

**BANNER ELK TOWN COUNCIL**  
**December 12, 2011**  
**MINUTES**

The Banner Elk Town Council met Monday, December 12, 2011 at 7:00 p.m. at Banner Elk Town Hall for their regular scheduled meeting.

Council Members present: Mayor Brenda Lyerly, Allen Bolick, Charlie VonCanon, Gail Draughon, David Lecka and Robert Tufts.

Staff present: Town Manager Rick Owen, Steve Smith, Chief Bill Burleson and Town Attorney Four Eggers.

Others present: Derek Goddard, Bob Mann, Jim Swinkola, Ted Silver, Robert Tufts, Bill and Donna Dicks, Larry Cotton, Mrs. Bolick, Mari-Luis Smyth and other interested parties.

The Honorable Judge Lyerly, Chief District Judge of the 24<sup>th</sup> Judicial District administered the oath of office to Mayor Elect Brenda Lyerly. Ms. Lyerly was duly sworn in as Mayor of the Town of Banner Elk. Her term to end December 2013.

The Honorable Judge Lyerly, Chief District Judge of the 24<sup>th</sup> Judicial District administered the oath of office to David Lecka, Charlie B. VonCanon and Allen Bolick as council members for the Town of Banner Elk. Their term to end December 2015.

**Call Meeting to Order**

At 7:00 p.m. Mayor Pro Tempore Brenda Lyerly called the regular monthly meeting for December 2011 to order.

**Pledge of Allegiance**

Ms. Lyerly led those in attendance in the Pledge of Allegiance.

**Invocation**

Council member Charlie VonCanon opened the meeting with prayer.

**Public Hearing – Sign Ordinance Amendments**

Council member Draughon made a motion to open the public hearing for the Sign Ordinance Amendments. Council member Bolick seconded. All were in favor. Town Manager Rick Owen stated that at last month's meeting we called for a public hearing to address the language and colors used in the sign ordinance. He stated that the proposed changes were to take out the word "natural" and the wording "are recommended" in Section 600.2 Sign Colors. Mayor Lyerly asked if anyone had any questions or comments. Ms. Draughon stated that she was still concerned about the broad color scheme. She felt that it was an ordinance that the public would not be able to abide by and that the ordinance should serve the town and its people. Ms. Draughon said that she met with Cheryl Buchanan at great length and that Cheryl has her

comments to be presented to the planning board. No other comments were stated. The public hearing was closed.

### **Public Hearing – Water and Sewer Ordinance Amendments**

Council member VonCanon made a motion to open the public hearing for the Water and Sewer Ordinance Amendments. Council member Lecka seconded. All were in favor. Mr. Owen stated that at last month's meeting he asked council to call for a public hearing to receive feedback to the proposed changes to the town's current grease trap ordinance. Mr. Owen said that he met with several restaurant owners to discuss what they currently were doing. Mr. Owen stated that he will discuss with council his suggestions for the ordinance amendment when they reach that item in the agenda. Mayor Lyerly asked if anyone had any comments. There were none. The public hearing was closed.

### **Approval of the Minutes**

Mayor Lyerly asked council for a motion to approve the November 2011 minutes. Council member Draughon motioned to approve the minutes as written. Council member Lecka provided a second. The November 2011 minutes passed with all in favor, none opposed.

### **Approval of the Stated Agenda**

Mayor Lyerly noted to council that the stated agenda needed to be revised, adding Item #1 to discuss the vacancy of our council seat and selection of mayor pro tempore. Mr. VonCanon made a motion to change the stated agenda, adding the above mentioned items. Mr. Bolick seconded the motion. The revised agenda passed with all in favor.

### **Citizen Concerns**

Mr. Jim Swinkola addressed council. He stated that Grandfather Home for Children continues to have exciting discussions about "land planning". He will be meeting with a Charlotte based foundation who has talked with GFHC several times and along with their attorneys is looking into a written agreement between the two institutions. He had nothing to present to council, but wanted to inform them that momentum continues and is picking up.

### **Vacant Council Seat and Appointment of Mayor Pro Tempore**

Mayor Brenda Lyerly paused the meeting for a few moments to welcome the new members to the council, thanking them for their willingness to serve. She stated that since she was elected mayor, her council seat was vacant and she asked for nominees for this seat. Council member VonCanon nominated Robert Tufts for the vacant seat. Council member Lecka seconded. There were no other nominations. Council member Draughon made a motion to close the nominations. Council member Lecka seconded. All were in favor of Robert Tufts filling the vacant council seat.

Robert Tufts was installed and Judge Alec Lyerly issued the oath of office.

Mayor Lyerly stated that the next order of business for council was to elect a Mayor Pro Tempore. Nominations were Robert Tufts, Charlie VonCanon, Gail Draughon and David Lecka. Each of the nominees withdrew their names. The nomination process began a second time.

Charlie VonCanon was nominated by David Lecka and seconded by Robert Tufts. There were no other nominations. Ms. Draughon made a motion to close the nominations for vice mayor and Mr. Lecka seconded. All were in favor of closing the nominations. All were in favor of electing Charlie VonCanon as Mayor Pro Tempore.

### **Sign Ordinance Amendments**

Mr. Owen addressed council stating that the planning board has not met to go over the comments discussed at last month's meeting, in particular council member Draughon's concerns. Mr. Owen suggested that council table this agenda item until the planning board has time to review the items of discussion. Ms. Lyerly asked if there was an immediate need to make the amendments. Mr. Owen stated that there wasn't and noted that the town is working with more structure than previously. Mayor Lyerly tabled the sign ordinance amendments until next month's meeting.

### **Water and Sewer Ordinance Amendments**

Mr. Owen stated to council that this issue is even cloudier than he thought it was. The more he has spoken with people, the more questions have developed. He noted that he did not have an ordinance amendment ready and asked council for more time to research what is best for the town and the restaurant owners. The town's goal is to prevent grease from entering the town's system. Mr. Owen suggested to council that the staff needs to continue researching ordinance options. Mayor Lyerly tabled the water and sewer ordinance amendments.

### **Proposed Council Chamber Renovation**

Mr. Owen reminded council that they had planned to renovate the council chambers in the last budget year. However, the project did not happen. Mr. Owen stated that he got plans together along with price estimates for the proposed construction. Bob Mann presented to council his concept. He stated that the overall goal is to try and upgrade the atmosphere in the council chambers making it less speculative looking and obviously without spending too much money. Mr. Mann's recommendations were to focus on re-trimming the windows, replace the base, change the ceiling to a more woody feel, upgrade lighting (low voltage), delete one door and maintain the other for fire escape, incorporate a mechanism for hanging posters and displays and wire for future audio video (projectors, TV). Mr. Owen stated that he has estimated pricing information for tables and chairs. He told council that he wants their feedback as to what direction they are headed for this renovation. He also stated that he has a price estimate for the project, but since it may have to go out to bid, he doesn't want to give out a name. Mr. Owen stated that the town will be spending approximately \$28,000 for the entire project; about \$12,000 of it is the actual renovation, \$5,000 to \$6,000 for the lighting, and the additional expenses will be related to furnishings. The cost will come out of our capital improvement fund. Council member VonCanon made a motion to approve the plan for the renovation to council chambers and to start getting bids. Council member Bolick seconded. All were in favor. No one opposed.

### **Blue Ridge Environmental Consultants, Agreement Consideration**

Mr. Owen addressed council stating that the town has a PARTF Grant to do some expansion work to the park. The council agreed to work with Blue Ridge Environmental, Derek Goddard, to do the planning portion of the work. He put together a proposal for the town, which is

included in council's packets. Mr. Goddard thanked council for the opportunity to work with the town again. He stated that his firm will provide the professional services that it takes to meet the general statutes' requirements to bid this project, provide a bid package and do bidding administration to get apple to apple bids. Mr. Goddard went over some of the project deliverables that were listed on his proposal. He stated that Blue Ridge Geomatics will perform a boundary survey, a topographic survey and construction stake out. He noted that probably the biggest cost would be the civil engineering site design. Mr. Goddard stated that his firm would also perform value engineering to look at different options in order to save the town money. He also noted that there will be some architectural and structural engineering involved with this project for the required restroom renovations and picnic shelter. Architectural renderings will be provided so that council will be able to visualize what the town and also the public will be getting. He said that he will provide the town with all due diligence, all required permits, all liabilities, preparation of bid documents and specifications, conduct request for bids, bid opening, tabulation of bids, and construction oversight. Mr. VonCanon asked about time frame. Mr. Goddard's goal is to have all design work completed by spring and then out for bid. Construction would begin as soon as the weather breaks in the spring and hopefully completion by the autumn of 2012. Mr. VonCanon asked if he was familiar with the property, his concern being the ground water. Mr. Goddard stated that everything we do in the flood plain will have to be above base flood elevation, the lowest finish floor. Mr. Owen told council that the town has a site plan of the park area which was needed when we applied for the grant. He also noted that council approved spending the matching funds, which would come from the capital improvement fund, but also the town will apply for other grants which would help offset the cost. Mr. Tufts asked the town manager to clarify the cost of the project. Mr. Owen said that the total grant from PARTF is \$213,000 and the town will be matching the other \$213,000. Mr. VonCanon stated that he was all in favor of the project because he sees how much the park is used. Mr. Eggers told Mayor Lyerly that if council does approve the proposal and agreement that they should make it subject to revision and review by the town's legal council. Mr. Eggers would like to get together with Mr. Goddard to discuss terms that would impact the town in the event there would be a problem. Ms. Lyerly replied that Mr. Goddard has worked with the town in the past and has done good work and is confident with his work. Council member VonCanon made a motion to approve the contract with Blue Ridge Environmental Consultants contingent upon legal review. Council member Tufts seconded. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen noted to council that the financial reports, police reports, planning, zoning and tax collection reports were included in council's packets. He also noted that Ted Silver dropped off the Bicycle Pedestrian Committee minutes. He asked if there were any questions.

Mr. Owen stated that on Thursday, December 22, 2012, the Christmas employee lunch will take place at noon. It will be catered and held at town hall. He invited all council members to attend the luncheon.

Mr. Owen wanted to share some information with council members about a class for newly elected officials. He would email the outline and link from The League of Municipalities and School of Government which is offering the two day course, Essentials for Municipal

Government. The closest location would be Asheville which is held on January 25 and 26 of 2012. There are other locations in Greenville, Chapel Hill, Wilmington and Charlotte with dates being held in February. Mr. Owen noted that if anyone is interested in attending to let him know.

Mr. Owen recalled that at budget time, the council asked the town to provide a budget line item for donations because there are several occasions where council is asked to donate money to non profit organizations. He stated that the town put together a form for those donations. He asked two council members (Ms. Lyerly and Mr. Tufts) to review the form and he wanted to give the form to the individuals who have requested money from the town in the past. Mr. Owen stated that he would email the form to all council members. Ms. Lyerly commented that the form was thorough and had questions on the form if monies were received in the past. Mr. Owen gave credit to Mr. Tufts for helping prepare the form. Ms. Lyerly stated that she felt this is the way the town should handle the donation process.

Mr. Owen stated that the town's holiday schedule was as follows: closing Friday, December 23, Monday, December 26, and Monday January 2.

Mayor Lyerly asked if anyone had any questions for the town manager

At 8:00 p.m. council member Tufts motioned to have council proceed to closed session pursuant NCGS 143-318.11 (a)(3) Attorney-Client Privilege. Council member Bolick seconded. All were in favor.

Mayor Lyerly thanked everyone for coming and wished everyone a Merry Christmas.

At 8:25 p.m. Ms. Draughon motioned to end the closed session portion of the meeting. Mr. Lecka seconded.

### **Adjourn**

The town council meeting adjourned at 8:30 p.m.

---

Mayor Pro Tempore Brenda Lyerly

---

Steven R. Smith  
Finance Officer/Clerk

Approved: February 13, 2012