

BANNER ELK TOWN COUNCIL

**April 11, 2016
MINUTES**

The Banner Elk Town Council met Monday, April 11, 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, Robert Tufts and Charlie VonCanon.

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

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting April 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.

Public Hearing – Rezoning Request from the Banner Elk Presbyterian Church

Mayor Lyerly opened the Public Hearing; a rezoning request from the Banner Elk Presbyterian Church. She noted that the property is located at the corner of Banner Road and College Drive and the request is to rezone the property from residential (R-2) to Civic Zoning District (CZD). Cheryl Buchanan addressed council and the public. She reported that currently the mentioned property is currently zoned R-2 residential which does not support the use that church is requesting which is a parking area. The new Civic Zoning District would allow for parking and suits the property. Pastor Feild Russell stated that the church's intent is to provide additional parking which could also be used by the Town and the college for certain circumstances. He noted that they don't want to transform the entire property only a portion and would like to be good neighbors with the Town, the Methodist Church and Lees-McRae to the best of our ability. Council Member VonCanon spoke regarding the history of the property, it being once called Center Street. He noted that many years ago on the portion of the property where the Banner Elk Presbyterian Church wants to put their parking lot, there may be a water and sewer connection because there once stood a two-story wooden house. There being no further comments, Mayor Lyerly closed the Public Hearing at 6:05 p.m.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve the March 14, 2016 Town Council Minutes. Council Member Tufts motioned to approve the March 2016 minutes as submitted. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Approval of the Stated Agenda

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

Public Comments

Mayor Lyerly reported that on May 6th, the Banner Elk Elementary School will hold its annual *National Ride Your Bike to School Day*. Due to the school's location, bikes will be made available at the school in cooperation with the Lees-McRae College Cycle Team and two bikes shops in the area. They want to promote safe riding and general interest in the sport of cycling. Mayor Lyerly asked for the support of Council Members in this endeavor. The event will begin at 9:30 a.m.

Mayor Lyerly reported that Wildcat Lake will open towards the end of May. She noted that they have partnered with the YMCA who will provide the lifeguards and hold programs throughout the summer. Wildcat Lake is free to the public so funding is needing

Jamie Shell introduced Council to Avery Journal's newest staff writer, Laney Ruckstuhl. She was an interim news editor at the Hickory Daily Record. He noted that she will be the correspondent and contact person for the Banner Elk Town Council meetings.

Consider Rezoning Request

Council Member VonCanon reported that the Planning Board is recommending to Council that we rezone the Banner Elk Presbyterian Church property to CZD. He read the list of Permitted Uses and Conditional Uses for this district. Council Member VonCanon noted that "memorial garden" was missing from the lists. In order to safe guard the land owner, future land owners and the Town, Council Member VonCanon motioned to table this item until we can go back and possibly change the Permitted Uses and put them all under one umbrella to Conditional Uses which would give the Town more specific guidelines. Council Member Bolick seconded the motion. Discussions regarding conditional uses, the Board of Adjustment's involvement and review of the uses, etc. took place. Attorney Eggers stated that under the Town's zoning ordinance you would want permitted uses that would not be out of character or harmony with the neighborhood or community and can be imposed based upon the strict reading of the ordinance. The conditional uses are typically those which have a higher impact on the community or area or due to the decrease in setbacks and other such factors which require the conditional use permit. Mr. Eggers noted that it is a balancing test for Council between encouraging certain uses and also having safeguards that the Board of Adjustment may provide for potentially incompatible reasons. Discussions continued regarding the church's intent for the property, the due process in changing the CZD conditional uses, permitted uses, etc. Mayor Lyerly stated that a motion is on the floor and it was seconded. She asked if anyone was in favor. Council Members Tufts, Dunn and Lecka voted against the motion. A new motion was made by Council Member Dunn to rezone the property to CZD. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Tax Release

Cheryl Buchanan reported that the stated business was sold to an out of town customer in 2014. In January 2015 when taxes were assessed the business was no longer located in Banner Elk. Banner Elk was finally notified by Avery County that in error it did not transfer the account to

the new owner. She stated that the bill for 2015 should be released. Ms. Buchanan recommends that Council approve the release for Tax Bill 00199 in the amount of \$21.12. Council Member Lecka motioned to approve the tax release. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Golf Tournament to Benefit Historic Banner Elk School Project

Council Member Bolick reported that the 2016 golf tournament to benefit the Historic Banner Elk School is scheduled, based on a commitment from Elk River Club, for September 12, 2016. He noted that realizing that is the date for a Town Council Meeting he hoped that Mr. Owen can make some changes to reschedule the meeting. Council Member Bolick stated that he would like to schedule a meeting for April 20, 2016 at 6:00 p.m. in Council Chambers to begin planning for this event. All proceeds from the golf tournament goes to paying off the debt on the school. He noted that we already have one major sponsor, Lowes Foods who wants to participate with this year's event. Council Member Bolick asked for the support of Council by signing up to be on a committee. He went over the committees that need to be established: player committee (needing 96 players), volunteer committee, prize committee, silent auction committee and sponsor committee. Council Member Bolick discussed all the types of sponsorships required and the areas where they are needed (food, gift bags, communications, etc.). Mayor Lyerly thanked Council Member Bolick.

Historic Banner Elk School Project Updates

Mr. Owen reported that Lees-McRae's graduation is Saturday, May 7th from 8:00 to 1:00. They contacted the Town and requested the use of the school property for parking.

Mr. Owen stated that the Avery County Library will have a book sale over the July 4th weekend to raise money for their library. Last year they donated their left over books to the Book Exchange. Mr. Owen reported that they contacted him and asked if they could use the space in the Historic Banner Elk School to hold their book sale. Council Member Bolick stated that last year the Avery County Library donated close to 5,000 books which really helped jump start the program and noted that we have a good working relationship with them. Mr. Owen stated that given Council's permission, he would like to have them set up their book sale in the two renovated classrooms. Council Members agreed to them using the space.

Mr. Owen reported that another fund raising opportunity surfaced in regards to the Rotary Club. They want to do something for the school to help raise money towards the matching grant. They are wanting to hold a yard sale in the school's gymnasium and are asking Council's permission. Revenue raised from the rental of tables will go towards the school project. Mr. Owen noted that it is still in the early planning stages.

Mr. Owen reported that Mayor Lyerly, Council Member Bolick, Ted and Carol Silver, Jo-Ann McMurray, he and Nancy visited the NC Museum of Natural Science. The purpose was to discuss a potential relationship with the museum and Banner Elk. Mr. Owen noted that we received a lot of good and interesting information. The group is in the process of gathering information and will report back to Council with their findings and the possibility of a regional museum located in the Historic Banner Elk School.

Mr. Owen reported that representatives of the Woolly Worm Committee met with him regarding the new Woolly Worm Stage. The stage was designed based on their requests and needs (a roof covered stage). The committee has decided that they now want to build it in stages due to funding issues. Initially no roof. The committee is asking Council if they can just build the platform portion of the stage and build the roof at a later date. Tom McMurray spoke to Council regarding the stage. He noted that they hope to begin constructing the platform portion soon and in time for October's festival. Council Member Bolick asked if there was a time frame to construct the roof. Mr. McMurray stated in a year or two. Mr. Owen noted that landscaping will play an important role with the stage. Mr. McMurray agreed that they want the structure to tie in with the landscaping using terracing in front of it eliminating the need for railings.

Council Member Bolick reported that in regards to the matching grant, two offers came forth: Mountain Sotheby's International Realty has offered the school a \$500 match towards the \$25,000 and they are challenging all real estate companies in Banner Elk and Avery County to do the same. He noted that another donor is offering a \$500 match that will be donated before the end of the year.

Discuss Budget Workshop Dates

Mr. Owen reported that in the past Council has had two workshops; one in May and one in June. Council Members reviewed their calendars and all agreed that Thursday, May 12th at 6:00 p.m. would be a good time to meet. Council Members also settled on June 16th at 6:00 to hold their second budget workshop.

Mayor Lyerly reported that in regards to the Ethics Training Class, she has been in contact with COG (Council of Governments) and they are working with six counties to establish a date for their Ethics Training Class. Mr. Owen stated that he looked into purchasing the LIVE Webinar which could be viewed as a group or if a Council Member couldn't make the May 18th viewing time, they could view it individually. It last two hours. He noted that it could also be viewed On Demand after June through October.

Arbor Day Proclamation

Cheryl Buchanan reported that the Town is starting its second year as a Tree City USA. The Town's Tree Board which is also the Planning Board is looking at a celebration date in early May. Ms. Buchanan asked Council to pass the Arbor Day Proclamation recognizing National Arbor Day which is April 29th. Council Member VonCanon motioned to approve the Arbor Day Proclamation. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Manager's Update

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning, tax collection report along with a financial summary report for 9 months ending 3/31/16. Also attached is a draft copy of the April 2016 Planning Board Meeting Minutes and February 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.

Mr. Owen reported that Derek Goddard is working on plans for the stormwater project that the Town received a grant for. Concept one was to capture water running off of the school property and create a new water retention wetlands area related to just that project. He noted that after speaking to several Council Members, their intent is to still try and catch water coming off of the Town streets and the debris generated from the State roads, so Mr. Goddard is working on developing that possibility.

Mr. Owen reported that in regards to the sidewalk project being designed between the caboose and the Mill Pond, the survey work has been completed. The Town met with DOT on site and discussed the pedestrian crosswalk, the sidewalk along the right-of-way and a small retaining wall which will hold a section of the sidewalk. The design work continues and they are working on tying this project in with the elk area. Mr. Owen is hoping that within the next 30-days the Town will have a conceptual drawing of the sidewalk project. The Town is also working with the property owners for access to their property (driveway cuts in the sidewalk). Council Member Tufts questioned when the sidewalk will be completed. Mr. Owen stated that it will come down to money. He noted that he believes the contract with Destination by Design is 60 days for design work after surveying was completed and 60 days for the flood permitting after the design. Mr. Owen stated that he will look into the time frame for the permitting process.

Mr. Owen reported that the Town, working with a private donor, has entered into a contract for purchasing the Corner Palate property. The Town is working with the private donor in purchasing this property, demolishing the building, removing it from site and coming up with a design plan for a green space/park area. The contract has been signed and the Town is in its due diligence period. Mr. Owen noted that the Town will begin asking for estimates for the demolition and removal of the building. Attorney Eggers reported that the due diligence period and inspection deadline is through May 19, 2016 and a closing date of no later than June 3rd.

Mayor Lyerly asked that prior to demolition will the Town try to salvage anything within the building. Mr. Owen stated that the intention is for the Town to sell any items which would offset the cost of the demolition, which was also discussed with the donor. He noted that there is a lot of equipment still within the kitchen and items that could be salvaged, but the Town doesn't want to slow down the process by engaging in bidding, selling, etc.

At 7:01 p.m. Council Member Tufts 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 7:33 p.m.

Other Business

Council Member Dunn asked Mr. Owen if anything came out of the meeting with the Town and DOT over the eroding roads on and around Main Street and Klonteska Drive. Mr. Owen noted that DOT is aware of the problem, but had not made a promise of getting it done. There were discussions among Council Members regarding the eroding road conditions around Town and asphalt patching. Mr. Owen stated that at next month's meeting he will bring forth to Council several budget amendments, one of which will be for asphalt patching around Town before we get into the next budget year.

There being no further business, at 7:38 p.m. Council Member Bolick motioned to adjourn the April 2016 Town Council meeting. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Adjourn

The Town Council meeting adjourned at 7:38 p.m.

Mayor Brenda Lyerly

Attested

Approved: May 9, 2016