

BURNSVILLE TOWN COUNCIL
Regular Meeting
Thursday, October 6, 2016

On October 6, 2016, the Burnsville Town Council, with members Mayor Theresa Coletta, Ruth Banks, Judy Buchanan, Shannon Peterson, and Ron Powell present, held a special meeting at the Burnsville Town Center. Also in attendance were town staff members Brian Buchanan, Leslie Crowder, Jon England, Chad Fox, Jeanne Martin, and Ronnie Tipton; town attorney Heather Hockaday; and visitors Lucy Doll, David Grindstaff (Yancey Common Times), Gordon Higgins, Rhonda Higgins, Tim Honeycutt, Mike Hoskins, Jewell Huskins, Donny Laws, Larry Lewis, Gary Peterson, Junior Peterson, Ben and Brywn Philips, Phyllis Pippins, Wanda Proffitt, Bobby Silver, John Silver, Harrison Tyner, Jeff Whitson, and others.

- **Public Comment** – The following individuals signed up to speak during the period set aside for public comment:
 - a. County Commissioner Jeff Whitson told Council that he has heard a number of complaints about the business that is planned for Area C of the Town Center. He said the Town Center should be a venue for public use, such as concerts, and considers the establishment of a business, even for a book, shoe or toy store, to be inappropriate.
 - b. Lucy Doll spoke in favor of the microbrewery planned for Area C, commenting that the steady rental income will help pay down existing debt. She said this is a manufacturing opportunity in a time where such opportunities are rare, and the export of a product manufactured in Burnsville is a good thing, even if it goes only to Asheville. Ms. Doll said in her opinion the use will supplement and enhance other events at the Town Center, and if the business expands as expected, it won't be long before Area C will be available again. There has been much conversation about supporting entrepreneurs in an effort to find ways for young people to find jobs here, and this business accomplishes that goal.
 - c. John Silver introduced himself as the owner of the new microbrewery, and thanked Council for their work on this project. He told those gathered that he grew up in Burnsville, and graduated from Mountain Heritage High School before beginning his ten year experience in the craft beer industry. His goal is to add something that he hopes will draw new attention to the town, and hopes the town will be proud of his product. As far as the Town Center facility goes, it is a perfect fit in size and appropriate to his business plan. He is hopeful that it will complement the Town Center's events and there will be a harmonious relationship between the two.

- **Adoption of Agenda** – Councilors considered a request to add consideration of a thank you letter to Warren Bare and his wife. Ron Powell moved to adopt the agenda as revised. Shannon Peterson seconded the motion, which carried.

- **Consideration of Minutes** – Available for review were minutes from the following meetings:
 - a. Special (regular) meeting held September 1, 2016
 - b. Closed session held September 1, 2016.
 - c. Special meeting held September 20, 2016

Although listed on the agenda, it was noted that minutes from the closed session held September 1, 2016 were not available for consideration. Ron Powell moved to adopt the other minutes as written. Ruth Banks seconded the motion, which carried.

- **Public Hearing on Annexation** – Judy Buchanan moved to leave the regular meeting agenda to open a public hearing for consideration of the annexation of a non-contiguous parcel of land (Parcel ID #081004646207000) pursuant to a voluntary annexation petition filed by the owner of said parcel of land under NCGS 160A-58.1. Shannon Peterson seconded the motion, which carried.

Mayor Coletta opened the hearing on the aforesaid matter. Planning and Zoning Administrator Jon England stated that a copy of the map of the area proposed to be annexed was available for inspection. Public comment included:

Wanda Proffitt spoke in favor of the proposed annexation, as the town limits are very constrained and without annexation there will be little room for commercial growth. She also suggested that another business in the area of the proposed annexation may influence an additional traffic light.

Brywn Philips said she supports the annexation.

Ben Philips commented that he feels this is a good opportunity to encourage tourism and other goals of the town and county.

Larry Lewis expressed concern about his property values and asked the owners of the property proposed for annexation what their intent was for development. Ben Philips said he has been talking with a variety of people for years, and the development would probably be commercial, something along the lines of retail or hospitality.

There being no further public comment, Judy Buchanan moved to close the hearing. The motion was seconded by Ron Powell and carried. Judy Buchanan moved to reconvene the regular meeting. Shannon Peterson seconded the motion, which carried.

Because sewer easement issues still exist, Ron Powell moved to table consideration of the annexation of Parcel ID #081004646207000 until the work session scheduled for October 18, 2016. Ruth Banks seconded the motion, which carried.

- **Plan Consistency Statement for Initial Zoning** - Council will consider this document at a later date.
- **Public Hearing on Initial Zoning**

Although sewer easement issues still exist, Ron Powell moved to hold the initial zoning hearing on the proposed annexation this evening, as planned. Shannon Peterson seconded the motion, which carried.

Mayor Coletta opened the hearing on the aforesaid matter, and there was no public comment.

Ron Powell moved to close the hearing. Judy Buchanan seconded the motion, which carried.

After Council discussion, Judy Buchanan moved to reconvene the regular meeting. Shannon Peterson seconded the motion, which carried.

- **Planning Board Report** – Harrison Tyner, Planning Board Chair, reported:
 - a. Minutes from the Planning Board meeting held September 15, 2016, were available for review.
 - b. Mr. Tyner noted that Dean Gates has resigned as Chair of the Planning Board, and thanked him for his service. He said without his leadership the ordinances wouldn't be in the very good shape they are in today. He said Kim Simpson would be the Assistant Planning Board Chair. He reminded Council that Randy Banks has served since the inception of the Board.
 - c. Consideration of applicants for Planning Board members – Mr. Tyner advised there were three applicants for the Planning Board: Russell Fox, Armin Wessel, and Greg Yuziuk. Two applicants should be appointed as alternates who would have voting rights in the absence of one of the permanent board members, and one applicant should be permanent, replacing Dean Gates' seat. Mr. Tyner recommended Armin Wessel as the permanent appointment, since his architectural occupation complements the construction representation already on the Planning Board.

Judy Buchanan moved to appoint all three of the aforesaid applicants to the Planning Board, with Armin Wessel appointed to the vacant seat. Shannon Peterson seconded the motion, which carried.

- d. Recommendation on annexation of property owned by True North Equities, LLC – Harrison Tyner reported that the Planning Board was unanimously in favor of the annexation of this property, as well as the application of C-2 zoning.
- e. Other – Jon England presented the sidewalk dining ordinance which the Planning Board had voted unanimously to recommend for implementation at the earliest possible time. Heather Hockaday advised that Council discussed the proposed ordinance at its September 20th work session, but members felt that the ordinance needed to be more comprehensive, and include sidewalk merchandising.

Council heard that the Planning Board considers it important for the town's growth to consider permitting day sales for special events.

- **Resolution for Rental of Area C at Burnsville Town Center** – Heather Hockaday read "*Resolution to Enter into a Lease Agreement for Area C of the Burnsville Town Center*" into the record. A copy of the Resolution is attached to these minutes and by reference made a part hereof. Council then discussed the issue.

Shannon Peterson said he is not against new business in town and actually ran on a pro-business platform. However, he thought the area was not meant for long-term rental. He said he has concerns about modifications that will be done to the building. John Silver reported that modifications would not be major and would mostly consist of widening doors and adding a roll-up door. Heather Hockaday explained the terms of the proposed lease agreement, which includes the tenant returning the building to its original condition at the end of the lease. Public Works Director Ronnie Tipton said a major modification will be an open floor drain in the equipment room that actually should have been done to begin with.

Ron Powell moved to approve the Resolution as read and authorize the Mayor's signature to the Resolution and Lease Agreement. Theresa Coletta seconded the motion. Voting results were as follows:

In Favor

Judy Buchanan
Theresa Coletta
Ron Powell

Against

Ruth Banks
Shannon Peterson

- **Merchants' Concerns** – Council listened to concerns of the following merchants:
 - a. Tim Honeycutt – He said he appreciates Council's work on sidewalk dining, but doesn't think the ordinance should be delayed as restrictions on sidewalk merchandising are considered. He said he is concerned that, if imposed, sidewalk restrictions would seem to not be business-friendly. He understands we need to keep 4' egress open, but merchandise on the sidewalk can be inviting. Sidewalk merchandising is self-policed now and has been in the past. Once a permit is issued he feels the business owner is placed inappropriately in a policing role.
 - b. Phyllis Pippins – Thanked Council for hearing her concerns in the past about pedestrian crossings and speed bumps in the past. She said she knew the signage had been installed, but the effort hasn't had a positive outcome. There was a discussion among Council members when Ron Powell reminded them that at the September 20th work session he had brought a flag system used in Salt Lake City to the attention of the Police Chief. He asked for the implementation of at least a pilot program in several locations. Ms. Pippins also mentioned the speed ridges that have recently been installed at South Main. Brian Buchanan will follow up and report at next month's meeting.

- **Charity House Letter of Support** – Council heard from Jewell Huskins, Charity House Director, about the need for a letter of support to accompany the mission's grant applications. Ron Powell asked Ms. Huskins to submit more information about the Charity House and preferably bring a draft of a letter for consideration. He also indicated he would like to see a copy of the Charity House's 501c(3) annual return.

- **NAACP Request Concerning Chester Henson's Housing Issue (Harding Property)** – No one was available to represent the NAACP, so this issue was not discussed.

- **Mayor's Administrative Report**
 - a. Water/Sewer Grant Update – The Mayor advised that the grant application is now in Raleigh and she is currently researching another funding opportunity, without slowing down.
 - b. Small Town Main Street – Council learned that Liz Parham, representing Small Town Main Street, has notified us that the Town of Burnsville is no longer in the program, due to lack of statistical reporting and attendance at required meetings, duties which were undertaken by volunteers in the past. The Mayor said we will have to move away from volunteers and commit to engage someone up to five hours per week in an effort to restore the town to the STMS designation, which is important for such things as extra points on grant applications, such as the SmartArt application.

The Mayor advised that she has spoken to Woody Ryan about his interest in serving in this capacity, should we be reinstated in the program. She asked Council for a commitment that could be communicated to Dr. Mitchell with the Department of Commerce.

Judy Buchanan moved to commit to paying an individual up to \$20/hour for an average of five hours/week to direct the Small Town Main Street program. Ruth Banks seconded the motion, which carried.

- c. Elevator for Town Hall – The Mayor advised we have had discussions with Asheville Elevator after realizing we are in the 21st Century with no elevator at Town Hall. Ronnie Tipton explained the location being considered and the scope of the work that would have to be undertaken, and said that Armin Wessel has estimated the work to cost between \$75,000 to \$100,000 turnkey.

The Mayor said there are several opportunities for funding, such as the Christopher Reeve Foundation and Blue Cross Blue Shield, and asked for Council's blessings to proceed. Shannon Peterson moved to authorize the mayor to pursue the funding of this project. Judy Buchanan seconded the motion, which carried.

- d. Council Work Session October 18, 2016 – This meeting will be held at the Burnsville Town Center at 6:00 p.m. Agenda items will include:
 - 1) Consideration of annexation issue;
 - 2) Consideration of initial zoning on newly annexed property;
 - 3) Review of revised draft of sidewalk dining ordinance, expanded to include merchandise and pushcart regulations;
 - 4) Consideration of town's personnel policy.

- **Warren and Larissa Bare "Thank You" Note** – It was agreed that the Mayor's note to Mr. and Mrs. Bare, thanking them for their generous offer of a pavilion on the town square, should be signed by the entire Council. The letter will be ready for signatures tomorrow at the Town Hall.

- **Department Updates:**

- 1. Administration
 - a. Pursuant to GS 105-369(a), *Tax Delinquent Report* dated September 29, 2016 was provided as an update of uncollected revenues. A variety of collection efforts are underway.
 - b. Action on Resolution to not collect minimal taxes pursuant to NCGS 105-321(f) – Council reviewed a listing of taxes that would not be collected in 2016.
 - c. Finance Issues – the *Budget vs. Actual* dated September 30, 2016 was furnished to Council.
- 2. Fire Department - Chief Niles Howell reported:
 - a. Status of Property – ADW Architects in Charlotte are expected to have a fee proposal for the Fire Department soon. Demolition of the barn on the property has been discussed with Heather Hockaday. Council was asked to authorize Chief Niles Howell to conduct a private sale of the barn and removal of the old barn, pending approval of the contract, which is permissible if the contract is under \$30,000. Ron Powell moved to authorize the Fire Chief to negotiate the terms for a private sale of the barn on property designated for the new Fire Department facility, as well as removal of the barn wood. Theresa Coletta seconded the motion, which carried.
 - b. Fundraising Efforts - \$200 was donated at Old Timey Days.
 - c. Operations – Council reviewed the Fire Department's Monthly Update
- 3. Police Department - Chief Brian Buchanan reported:
 - a. Council reviewed the department's activity log;

- b. NARCAN and CPR training has been completed;
 - c. Councilors considered a Resolution to declare three vehicles surplus property. Two of the vehicles were seized property and were taking up space. Judy Buchanan moved to adopt the aforesaid Resolution. Shannon Peterson seconded the motion, which carried;
 - d. Councilors were asked to consider an Ordinance *Declaring a Road Closure for an Event: "2016 Halloween on the Square."* Judy Buchanan moved to adopt the aforesaid ordinance. Shannon Peterson seconded the motion, which carried.
4. Public Works Department - Public Works Director Ronnie Tipton reported:
- a. We have hired a new employee with two years of relevant experience with Asheville Public Works;
 - b. We have paved Cooper Street and East/West Boulevard and are very pleased with the outcome. There have been several compliments;
 - c. Have put a sidewalk project out for bid around the town square. There have been no proposals yet;
 - d. East Yancey Sewer Plant – DEQ has refused the pump and haul permit for the East Yancey Sewer Plant, reasoning that we did not have a definitive date for when the plant could operate on its own. Ronnie Tipton, Nathan Bennett, and Mike Waresac (McGill) will meet to prepare a compelling argument;
 - e. Ron Powell inquired about painted lines around the square and their absence around the Garden Deli. Ronnie Tipton said the crew has painted the inside of the square and the outside just hasn't been addressed yet;
 - f. An activity log was available for review.
5. Town Center - Facility Manager Chad Fox thanked Council for the time and energy devoted to the Area C rental. He said he thinks the use is the best for the highest economic impact, and it is a big step toward paying down the debt that made the Town Center so controversial. In turn, the Mayor thanked Mr. Fox for his devotion to the project as well.

Council was provided an update of events scheduled for the upcoming month.

▪ **Council Members' Reports**

1. Mayor Theresa Coletta spoke on the subject of lighting for the Christmas caroling event, which is needed in order for the carolers to see their music. She shared that some time ago she requested \$10,000 for events on the Square from Ingles and received \$1,000, which is appreciated. Caroling is scheduled for December 9th from 5-6:30, and Council was asked if lights could be purchased with that money to illuminate the music. Council agreed to the expenditure.

Council was told that the staff Christmas party will be held on December 15th at 6:00 p.m. and will include immediate families.

2. Ron Powell mentioned the glass blowout in the past month, which was a great event for the community. Wanda Proffitt added that there were not as many people attending as anticipated, but \$2,000 was raised.

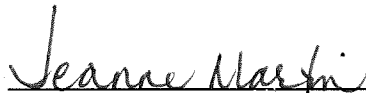
▪ **Updates from Advisory Boards and Non-Profits**

1. Yancey County Economic Development Commission – minutes of meeting held September 6, 2016 were available for review.

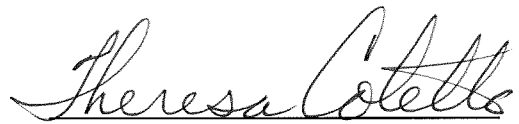
EDC Director Wanda Proffitt reported:

- a. The State Transportation Oversight Committee was here in the past month and stayed at High Pastures. This committee is charged with making decisions for the future of the D.O.T.
 - b. Reminded Fire Chief Niles Howell of the French Broad loans. Chief Howell acknowledged that French Broad's interest rate is great, but a term longer than what French Broad offers is necessary.
 - c. Revision to EDC Bylaws – Mrs. Proffitt explained the history of seats that are proposed for change, which is necessary to permit flexibility in appointments. Judy Buchanan moved to approve the proposed revisions to the EDC Bylaws. Shannon Peterson seconded the motion, which carried.
 - d. Mrs. Proffitt advised that the Town funded the EDC with \$15,000 last year and cut the funding this year to \$10,000. Council was asked to consider restoring EDC funding to its previous level. Any increase would require a budget amendment and a public hearing for economic development funding, which could be scheduled for November.
- **Next Regular Town Council Meeting** – The next Town Council meeting will be held on Thursday, November 3, 2016 at 6:00 p.m., at the Burnsville Town Center to consider regular business for the month of November.

There being no further business, Shannon Peterson moved to adjourn. The motion was seconded by Judy Buchanan and carried.



Jeanne Martin, Town Clerk



Theresa Coletta, Mayor