

BURNSVILLE TOWN COUNCIL
Special Meeting - Thursday, September 14, 2023, 10am
Burnsville Town Center

On Thursday, September 14, 2023, 10am, the Burnsville Town Council with Mayor Pro Tem Judy Buchanan and members Denise Collier, Bill Wheeler, and Randy Ollis present, held a special meeting at the Burnsville Town Center. Also in attendance were town staff members Heather Hockaday, Leslie Crowder, and Chad Fox. Mayor Pro Tem Buchanan, who presided, called the meeting to order at 9:57am.

Discuss ARPA projects, DEQ Offer and Acceptance documents and engineering contracts

1. Offer and Acceptance Resolutions - Town Manager Heather Hockaday reported that DEQ has sent out Offer and Acceptance documents for the funding on the ARPA projects. She presented resolutions on three of the projects.
 - a. Randy Ollis moved to approve Resolution #2023.09.14.01, accepting the offer for the Bolens Creek Raw Water Lines and Cane River Intake Improvements project. Bill Wheeler seconded the motion, which carried. All were in agreement.
 - b. Bill Wheeler moved to approve Resolution #2023.09.14.02, accepting the offer for the Main Street, Bennett Street, and Glendale Avenue Waterline Improvements project. Denise Collier seconded the motion, which carried. All were in agreement.
 - c. Water treatment plant resolution - Mrs. Hockaday explained the evolution of the project's funding. It initially began in 2017 and was paired with the OMC pump station project. The water treatment portion of the project was never able to bid within range and the two projects were separated. The OMC project was completed and the Town applied for an additional loan for the Water Plant.

During the Pandemic, the Town was given the opportunity to convert the loan into a grant through ARPA. The Town was recently made aware that no expenses, prior to March 3, 2021 are eligible for reimbursement. Most of engineering was completed prior to 2021 and the federal procurement guidelines, that did not apply in 2017, were not followed. Expenses incurred under the procurement method in 2017 would not be reimbursable by the grant.

After several discussions with DEQ, Mrs. Hockaday received a ruling that any engineering expenses before March 3, 2021, and anything not correctly procured would not be reimbursable. She said that the Town could issue a new RFQ for the remaining engineering services that would be reimbursable. She said that all costs on the project have all been paid for with nothing outstanding. Randy Ollis moved to approve Resolution #2023.09.14.03, accepting the offer for the Water Treatment Plant Improvement project. Bill Wheeler seconded the motion, which carried. All were in agreement.

2. East Main Interceptor engineering agreement with WithersRavenel - Changes have been made to get the project into budget, but Mrs. Hockaday has not received the updated documents yet. She anticipated bringing the matter back up to Council in October.

Closed Session - Denise Collier moved to leave open session and enter into closed session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney retained by the public body about

Town of Burnsville, NC v. David Wheeler, 13CVS70, at 10:07am. Randy Ollis seconded the motion, which carried. All were in agreement.

Randy Ollis moved to end the closed session and return to open session at 10:28pm. Denise Collier seconded the motion, which carried. All were in agreement.


Action after the Closed Session - Bill Wheeler moved to approve changing the Capital Outlay lines in both water and sewer to say Capital Outlay/Property Acquisition. Judy seconded the motion, which carried. All were in agreement.

Adjourn - With there being no further business, Denise Collier moved to adjourn the meeting at 10:32am. Randy Ollis seconded the motion, meeting adjourned.



J. Chad Fox, Town Clerk





Judy Buchanan, Mayor Pro Tem

Reso No: 2023.09.14.01

RESOLUTION BY BURNSVILLE TOWN COUNCIL ON BEHALF OF THE RECIEPENT TOWN OF BURNSVILLE FOR AMERICAN RESCUE GRANT FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER INFRASTRUCTURE

WHEREAS, the American Rescue Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 and S.L. 2022-74 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or storm water infrastructure needs; and,

WHEREAS, the North Carolina Department of Environmental Quality has offered ARPA funding in the amount of \$2,221,191.00 to perform work submitted in an application from the Town of Burnsville and bearing project number: SRP-D-ARP-0123 (Bolens Creek Raw Water Lines and Cane River Intake Improvements); and,

WHEREAS, the Town of Burnsville intends to perform said project in accordance with the agreed scope of work.

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

1. That the Town of Burnsville does hereby accept the ARPA grant offer of \$2,221,191.00; and
2. That the Town of Burnsville does hereby give assurance to the North Carolina Department of Environmental Quality that any "conditions and assurances" contained in the Funding Offer and Acceptance will be adhered to; has substantially complied, or will substantially comply, with all federal, North Carolina State, and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
3. That Heather Hockaday, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 14th day of September, 2023 at Burnsville, North Carolina.

TOWN OF BURNSVILLE:

By: Judy Buchanan

Judy Buchanan, Mayor Pro Tempore

ATTEST:

J. Chad Fox
J. Chad Fox, Town Clerk



Reso No: 2023.09.14.02

RESOLUTION BY BURNSVILLE TOWN COUNCIL ON BEHALF OF THE RECIEPENT TOWN OF BURNSVILLE FOR AMERICAN RESCUE GRANT FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER INFRASTRUCTURE

WHEREAS, the American Rescue Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 and S.L. 2022-74 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or storm water infrastructure needs; and,

WHEREAS, the North Carolina Department of Environmental Quality has offered ARPA funding in the amount of \$5,849,527.00 to perform work submitted in an application from the Town of Burnsville and bearing project number: SRP-W-ARP-0124 (Main Street, Bennett, and Glendale Avenue Water Improvements; and,

WHEREAS, the Town of Burnsville intends to perform said project in accordance with the agreed scope of work.

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

1. That the Town of Burnsville does hereby accept the ARPA grant offer of \$5,849,527.00; and
2. That the Town of Burnsville does hereby give assurance to the North Carolina Department of Environmental Quality that any "conditions and assurances" contained in the Funding Offer and Acceptance will be adhered to; has substantially complied, or will substantially comply, with all federal, North Carolina State, and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
3. That Heather Hockaday, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 14th day of September, 2023 at Burnsville, North Carolina.

TOWN OF BURNSVILLE:

By: Judy Buchanan
Judy Buchanan, Mayor Pro Tempore

ATTEST:

J. Chad Fox
J. Chad Fox, Town Clerk



RESOLUTION BY BURNSVILLE TOWN COUNCIL ON BEHALF OF THE RECIEPENT TOWN OF BURNSVILLE FOR AMERICAN RESCUE GRANT FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER INFRASTRUCTURE

WHEREAS, the American Rescue Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 and S.L. 2022-74 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or storm water infrastructure needs; and,

WHEREAS, the North Carolina Department of Environmental Quality has offered ARPA funding in the amount of \$1,345,706.00 to perform work submitted in an application from the Town of Burnsville and bearing project number: SRP-D-ARP-0128 (Burnsville Water Treatment Plant Improvements); and,

WHEREAS, the Town of Burnsville intends to perform said project in accordance with the agreed scope of work.

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

1. That the Town of Burnsville does hereby accept the ARPA grant offer of \$1,345,706.00; and
2. That the Town of Burnsville does hereby give assurance to the North Carolina Department of Environmental Quality that any "conditions and assurances" contained in the Funding Offer and Acceptance will be adhered to; has substantially complied, or will substantially comply, with all federal, North Carolina State, and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
3. That Heather Hockaday, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 14th day of September, 2023 at Burnsville, North Carolina.

TOWN OF BURNSVILLE:

By: 
Judy Buchanan, Mayor Pro Tempore

ATTEST:


J. Chad Fox, Town Clerk



**NOTICE OF SALE OF REAL PROPERTY UNDER A WRIT OF EXECUTION
(Pursuant to N.C. General Statutes—Sections 1-313(1) and 1-339.41, et seq.)**

State of North Carolina In The General Court of Justice
County of Yancey Superior Court Division
Yancey County Court File Number: 13 CvS 70

2023 AUG 30 A 9 37

Town of Burnsville, NC, Plaintiff v. David Wheeler, and Debbie Wheeler d/b/a Wheeler Trailer Park, Defendants

To enforce a Judgment previously rendered against the Defendants in the above-entitled civil action, a Writ of Execution was issued on the **27th day of June, 2023** by the clerk of Superior Court for Yancey County directing the Sheriff of Yancey County to satisfy the Judgment out of certain property belonging to the Defendants.

Pursuant to that Writ of Execution, the undersigned Deputy Sheriff of Yancey County will offer for sale-at auction and to the highest bidder **for cash**—whatever rights, title and interest, if any, in the below-described real property which Defendants now own or has owned at any time on or after the docketing of the Judgment in this civil action.

This execution sale will be held on **21 September, 2023**, at 1:00 pm, at the **Yancey County Courthouse, 110 Towne Square, Burnsville, North Carolina**. The property for sale is described as those parcels of land located in Yancey County, North Carolina. The description of the real property is as follows: **22 Red Barn Lane, Burnsville, NC 28714**. For a more complete description, see Deed Book 428 at Page 711 in the office of the Register of Deeds of Yancey County.

**** NOTICE TO ALL BIDDERS ****

1. This is a **cash sale**. "Cash" includes United States currency, certified bank check or money order.
2. This is a sale of real property that is subject to the 10 day upset bid procedure in G.S. § 1-339.64.
3. No sale of real property is final until confirmed by the Clerk of Superior Court in G.S. § 1-339.67.
4. The Defendants' rights, title and interest, if any, in the above-described property are being sold subject to any and all liens, encumbrances, easements, mortgages, unpaid taxes and special assessments which may be of record against it.
5. If the above-described real property is joint owned or co-owned, then the Defendants' rights, title and interest, if any, in this property are sold subject to the rights, title and interests of any other joint or co-owner in the property being sold. The Sheriff can only sell the Defendants' rights, title and interest in this property.
6. No representation or warranty of title is expressed or implied.
7. All bidders are responsible for doing their own research to determine what lien, encumbrances, or other property interest may affect or limit the title of the Defendants, if any, in the property being sold.

Major Mark Geouge Yancey County Sheriff's Office