

BANNER ELK TOWN COUNCIL

**June 13, 2016
MINUTES**

The Banner Elk Town Council met Monday, June 13, 2016 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Lieutenant Hodges and Attorney Four Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting June 2016 to order.

Pledge of Allegiance

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

Invocation

Council Member Bolick opened the meeting with prayer.

Call for Public Hearing: Proposed 2016-2017 Budget

Mayor Lyerly opened the first public hearing on the Budget and the TDA's budget as a component unit of the Town. Mr. Owen distributed to Council Members the Budget Message. Mr. Owen stated that following Council's budget workshop the Budget Message highlights the key points discussed by the Town Council specifically relating to the General Fund, Water and Sewer Fund, Historic Banner Elk School Project Fund and Salaries and Benefits. Mr. Owen read aloud the Budget Message. Mayor Lyerly asked if there were any comments or questions regarding the proposed budget. There being no comments, Mayor Lyerly closed the public hearing at 6:07 p.m.

Call for Public Hearing: Civic Zoning District Use Changes

Cheryl Buchanan reported that Town Council requested that the Planning Board revisit the list of uses in the Civic Zoning District (CZD). She noted that the Planning Board suggests moving a portion of the permitted use list to the conditional use list. Ms. Buchanan read the revised permitted use list which included the addition of memorial gardens and playgrounds. Mayor Lyerly asked if there were any questions regarding the changes to the Civic Zoning District. There being no comments, Mayor Lyerly closed the public hearing at 6:10 p.m.

Call for Public Hearing: Amend Zoning Ordinance – Signs

Cheryl Buchanan reported that the Planning Board has reviewed a temporary Town ordinance for the use of sandwich board signs. She noted that the ordinance will go into effect the day it is adopted to October 31st and the reference to bringing in the sign by the close of business has been removed. The cost for the temporary sign permit will be \$25.00. She noted that the ordinance lists certain terms and conditions. Ms. Buchanan stated that the Planning Board will

reassess this ordinance before the end of its term to see if it will become a permanent ordinance. Questions were addressed regarding the size of the signs and placement of the signs. There being no further questions, Mayor Lyerly closed the public hearing at 6:13 p.m.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve the May 9, 2016 Town Council Minutes. Council Member VonCanon motioned to approve the May 2016 minutes as submitted. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Approval of the Stated Agenda

Mayor Lyerly asked for a motion to approve the June 2016 agenda. Council Member Tufts motioned to approve the June 2016 agenda as stated. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Stormwater Grant Project Proposal

Mayor Lyerly called upon Derek Goddard with Blue Ridge Environmental Consultants (BREC) to review the stormwater grant. Mr. Goddard summarized that the Town was awarded a \$95,000 grant to repair or replace the Town's stormwater retention system. This grant requires a 50% match. He also reviewed the location of the Town's underground stormwater retention system adjacent to the Historic Banner Elk School and behind the fire department. Mr. Goddard noted that BREC is offering the Town \$50,000 in time and services provided that the Town can provide up to \$55,000 in cash matching funds. BREC would complete the project for a guaranteed maximum of \$150,000 which includes the grant, services, etc. Mr. Goddard stated after reviewing the Town's stormwater system BREC proposes to replace the existing system which will make it more maintainable (being able to access the vault, cleaning out the sediment, etc.). He noted that the system will be suitable, from an engineering standpoint, for a paved parking area. Mr. Owen reported that he will distribute to Council Members the proposal/letter of engagement from BREC on Thursday. Mr. Goddard is requesting that Council approve proceeding with the expenditure of matching funds of \$55,000, a guaranteed maximum for the project of \$150,000 and asking that the Town's legal counsel draft an agreement between the Town and BREC. Following the execution of the agreement, BREC would proceed with preliminary designs and calculations, a total site plan of the area, working closely with Town staff. He noted that once the design has been approved by Town Council, they will proceed in obtaining permits. Mr. Goddard estimated that construction will be completed in the Spring 2017. There were discussions concerning the size of vaults, the new system and its placement, drainage plan from Culver Road, etc. Council Member VonCanon motioned to approve the stormwater grant project proposal from Derek Goddard (BREC). Council Member Lecka seconded the motion. All were in favor. No one opposed. Mayor Lyerly thanked Mr. Goddard for all his efforts.

Civic Zoning District Use Changes

Mayor Lyerly stated that this issue was previously presented at the public hearing. She asked if there were any further questions or comments. Council Member Dunn motioned to approve the amended changes to the Civic Zoning District. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Amend Zoning Ordinance – Sandwich Board Signs

Mayor Lyerly asked if there was a motion for this agenda item. Council Member Bolick motioned to approve the temporary ordinance to allow sandwich board signs as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

ABC Board Appointment

Mr. Owen reported that the ABC Board is requesting that the Town reappoint Robin Dunn as an alternate board member for the Town. Council Member VonCanon motioned to approve the reappointment of Robin Dunn. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Historic Banner Elk School Leasing Committee Appointments

Mr. Owen summarized that Town Council set up a Leasing Commission to oversee the leasing of spaces in the Historic Banner Elk School for periods longer than a year. The nonprofit corporation calls for a 5-member board. The directors would consist of: the Mayor, Town Manager, a person designated by the Banner Elk Chamber of Commerce, a person designated by the TDA and a person designated by the Banner Elk Town Council. Jo Anne McMurray, President of the Banner Elk Chamber of Commerce, reported that Linda Cramblit has volunteered to represent the Chamber on the Leasing Committee. She works for Blue Ridge Realty and also helps at the Chamber. Mike Dunn, Chairman of the TDA Board, reported that he volunteers to represent the TDA on the Leasing Committee on a temporary basis until the TDA meets to appoint a more permanent director for the committee. Mr. Owen reported that the Town Council will need to appoint a 5th director for the Leasing Committee. Mayor Lyerly stated that she recommends this person be someone familiar with real estate. Council Members agreed that they will consider possible people to fill the 5th position to serve on the Leasing Committee and will make the decision at Council's budget workshop on Thursday, June 16th.

Historic Banner Elk School Updates

Mr. Owen reported that in April several Town representatives visited the NC Museum of Natural Science and met with Charles Yelton to discuss the potential for a regional museum to be located in the Historic Banner Elk School. Mr. Owen noted that they are in the process of scheduling a time when Mr. Yelton can visit Banner Elk, meet with Town officials and tour the school.

Mr. Owen noted that on Saturday, June 11th the Chamber had its Second Saturday event and Mayland Community College had its ribbon cutting ceremony and open house for their spaces in the back of the school. The turnout was good and everyone involved were pleased.

Mr. Owen reported that Friends of the Historic Banner Elk School signed a contract for the construction of the landscape in front of the school at the elk area. The Contractor called 811 to have the utilities marked at the property and discovered that a gas line runs through the property where the plans called for footers and a future Woolly Worm stage. He noted that this caused a

delay with the construction project. The gas company has been out to the site and are determining whether the line needs to be relocated or if construction can resume on the property.

Council Member Bolick reported that packets relating to the golf tournament will go out this week. Sign-up sheets will be distributed and posters will be displayed around Town

Council Member Bolick noted that the Town is making progress with the \$25,000 matching grant program. To date, the Town has received \$2,526 and another \$1,000 is promised.

Council Member Bolick noted that Mayland is still working on grant writing for their portion of the school which is named *Community Learning Center*.

Council Member Bolick reported on the several programs being conducted in and around the rock portion of the Historic Banner Elk School. In applying for any grant money, the question comes up with what is the Town going to do with the building. He stated that the school has a purpose and a name should be given to the school. Mr. Bolick proposes *Cultural Art Center at the Historic Banner Elk School*. Everything being done in the school focuses on cultural art. Several questions from Council Members evolved: Would it better position the Town for grant money if the school had a name? How does the Town generate revenue from a cultural arts center? Discussions continued regarding attracting tenants, generating money to pay the yearly debt, improvements to the school building for leasing purposes, operating expenses, plans on bringing people into the building, the name community center, limiting the description by a name, the school's purpose being mixed use, etc. Council Members decided to hold off naming the school at this time.

Manager's Update

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning, tax collection report and the financial report for 11 months ending 5/31/16. Also attached is a draft copy of the June 2016 Planning Board Meeting Minutes and April 2016 High Country ABC Board Meeting Minutes. Mr. Owen noted that if there were any questions regarding these reports to let him or staff know.

Lieutenant Hodges reported that two calls have gone out with regards to the notification network called CodeRED. He stated that it has been well received, that there has been very little negative feedback and the Town is encouraging more people to sign up. Mr. Hodges noted that the system is using self-recording messages versus using a computer generated voice.

Mr. Owen reported that the Corner Palate Project is going smoothly. He noted that half of the building has already been demolished and that the contractor, Doug Jennings, was able to salvage a lot out of the building. The project is pretty much on schedule.

At 7:18 p.m. Council Member Bolick made a motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Dunn seconded. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for coming.

Council returned to open session at 7:50 p.m.

Mr. Owen reported to Council Members on the piece of property located across from Elk River Club runway. The property currently holds a church and has been for sale for a number of years. Eagles Nest bought the property, which is zoned R-1, along with the Bradshaw shopping center. The developer came into Town Hall with a rough site plan and discussed with Cheryl Buchanan the number of units (12 was the number mentioned), the Town's zoning ordinances, uses of the church building, road connections off of Old Turnpike, the need for water and sewer, etc. The developer was going to Avery County to discuss water and sewer and the DOT. Mr. Owen noted that the Town has not approved any plans.

There being no further business, at 8:09 p.m. Council Member Lecka motioned to recess the Town Council meeting until Thursday, June 16, 2016 at 6:00 p.m. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Recessed

The Town Council meeting recessed at 8:09 p.m.

Reconvened

Town Council reconvened their meeting on Thursday, June 16, 2016 at 6:00 p.m.

Lieutenant Hodges reported on the department's new patrol car being purchased which is on this year's new budget. He is requesting Council to permit the department to outfit the car differently with the lights placed inside the car versus having the light bar outside which tends to have more risk of failing (condensation, etc.). Lieutenant Hodges noted that this method is somewhat less expensive, more efficient and provides better visibility. Council Members approved the outfitting the new patrol car with the light bar inside the vehicle.

Mr. Owen reported on several items that were modified or changed within the budget since the first budget workshop:

- 4 cent tax increase (\$76,295 was generated from additional revenue).

Mr. Owen reported that he applied \$70,295 of it to resurfacing and \$6,000 to street maintenance and repair. Mr. Owen went over with Council Members the most recent road survey prepared by David Poore. The survey gave his assessment of Town road conditions and how they should be repaired.

- Water rate increase of \$2.00 and sewer rate increase of \$2.00 on the base charges.
- 2% payroll increase for employees vs. 5% originally proposed at the first budget workshop.

Mr. Owen stated that he looked into the cost of a Pay Rate Study and Personnel Policy review; having a consultant come in and assess comparable staff to Town's staff, the varying jobs that each department performs, etc. He noted that he will draft for Council a proposal upon moving forward with preparing a Pay Rate Study for the Town.

Mr. Owen handed out to Council the 2016-2017 Budget Ordinance. He noted that it reflects what was presented at Monday's Public Hearing and would be the document adopted by Council if voted upon. Mr. Owen went over the budget for per line item. He reported on the breakdown between each fund and each department in terms of revenues and expenditures.

There were discussions regarding raising money for the Historic Banner Elk School, the Book Exchange donations, matching and pledging funds, etc. Mr. Owen noted that the Ordinance along with the Budget Message is available for anyone to read.

Council Member Lecka motioned to approve the 2016-2017 Budget Ordinance which will include the \$.04 tax rate increase for a total tax rate of \$.58 along with the water and sewer base rate increase. Council Member Tufts seconded the motion. All agreed. No one opposed.

Other Business

Council Member Dunn discussed with Council the possibility of rounding up the utility bill to fund special projects. This would be done on a voluntary basis. Mr. Owen noted that he would look into the feasibility of the suggestion.

Council Member Tufts inquired whether Council Members would like to continue the practice of having a Town Staff cookout in the Park. Council Members were in favor and decided to hold the cookout on July 22, 2016 at noon.

There being no further business, at 7:15 p.m. Council Member Dunn motioned to adjourn the June 2016 Town Council meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Adjourn

The Town Council meeting adjourned at 7:15 p.m.

Mayor Brenda Lyerly

Attested

Approved: July 11, 2016