

**BURNSVILLE TOWN COUNCIL**  
**Regular Meeting - Thursday, November 5, 2020**

On Thursday, November 5, 2020, the Burnsville Town Council, with members Mayor Theresa Coletta, Judy Buchanan, Denise Collier, Russell Fox and Bunnie McIntosh present, held a regular meeting at the Burnsville Town Center. Also in attendance were town staff members Heather Hockaday, Niles Howell, Dillon Lundy, Leslie Crowder, Chad Fox, and Jeanne Martin; and visitors Gail Crisp, Josh Harmening, Jody Higgins, Christy Jones, former Mayor Danny McIntosh, Jamie McMahan, Ed Seel and others. 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 November, 2020.

**Adoption of Agenda** - Bunnie McIntosh made a motion to approve the agenda as presented. Judy Buchanan seconded the motion, which carried.

**Public Comment**

- Josh Harmening from the Burnsville Rotary Club spoke about the Flags for Heroes project and the success of the event thus far. He expressed gratitude for the Council's support.
- Danny McIntosh encouraged the Council to pay close attention to the Bowlens Creek water source.
- Gail Crisp spoke about several issues caused by neighboring cats and requested that the town look into an ordinance for landlords.

**Consideration of Minutes** - Available for review were minutes from a joint meeting with the Burnsville Planning Board held February 11, 2020, a special meeting held October 1, 2020 and a special meeting held October 9, 2020.

Bunnie McIntosh asked that the October 1, 2020 minutes be revised to accurately reflect that her concerns about the Rotary Club's plans for Veteran's Day were not centered around the display of American flags, but the method in which they would be installed around the town square and the effect it may have on it.

Mayor Theresa Coletta made a motion to approve the October 1, 2020 minutes with the changes suggested by Bunnie McIntosh as well as the other minutes as read. Russell Fox seconded the motion, which carried.

**Public Works - Dillon Lundy**

1. Update on the OMC Pump Station and Force Main Project - Public Works Director Dillon Lundy informed the council that a pre-construction meeting was held about the OMC pump Station and a tentative start date was set for December 1st. The date could be sooner depending on work from McGill Associates and the contractor. Mr. Lundy updated the council on the completion of the force main project.
  - a. Mr. Lundy requested that the Council approve the attached Resolution 2020.11.05.01, accepting the State Revolving loan for the amount of \$1,142,750.00. Judy Buchanan made a motion as stated by Mr. Lundy to approve the Resolution, Bunnie McIntosh seconded and all agreed. The motion carried.
2. Meadow Road/Indian Trail project update - Mr Lundy informed the Council that Meadow Road/Indian Trail Project is complete except for a few small fixes.

- a. Resolution to ratify contract documents for the Meadow Road/Indian Trail Sewer system Improvements - Town Administrator Heather Hockaday explained to Council that the Meadow Road/Indian Trail contracts have been executed and the work has been completed but the previous opportunity to ratify the contracts were interrupted by the COVID-19 pandemic. Michelle Ball, with HCCOG, had communicated to staff that the minutes needed to reflect Councils acceptance of the contracts. Mrs. Hockaday requested that the council make a motion to approve the attached Resolution 2020.11.05.02, ratifying the contracts with Hyatt Pipeline, LLC. Judy Buchanan moved to approve the resolution to ratify the contract documents for the Meadow Road/Indian Trail sewer system Improvements with Hyatt Pipeline, LLC. Russell Fox seconded the motion and all were in agreement. Motion carried.

3. Water treatment plant discussion - Dillon Lundy updated the Council, stating he has gone with a different company to purchase the flash mixer, saving over \$5000.00 and speeding up the delivery time. He made council aware of a ceiling collapse at the water plant that caused a temporary plant closure. He said, with the Department of Environmental Quality's permission they were able to operate with one filter running, prompting a water conservation notice to the public. After all tests were approved, the plant was back in operation and work had begun to repair the damage.

4. Update on wastewater treatment plant - Mr. Lundy stated that the project is waiting on a few more parts and repairs and he is hopeful that everything will be up and running in about a week.

5. Update on the Water and Sewer Asset Management and Capital Improvement Plan - A resolution to amend the plan was made available to the Councilors and is attached as Resolution 2020.11.05.03. Heather Hockaday explained the background and purpose of the resolution, mentioning it would better position the town when applying for upcoming grants. Russell Fox made the motion to amend the previously prepared Water and Sewer Asset Management and Capital Improvements Plan, September 2016, and as amended in August of 2017, is further amended to modify the Capital Improvements Plan as shown in the attached revised Table I-1. Judy Buchanan seconded the motion and all agreed. The motion carried.

6. Tree trimming on the Town Square - After obtaining quotes for trimming trees on the Town Square, Dillon Lundy sought direction from the Council on how to proceed. Bunnie McIntosh inquired about the qualifications of the prospective trimmers and expressed her concern about the health of the trees, recommending consultation with an arborist.

#### **Administrator's Update**

1. Covid-19 update - Town Administrator Heather Hockaday updated the Council on the latest executive order from the Governor's Office, a new moratorium on evictions program called HOPE, the latest statistics on the virus and efforts to slow the spread.

2. Update on Land Use Plan - Councilors were reminded of the Burnsville Land Use Plan Steering Committee meeting on November 16, 2020 where attendees will receive an update on the Land Use Plan Public Input Survey.

3. Status of GoldenLeaf application - A letter of intent was submitted on October 22, 2020. Mrs. Hockaday thanked Dillon Lundy, EDC Director Jamie McMahan and HCCOG's Corey Osborne for their assistance. GoldenLeaf responded with questions about the proposal. Heather's response on November 4, 2020 was accompanied by letters of support from Altec, Glen Rave, EDC and DEQ's regional office. Mrs. Hockaday is hopeful this will make the proposal sufficient for them to invite the Town to make full application in January, with the goal of obtaining funds to repair the Pine Swamp WasteWater Treatment Plant.

4. Ordinance Prescribing Procedures for Disposing of Personal Property Valued at Less than \$30,000 - Available for review was a policy, attached as Ordinance 2020.11.05.01, on disposing of surplus personal property. Mrs. Hockaday gave the Council background on the need for a policy, similar

to what other communities use. Judy Buchanan made the motion to adopt the ordinance. Denise Collier seconded the motion, which carried.

5. DEQ funding for storm water mapping project - Council was informed by Heather Hockaday that the Town has received a grant for the stormwater mapping project. She said the contracts have been signed and that the work will begin in January 2021, taking most of next year. She stated that this will be very helpful in identifying where the Town has stormwater going directly into the sewer collection system and how to prevent it.

6. Completion of UNC School of Government's Clerk Certification Institute - Heather Hockaday acknowledged the successful completion of the IIMC Clerk Certification through the UNC School of Government by staff member Chad Fox.

### **Department Updates**

#### 1. Administration - Jeanne Martin

##### a. Tax Report:

- 1) Pursuant to G.S. 105-369(a), Tax Delinquent Report dated October 30, 2020 was provided as an update of uncollected revenues. A variety of collection efforts are underway.
- 2) Settlement on several accounts are being pursued through the garnishment process.

##### b. Finance Report:

- 1) The monthly finance report was furnished to the Council prior to the meeting.
- 2) Councilors heard an update on COVID utility payment plans, with \$2,626.00 being credited to customers accounts.
- 3) A budget amendment, attached to these minutes, was available for review. Judy Buchanan made a motion to approve the budget amendments. Russell Fox seconded and the motion carried.

#### 2. Fire Department - Niles Howell

- a. Operations - A call summary for October 2020 was available for review.
- b. Building project update - Chief Niles Howell updated the Councilors on the new fire department building saying that the block and storm drainage is nearly completed. The plumbing has begun, the sewer lines will be connected soon, a domestic water line was laid and a proposed location for a fire hydrant was established. He also said the expected completion date is late spring or early summer, depending on materials.

3. Police Department - A Police Activities Report was available for the Council to review.

4. Burnsville Town Center - Town Center Manager Chad Fox reported that the recent addition of weekly rentals were helpful as the center navigates Phase 3 of the pandemic.

### **Council Members' Reports**

Mayor Theresa Coletta asked the councilors to let the clerk know if anyone would like to ride in the Christmas parade on December 5th.

Chamber of Commerce Director Christy Jones was recognized by Mayor Coletta and spoke about the Chamber board's approval of the Christmas parade and the success of the halloween event.

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

There were no reports for this month.

**Closed Session**

Judy Buchanan made a motion to adjourn and enter closed session to discuss a personnel/contract issue pursuant to N.C.G.S. 143-318.11(a)(6) and an economic development issue pursuant to N.C.G.S. 143-318.11(a)(4). Bunnie McIntosh seconded the motion, which carried.

Council concluded the closed session and returned to regular session.


Russell Fox made a motion to enter into a one year contract with Water Quality and increase the pay of the two individuals as discussed in closed session. Mayor Theresa Coletta seconded the motion, which carried.

**Next Town Council Meeting** - The next Town Council Meeting will be held at the Burnsville Town Center on December 3, 2020 at 6:00pm, to conduct regular business for the month of December, 2020.

There being no further business, the meeting adjourned.



Chad Fox, Deputy Clerk



Theresa Coletta, Mayor

**RESOLUTION BY GOVERNING BOARD OF  
THE TOWN OF BURNSVILLE**

**WHEREAS**, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible unites of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$1,142,750 for Burnsville for replacement of 850 GPM OMC Pump Station with a new 1,225 GPM Pump Station, and complete replacement of the force main from East Main Street to the OMC Pump Station, DWI Project No. E-SRP-W-17-0063.

**WHEREAS**, the Town of Burnsville intends to construct said project in accordance with the approved plans and specifications.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Burnsville:

Does hereby accept the State Revolving Loan of \$1,142,750;

Does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan – Section II – Assurances will be adhered to.

That THERESA COLETTA 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 Town of Burnsville 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 5<sup>th</sup> day of November, 2020, at Burnsville, North Carolina.

  
THERESA COLETTA, Mayor

**Resolution to Ratify Contact Documents for the Meadow Road/Indian Trail Sewer System  
Improvements (CDBG PROJECT #17-I-2957)**

**WHEREAS**, On January 30, 2020 Hyatt Pipeline, LLC (hereinafter "Contractor") was the successful bidder for the Meadow Road/Indian Trail Sewer System Improvements project with the Town of Burnsville (hereinafter "Town"); and

**WHEREAS**, subsequent to the bid, contracts were prepared by the engineering firm McGill Associates and delivered to the parties for signature in late March, 2020; and

**WHEREAS**, the Mayor of the Town of Burnsville, as chief executive officer for the Town, executed the contracts on behalf of the Town on March 24, 2020; and,

**WHEREAS**, the Town holds its regular monthly business meeting on the first Thursday of each month; however, the April 2020 meeting was canceled due to the Covid-19 Pandemic; and,

**WHEREAS**, the ratification of the Meadow Road/Indian Trail Sewer System Improvement contracts was inadvertently left off the agenda for subsequent Town Council meetings; and

**WHEREAS**, the project is nearing completion and the funding agency requires a ratification of the contracts be evidenced in the official minutes of the Town.

**NOW, THEREFORE**, be it resolved by the Burnsville Town Council the following:

1. That the contracts executed March 24, 2020 by the Mayor of Burnsville are ratified as to their form and substance.
2. That all acts and doings of officers, employees and agents of the Town, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
3. That this resolution shall be effective upon its adoption.

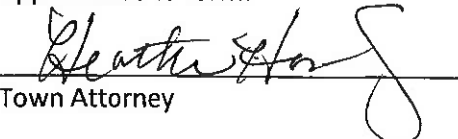
This the 5<sup>th</sup> day of November, 2020.

  
Theresa Coletta, Mayor

ATTEST:

  
Jeanne Martin, Town Clerk

Approved as to form:

  
Town Attorney

**RESOLUTION TO ADOPT AN AMENDMENT TO THE TOWN OF BURNSVILLE'S WATER AND SEWER ASSET MANAGEMENT AND CAPITAL IMPROVEMENTS PLAN**

**WHEREAS**, The Town of Burnsville adopted a Water and Sewer Asset Management and Capital Improvements Plan in September, 2016. The plan was amended in August, 2017 (hereinafter the "Plan"); and

**WHEREAS**, the Plan lists priorities for improvements and replacements of sewer lines in the Town's collection system; and,

**WHEREAS**, replacement of the aging Main Sewer Interceptors (West) as a project is listed on the Plan; and

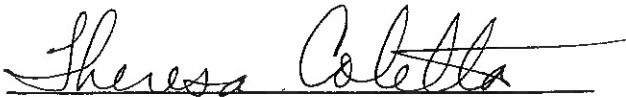
**WHEREAS**, the Town is submitting an application for funding from CDBG-I to replace and repair Main Sewer Interceptors on the West side of town and an amendment to the plan is needed to move the project forward on the list of needed projects for said application.

**WHEREAS**, McGill Associates has prepared an updated list of Water and Sewer Project Priorities to reflect a shift in some priority projects including the Main Sewer Interceptors (West) project. The amended priority list is attached hereto as if set forth fully herein.

**NOW, THEREFORE**, be it resolved by the Burnsville Town Council the followings:

1. The previously prepared Water and Sewer Asset Management and Capital Improvements Plan dated September, 2016 and amended August, 2017 is hereby amended to modify the Capital Improvements Plan list of project priorities as established in the attached listed incorporated into this resolution.
2. That all acts and doings of officers, employees and agents of the Town, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
3. That this resolution shall be effective upon its adoption.


This the 5<sup>th</sup> day of November, 2020.

  
Theresa Coletta, Mayor

ATTEST:

  
Jeanne Martin, Town Clerk

Approved as to form:

  
Town Attorney

**AMENDMENT TO  
WATER AND SEWER  
ASSET MANAGEMENT AND CAPITAL  
IMPROVEMENTS PLAN**

**TOWN OF BURNSVILLE  
YANCEY COUNTY, NORTH CAROLINA**

**MIKE DOWD, PE**

 **McGill**  
ASSOCIATES  
Engineering • Planning • Finance  
Asheville, North Carolina

**SEPTEMBER 2016**  
*AMENDED NOVEMBER 2020*

16.00312



**TABLE I-1: CAPITAL IMPROVEMENTS PLAN SUMMARY (Amended November 2020)**

| PROJECT NAME   | COST         | YEAR 1<br>2018 | YEAR 2<br>2019 | YEAR 3<br>2020 | YEAR 4<br>2021 | YEAR 5<br>2022 | YEAR 6<br>2023 | YEAR 7<br>2024 | YEAR 8<br>2025 | YEAR 9<br>2026 | YEAR 10<br>2027 | YEARS 11 +<br>2028 + |
|--|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|----------------------|
| WATER IMPROVEMENTS   |              |                |                |                |                |                |                |                |                |                |                 |                      |
| VEHICLES   | \$60,000     |                | \$30,000       |                |                |                | \$30,000       |                |                |                |                 |                      |
| EQUIPMENT  | \$50,000     | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000         |                      |
| Automated Meter Reading (AMR) Project                            | \$300,000    | \$30,000       | \$30,000       | \$30,000       | \$30,000       | \$30,000       | \$30,000       | \$30,000       | \$30,000       | \$30,000       | \$30,000        |                      |
| W1 Water Treatment Plant Improvements                            | \$456,900    |                | \$182,760      | \$274,140      |                |                |                |                |                |                |                 |                      |
| W2 Green Mountain Drive Water Improvements                       | \$460,800    |                |                |                |                |                | \$460,800      |                |                |                |                 |                      |
| W3 Meadow Road Water Line Improvements                           | \$489,800    |                |                |                |                |                | \$489,800      |                |                |                |                 |                      |
| W4 Love Fox Road Trailer Park Water Improvements                 | \$286,650    |                |                |                |                | \$286,650      |                |                |                |                |                 |                      |
| W5 Main Street Water Line Improvements                           | \$2,566,700  |                |                |                |                | \$2,566,700    |                |                |                |                |                 |                      |
| W6 Bennett Street Water Line Improvements                        | \$183,050    |                |                |                |                |                |                |                |                |                |                 |                      |
| W7 West Burnsville Church Road Water Line Improvements           | \$464,850    |                |                |                |                |                |                |                |                |                |                 | \$183,050            |
| W8 West Burnsville Church Road Water Line Improvements           | \$1,624,800  |                |                |                |                |                |                |                |                |                |                 | \$464,850            |
| W9 I. Millon Gallon Reservoir                                    | \$1,049,850  |                |                |                |                |                |                |                |                |                |                 | \$1,049,850          |
| W10 West Glendale Avenue Water Improvements                      | \$489,900    |                |                |                |                |                |                |                |                |                |                 | \$489,900            |
| W11 Burnsville School Road Water Line Improvements               | \$388,400    |                |                |                |                |                |                |                |                |                |                 | \$388,400            |
| W12 Bill Young Road Water Line Improvements                      | \$215,300    |                |                |                |                |                |                |                |                |                |                 | \$215,300            |
| W13 Comet Lane Trailer Park Water Improvements                   | \$238,175    |                |                |                |                |                |                |                |                |                |                 | \$238,175            |
| W14 Raw Water Transfer Line Replacement                          |              |                |                |                |                |                |                |                |                |                |                 |                      |
| WATER IMPROVEMENTS SUBTOTAL                                      | \$10,267,875 | \$35,000       | \$247,760      | \$309,140      | \$35,000       | \$2,888,350    | \$65,000       | \$1,442,500    | \$35,000       | \$35,000       | \$35,000        | \$4,654,325          |
| WASTEWATER IMPROVEMENTS  |              |                |                |                |                |                |                |                |                |                |                 |                      |
| VEHICLES   | \$60,000     |                |                |                | \$30,000       |                |                |                |                |                |                 |                      |
| EQUIPMENT  | \$50,000     | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000        | \$5,000         |                      |
| S1 Main Sewer Interceptor (West) Improvements                    | \$2,000,000  |                |                |                | \$1,000,000    |                |                |                |                |                |                 |                      |
| S2 Main Sewer Interceptor (East) Improvements                    | \$1,000,450  |                |                |                |                |                |                |                | \$1,000,450    |                |                 |                      |
| S3 Meadow Road and Indian Trail Sewer Improvements (100% grant)  | \$1,091,850  |                |                | \$549,925      | \$549,925      |                |                |                |                |                |                 |                      |
| S4 OMC Pump Station Replacement                                  | \$806,400    |                |                | \$706,400      |                |                |                |                |                |                |                 |                      |
| S5 Orchard Drive Sewer Line Improvements                         | \$852,500    |                |                |                |                |                |                |                |                |                |                 | \$852,500            |
| S6 Hickory Lane and West Glendale Avenue Sewer Line Improvements | \$886,500    |                |                |                |                |                |                |                |                |                |                 | \$886,500            |
| S7 Ramsey Street Sewer Line Improvements                         | \$174,950    |                |                |                |                |                |                |                |                |                |                 | \$174,950            |
| S8 Pensacola Road Sewer Line Improvements                        | \$562,650    |                |                |                |                |                |                |                |                |                |                 | \$562,650            |
| S9 Westover Drive and Presnell Road Sewer Line Improvements      | \$539,700    |                |                |                |                |                |                |                |                |                |                 | \$539,700            |
| WASTEWATER IMPROVEMENTS SUBTOTAL                                 | \$9,673,100  | \$5,000        | \$105,000      | \$1,261,325    | \$1,584,925    | \$1,005,000    | \$5,000        | \$811,400      | \$1,035,450    | \$5,000        | \$5,000         | \$4,108,150          |
| TOTAL  | \$19,940,975 | \$560,720      | \$352,760      | \$1,570,465    | \$1,619,925    | \$3,893,350    | \$70,000       | \$2,253,900    | \$1,070,450    | \$40,000       | \$40,000        | \$8,762,475          |

2020.11.05

AN ORDINANCE PRESCRIBING PROCEDURES  
FOR DISPOSING OF  
PERSONAL PROPERTY VALUED AT LESS THAN \$30,000

BE IT ORDAINED by the Town Council of the Town of Burnsville, North Carolina:

**Section 1.** The Town Clerk is hereby authorized to dispose of any surplus personal property owned by the Town of Burnsville, whenever he or she determines, in his or her discretion, that:

- (a) the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);
- (b) the property is no longer necessary for the conduct of public business; and,
- (c) sound property management principles and financial considerations indicate that the interests of the Town would best be served by disposing of the property.

**Section 2.** The Town Clerk may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

**Section 3.** The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town if greater value may be obtained in that manner, and the Town Clerk is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Clerk may retain the property, obtain any reasonably available salvage value, or cause it to be discarded. No surplus property may be donated to any individual or organization except by resolution of the Town Council.

**Section 4.** The Town Clerk shall keep a record of all property sold under authority of this Ordinance and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

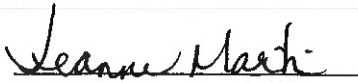
**Section 5.** This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. § 160A-266(c).

**Section 6.** This Ordinance shall become effective upon adoption.

Adopted this 5<sup>th</sup> day of November, 2020.

  
Theresa Coletta, Mayor

ATTEST:

  
Town Clerk

Approved as to Form:   
Town Attorney

Town of Burnsville, North Carolina  
Budget Amendment (Line item Transfer)

**GENERAL FUND**

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

Background Information: A line item transfer is needed to:

- **FIRE DEPARTMENT:**  
Move money from FT Labor line to the Capital Outlay line to cover supplies for running utility lines to the new Fire Station.  
*Increase:* 10-531-7400 (Capital Outlay) - \$12,050  
*Decrease:* 10-531-0300 (Full Time Labor) - \$12,050
  
- **WATER DEPARTMENT:**  
Cover the grant match for the GIS mapping grant  
*Increase:* 30-810-8200 (GIS) -\$950  
*Decrease:* 30-810-7400 (Capital Outlay) -\$950
  
- **SEWER DEPARTMENT:**  
*Increase:* 30-815-8200 (GIS) - \$950  
*Decrease:* 30-815-7403 (Capital Outlay) - \$950
  
- **SEWER DEPARTMENT:**  
Transfer money from the water professional services line to the sewer professional services line to account for engineering expenses associated with the plan for the .5 plant upgrade.  
*Increase:* 30-815-0300 (Professional Services) - \$10,000  
*Decrease:* 30-810-0300 (Professional Services) - \$10,000

Requested by:

  
Budget Officer

Authorized by:

  
Mayor

Council Vote: 5 Yes 0 No

Date approved by Council: 11-5-20