconded the motion, which carried.

▪ **Department Updates:**

1. Administration (Jeanne Martin)

a. Tax Report:

- 1) Pursuant to GS 105-369(a), *Tax Delinquent Report* dated September 28, 2020 was provided as an update of uncollected revenues. A variety of collection efforts are underway, with every delinquent account receiving attention.
- 2) Councilors were informed of the release of Tax Bill #2593, Harold and Betty Chandler, which was a tax on personal property outside town limits.
- 3) Councilors reviewed a listing of tax bills amounting to less than \$5.00 that have been released.
- 4) The staff Christmas dinner will be a predicament because of limitations for gatherings during Covid-19. Councilors discussed possible options. Judy Buchanan moved to divide the money allocated for the dinner equally among the employees. Russell Fox seconded the motion, which carried.
- 5) Resolution *Declaring Certain Property Surplus and Authorizing Disposal* – Available for review was the aforesaid Resolution which contained a listing of miscellaneous surplus items for disposal. Russell Fox moved to adopt the aforesaid Resolution. Bunnie McIntosh seconded the motion, which carried.
- 6) Open enrollment for health benefits – Mercy Urgent Care is currently doing virtual tobacco counseling for our employees as open enrollment is underway.

b. Finance Report:

- 1) The monthly finance report dated September 25, 2020 was furnished to Council prior to the meeting.
- 2) Councilors heard an update on the response to utility payment plans.
- 3) A budget amendment recognizing revenues/expenditures for Covid-19 utility payment relief was available for review. Russell Fox moved to adopt the amendment to the budget. Bunnie McIntosh seconded the motion, which carried.
- 4) An amendment to the Project Ordinance for the OMC/Force Main project was available for review. Judy Buchanan moved to adopt the amendment. Bunnie McIntosh seconded the motion, which carried.

2. Fire Department (Chief Niles Howell)

a. Operations:

- 1) Fire Department – A Call Summary for September, 2020 was available for review.
- 2) Building project – Council heard an update on the project. The Chief mentioned that an additional cooktop and ice machine will be purchased out of capital outlay.

3. Police Department (Chief Brian Buchanan)

- a. Performing stage request – the Yancey County Republican Party has asked for use of the performing stage on 10/15. No other town services are being requested, and the organizers will pay the fee for use of the stage. Bunnie McIntosh moved to permit the stage to be used on 10/15 for this event. Russell Fox seconded the motion, which carried.

4. Zoning Update/Code Enforcement Update (Brian Buchanan) – The Planning Board met last week on two projects, one for Farm Bureau, and the other for Auto Zone proposed to be located on West Main Street between the Pizza Hut and Fastop. Zoning permits were subsequently issued with the understanding that applications for design review will still need to be completed.

5. Burnsville Town Center – Chad Fox reported that there has been a small increase in rentals.

Available for review were *Burnsville Town Center Events During Covid-19 Policies*, which need to be implemented as we transition through the pandemic. Russell Fox moved to adopt the aforesaid policies. Bunnie McIntosh seconded the motion, which carried.

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


1. Economic Development Commission – Jamie McMahan
 - a. Mr. McMahan reported that local sales tax collections are up.
 - b. The EDC plans to ask the General Assembly for an increase in occupancy tax to 6%
 - c. Unemployment peaked at 11.2%, and there is improvement in re-employment numbers. Small business relief continues to be available.
 - d. Mr. McMahan expressed thanks to Young and McQueen for the benefit concert they held in the past month, which raised over \$50,000 for local Covid-19 relief.
 - e. There was a kick-off meeting for the Farmers' Market project with Appalachian students; Heather Hockaday and Brian Buchanan joined the meeting.
 - f. The Little Leaf project is moving forward slowly. Two other businesses have signed letters of intent on other projects lately. Despite Covid-19, there is positive economic news.
2. High Country Council of Governments – Minutes and financials were available for review.

- **Next Town Council Meeting** – The next regular Town Council meeting will be held at the Burnsville Town Center on November 5, 2020, at 6:00 p.m., to conduct regular business for the month of November, 2020.

There being no further business, the meeting adjourned.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor

RESOLUTION BY THE BURNSVILLE TOWN COUNCIL

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Burnsville intends to replace old and deteriorated main interceptor sewer lines along West Main Street, Hwy 19E, and Pine Swamp Road that collect wastewater from the entire town. The project consists of replacing the existing 10" VCP line with 12,999 linear feet of 10" HDPE sewer line. The project will also include 120 sanitary sewer service taps, 20 point repair sewer service taps, and the rehabilitation of 58 manholes, and

WHEREAS, The Town of Burnsville intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BURNSVILLE:

That Town of Burnsville, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Heather Hockaday, Town Administrator, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 1st day of October, 2020 at Burnsville, North Carolina.



(Signature of Chief Executive Officer)

Mayor

(Title)