

BURNSVILLE TOWN COUNCIL
AGENDA
Regular Meeting - Thursday, September 7, 2023, 6pm
Burnsville Fire Department

1. Adoption of Agenda
2. Public Comment
3. Consideration of Minutes
 - a. Regular Meeting held on August 3, 2023
4. Public Hearings
 - a. Amendment to the Zoning Ordinance - Set new date
 - b. Amendment to the Subdivision Ordinance - Set new date
5. Presentations
6. Manager's Update - Heather Hockaday
7. Clerk's Update
 - a. Consider authorizing Manager to sign the *Offer to Terminate Financial Assistance Award for Convenience* for EDA grant.
 - b. Consider changing Council Regular Meeting schedule, moving to Town Hall
 - c. Set date for a Special Meeting
 - d. High Country Council of Governments Banquet
8. Department Updates
 - a. Public Works - Shane Dale
 - b. Finance - Leslie Crowder
 - i. Budget vs. Actual, previously provided to Council
 - ii. Tax Report
 - iii. Budget amendment
 - iv. Request to close OPEB account
 - c. Fire Department - Niles Howell
 - d. Police Department - Brian Buchanan
 - i. Road Closure Ordinance - Old Timey Fall Festival
 - e. Zoning/Code Enforcement - Brian Buchanan
 - f. Burnsville Town Center - Corbin Cooper
9. Council Members' Reports
10. Updates from Advisory Boards and Non-Profits
 - a. Economic Development Commission
 - b. Yancey/Burnsville Chamber of Commerce - Christy Wood
 - c. High Country Council of Governments
11. Closed Session
Next Town Council Meeting - October 5, 2023
12. Adjourn

BURNSVILLE TOWN COUNCIL
Special for Regular Meeting - Thursday, August 3, 2023, 6pm
Burnsville Fire Department

On Thursday, August 3, 2023, 6pm, the Burnsville Town Council with Mayor Russell Fox and members Judy Buchanan, Denise Collier, and Randy Ollis present, held a regular meeting at the Burnsville Fire Department. Also in attendance were town staff members Heather Hockaday, Shane Dale, Brian Buchanan, Niles Howell, Leslie Crowder, and Chad Fox; and several visitors. Mayor Fox who presided, called the meeting to order at 5:59pm and stated that the purpose of the meeting was to conduct regular business for the month of August 2023.

Adoption of Agenda - Bill Wheeler moved to adopt the agenda as presented. Judy Buchanan seconded the motion, which carried.

Public Comment - There was none.

Consideration of Minutes - Minutes from a regular meeting held on July 6, 2023 were considered. Randy Ollis made a motion to approve the minutes as read. Denise Collier seconded the motion, which carried. All were in agreement.

Presentations - Robert Crum with Sons of the American Revolution's Daniel Boone Chapter was on hand to recognize the Town Council and Burnsville Fire Department for displaying American flags in front of their facilities. He presented Mayor Fox and Chief Howell with certificates.

Manager's Update - Town Manager Heather Hockaday
Project updates

1. West Main sewer Interceptor - Mrs. Hockaday said that the pre-bid meeting had occurred recently with two contractors but she believed that six had expressed interest. The bid opening will be on August 10th.
2. Town Hall lift - Mrs. Hockaday said that the project is on the lift installers schedule and that everything else is complete except for the downstairs kitchen, employee bathroom, and several areas of flooring. She explained the need for a change order for \$15,500 to repair and replace parts of the flooring. The funding would come from building maintenance, already in the budget.
3. East Main sidewalk feasibility study - Engineers from Aecom will lead the project and be in Town for a steering committee meeting and site visit on August 7th.
4. FEMA projects:
 - a. Azalea Lane culvert - Mrs. Hockaday said that the project is underway, with everything taken out and some gravel put down.
 - b. Meadow Road - Mrs. Hockaday said that she has received the Structural Engineers design for repairing the failed wall of the culvert.
5. 19E landscaping - NCDOT notified Mrs. Hockaday that they have received an acceptable bid and are working towards a contract.
6. Pine Swamp Wastewater Treatment Plant - Mrs. Hockaday said that she has the preliminary engineering report and recommendations for the rehabilitation. The report will go to DEQ for comments and a possible approval so the project can begin.
7. Mrs. Hockaday also mentioned that she will be working with the County to score engineering qualification responses on two County projects, the West Burnsville Industrial Park project and the East Yancey Sewer District's wastewater treatment plant repair project.

Tax Report - Mrs. Hockaday previously provided a tax report to the Council. She said that there are a couple of 2022 foreclosures being handled by attorneys.

Clerk's Update - Town Clerk Chad Fox

Consideration of CDBG-I compliance plans - Mr. Fox presented the following four compliance plans to be readopted or updated for the CDBG-I project: West Main Sewer Interceptor Improvements.

- Section 504 Grievance Procedure
- Excessive Force Policy
- Citizen Participation Plan
- Residential Anti-Displacement & Relocation Plan.

Judy Buchanan moved to adopt all four CBDG-I compliance plans for the West Main sewer interceptor improvements project. Bill Wheeler seconded the motion, which carried unanimously.

September 7th Town Council regular meeting - It was decided that the September regular meeting of the Council would take place at the Burnsville Fire Department due to events at the Town Center.

Department Updates

1. Public Works - Public Works Director Shane Dale spoke about preparations for the Crafts Fair.
2. Finance - Finance Officer Leslie Crowder presented a financial statement and previously provided a budget vs actual and overtime report.
 - a. Project Ordinance update - Mrs. Crowder explained that, in order to make the project easier to understand, she separated the FEMA project ordinance into three individual project ordinances, *Azalea Lane Culvert, Management Cost*, and *Fixed Cost Option on Multiple Culverts & Erosion & Management Cost*. Randy Ollis moved to approve all three Grant Project Ordinances for *Tropical Storm Fred Event #4617DR-NC*. Denise Collier seconded the motion, which carried unanimously.
 - b. Budget amendment #1 FY 23/24 - Mrs. Crowder would like to close the Town Center savings account and move the \$2,130 into the operating budget to buy a new curtain for the back of the auditorium. Judy Buchanan moved to approve *Budget Amendment #1 FY 23/24*. Bill Wheeler seconded the motion, which carried. All were in agreement.
 - c. Request to close accounts - Mrs. Crowder requested to close the Town Center savings account used to facilitate fundraising and overall building needs and the OMC account for the OMC pump station project. Mayor Fox moved to close both accounts. Judy Buchanan seconded the motion, which carried. All were in agreement.
3. Fire Department - Fire Chief Niles Howell presented a call summary for the month of July with 269 calls for the year, mostly fire alarms. Chief Howell reported that Yancey County is reviewing the Emergency Operations Plan, identifying hazards, and ranking them. The County had a meeting about the radio system as they attempt to migrate to a digital system. He said that an extension was granted for the money intended for a training facility with local departments still looking at Pensacola for a potential location.
4. Police Department - Police Chief Brian Buchanan introduced two road closure ordinances for upcoming events. Randy Ollis moved to approve Road Closure Ordinances for the Mt. Mitchell Crafts Fair from August 3rd to August 5th and the Back to School Bash on August 19th. Judy Buchanan seconded the motion, which carried. All were in agreement.
5. Zoning/Code Enforcement - Zoning Administrator Brian Buchanan said that the Planning Board met and made a recommendation to amending the regulations on group development. He requested that the Council call two public hearings. The Council called for a public

hearing on zoning ordinance amendments and a public hearing on subdivision ordinance amendments for September 7, 2023 at the Burnsville Fire Department.

6. Burnsville Town Center - Town Center Manager Corbin Cooper was unavailable.

Council reports

- Randy Ollis mentioned recent complaints about noise from live music at Homeplace.
- Bill Wheeler updated the Council on the new ABC store, saying that the foundation had been poured. He also said that Phil Trew from High Country would be retiring in January.

Updates from Advisory Boards and Non-Profits

- Economic Development Commission - There was no update.
- Yancey/Burnsville Chamber of Commerce - Chamber Director Christy Wood was unavailable.

Closed Session - There was none.

Next Town Council Meeting - September 7, 2023, 6pm at the Burnsville Fire Department.

Adjourn - With there being no further business, Randy Ollis moved to adjourn the meeting at 6:29pm. Judy Buchanan seconded the motion, meeting adjourned.

J. Chad Fox, Town Clerk

T. Russell Fox, Mayor

Offer to Terminate Financial Assistance Award for Convenience

Town of Burnsville and Yancey County, NC

Award No. 04-79-07716

WHEREAS, on September 9, 2022, the United States Department of Commerce, Economic Development Administration (Government), pursuant to its authority under the Public Works and Economic Development Act of 1965, as amended, (42 U.S.C. 3121 *et seq.*) entered into a Financial Assistance Award (Award) bearing the above Award number with the Town of Burnsville and Yancey County, NC (Recipient); and

WHEREAS, said Award provided a grant not to exceed the lower of \$1,284,591 or 50 percent of the actual cost of the project estimated to be \$2,584,591 and consisting of improvements to construct 13,100 linear feet of 8-inch water line, 200 linear feet of 8-inch sewer line and 3 manholes; and

WHEREAS, the parties have now determined that it is not feasible to complete the project as originally intended and that an accounting should now be made of funds from the Award and the Award terminated for the convenience of the parties pursuant to this Offer to Terminate Financial Assistance Award for Convenience (Termination) ; and

WHEREAS, the parties agree that there has been \$0.00 dollars expended toward the project to date and that the Recipient has not incurred any eligible costs to date, and

WHEREAS, the parties further agree that no other eligible costs have been incurred or will be incurred pursuant to said Award; and

WHEREAS, this Termination only provides a final accounting of unexpended funds the Award as of the date of this Termination as set forth above.

NOW THEREFORE, for and in consideration of the premises and for the mutual benefit and convenience of the parties, the Government hereby tenders this Offer to Terminate Financial Assistance Award, in duplicate, on this the 8th day of August 2023.

Acceptance of the Offer to Terminate Financial Assistance Award must be made by the Recipient and returned to the Government on or before September 15, 2023.

- 1.) This Termination is a final accounting of all unexpended funds under the Award as provided above.
- 2.) Except as expressly provided in this Termination, all terms, provisions and obligations of the Award remain in full force and effect including closeout and property management requirements.

United States Department of Commerce
Economic Development Administration

By: H. Philip Paradice, Jr. Digitally signed by H. Philip Paradice, Jr.
Date: 2023.08.09 10:52:21 -04'00'
H. Phillip Paradice, Jr.
Director, Atlanta Region

The Town of Burnsville hereby accepts the forgoing Offer to Terminate Financial Assistance Award for Convenience and agrees to the terms and provisions of this Termination.

Dated this 21 day of August, 2023

By: _____
Signature of Accepting Official Title

Printed Name of Accepting Official

CERTIFICATION (By Official Other Than Accepting Official)

The person signing this acceptance is so authorized by the Governing Body or Board of the Town of Burnsville

By: _____
Signature of Certifying Official Title of Certifying Official

Printed Name of Certifying Official Date

Yancey County hereby accepts the forgoing Offer to Terminate Financial Assistance Award for Convenience and agrees to the terms and provisions of this Termination.

Dated this _____ day of _____, 20____

By: _____
Signature of Accepting Official Title

Printed Name of Accepting Official

CERTIFICATION (By Official Other Than Accepting Official)

The person signing this acceptance is so authorized by the Governing Body or Board of the Yancey County

By: _____
Signature of Certifying Official Title of Certifying Official

Printed Name of Certifying Official Date

Ordinance No. _____

AN ORDINANCE DECLARING A ROAD CLOSURE FOR AN EVENT: "2023 OLD TIMEY DAY FALL FESTIVAL"

WHEREAS, the Town Council of the Town of Burnsville is a sponsor of the annual event known as "OLD TIMEY DAY FALL FESTIVAL";

WHEREAS, the Town Council of the Town of Burnsville acknowledges "OLD TIMEY DAY FALL FESTIVAL" promotes local heritage and heritage tourism, as well as providing a financial benefit to the citizens and business owners in the Town of Burnsville;

WHEREAS, the Town Council of the Town of Burnsville acknowledges the event requires approximately one (1) hour to install and remove signs, traffic control and litter;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Burnsville pursuant to the authority granted by NCGS 20-169 that they do hereby declare a temporary road closure during the day and times set forth below on the following described portion of a State Highway System route:

Date: Saturday, September 30, 2023.

Time: 7:00 a.m.-6:00 p.m.

Route Description: Description of Closure: SR 1428 (Main St) from Court St to Summit St including Burnsville Town square, SR 1373 (N Main st) from Avery St south to the Town Square

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to guide through vehicles around the closures.

Adopted this _____ day of _____, 2023.

MAYOR

Attest:

TOWN CLERK