

BANNER ELK TOWN COUNCIL

**April 10, 2017
MINUTES**

The Banner Elk Town Council met Monday, April 10, 2017 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Interim Police Chief Kevin Hodges and Attorney Four Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of April 2017 to order.

Pledge of Allegiance

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

Invocation

Council Member VonCanon opened the meeting with prayer.

Public Hearing: Wellhead Protection Plan

Mayor Lyerly opened the public hearing at 6:01 p.m. Mr. Owen reported that North Carolina Rural Water Association has been working with the Town to update its Wellhead Protection Plan to help protect the Town's water source. He noted that the State calls for a public review and that the plan has been available for review since March 20th. Mr. Owen stated that a public hearing is not required for approval of the plan, but Council agreed at last month's meeting to call for a public hearing to offer another opportunity for public comments. He noted that the Town did receive comments, mainly from Council Members and reported on them. Mr. Owen stated that one concern was regarding the Exxon gas station and how it was listed in the plan. The staff from NC Rural Water that put the plan together reported that they were confident with the watershed and the creek so it wasn't listed in the modified plan. Mr. Owen stated that another comment was the location of an old fuel tank located behind the Historic Banner Elk School which has been out of service for several years. It too is not listed on the modified plan because it is not currently used, but Rural Water agreed that it will be added to the plan because of its historical location and former use. Mr. Owen stated that it was also requested that the plan put more emphasis on security to the Town's wellheads. Mayor Lyerly asked if there were any further questions or comments. There being no further discussion, Mayor Lyerly closed the public hearing at 6:04 p.m.

Public Hearing: Mount Calvary Church Annexation

Mayor Lyerly opened the second public hearing. Mr. Owen reported that a portion of Mt. Calvary Baptist Church was annexed into the Town several years ago. They have additional property (5.138 acres) adjoining their existing property on either side and petitioned the Town for annexation into Town limits. Mr. Owen noted that the property is in zoning enforcement because it is in the ETJ. It would be advantageous for them to be in the Town limits regarding any future plans or services they require (i.e. sewer and water) from the Town. Mr. Owen stated that Town Staff certified their petition and prepared a resolution that will be presented to Council later in the meeting. Mayor Lyerly asked if there were any comments or concerns regarding this annexation. Mayor Lyerly closed the public hearing at 6:06 p.m.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve or amend the March 13, 2017 Town Council Minutes. Council Member VonCanon motioned to approve the March Town Council Minutes as written. 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 or amend the April 2017 agenda. Council Member Lecka motioned to approve the April 2017 agenda as presented. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Public Comments

Mayor Lyerly recognized Donna Dicks. Ms. Dicks shared with Council Members the Calendar of Events for the Book Exchange for the upcoming summer months. She noted that the Committee is still working on the Book Exchange's brochure and is hoping to get it out within the next month. Ms. Dicks stated that the Book Exchange now has a newly established web site which is up and running and it too lists the events scheduled for the summer. She highlighted several of the events: second Saturdays of each month will be an "author talk", lecture series on Tuesday evenings, a panel discussion on Banner Elk to be held in August, etc. Ms. Dicks asked Council's help in promoting these upcoming events and to tell everyone about their new web site.

Donna Dicks stated that their home is located on Old Turnpike Road, which is close to Beech Mountain Parkway. She asked Council if the Town would consider adding an ordinance prohibiting trucks using Jake brakes along that section of Beech Mountain Parkway. Mr. Owen noted that Ms. Buchanan is working on a proposed ordinance change and hopefully he will be able to bring it before Council at next month's meeting. Council Member VonCanon suggested that the ordinance include the entire Town limits.

Introduction of New Police Officers

Mayor Lyerly called upon Interim Police Chief Kevin Hodges to introduce to Council and all present the Town's new police officers. Interim Police Chief Hodges reported that Nathaniel Calvert, from Avery County, worked for the Newland Police Department and the Avery County Sheriff's Office for the last two years. He has his Firefighter 1 and 2 certifications and is also an EMT. Mr. Hodges stated that David Beam has worked in Spruce Pine, has several years of

officer experience and has all his law enforcement credentials. His twin brother, Dustin, is also an officer with the Banner Elk Police Department. Mayor Lyerly stated that the Town was very happy to have them.

Wellhead Protection Plan

Mayor Lyerly reported that this plan was discussed earlier at the public hearing and asked if anyone had any further questions or comments. Council Member Lecka motioned to approve the Wellhead Protection Plan as presented. Council Member VonCanon seconded the motion. All were in favor. No one opposed. Council Member Dunn made a motion for the Mayor to prepare a letter of appreciation to the North Carolina Rural Water Association. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Mount Calvary Church Annexation

Mayor Lyerly asked for a motion to approve the ordinance regarding the annexation request by Mt. Calvary Baptist Church. Mr. Owen noted that Council has in their packet the map identifying the parcels to be annexed. The Town has received the survey but will be working with Attorney Eggers on obtaining the metes and bounds and a legal description. Council Member Tufts motioned to approve the annexation and the signing of the ordinance. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Consider Resolution Opposing North Carolina Senate Bill 94

Mayor Lyerly reported that this bill was introduced by the NC State Senators which would change all municipal elections across the state. All local offices elected would be on a partisan basis. Mayor Lyerly stated that this resolution opposes this bill. She noted that there is no reason to be political in our local communities. Council Member VonCanon motioned to approve the resolution as written. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Arbor Day Proclamation

Mr. Owen reported that the Town of Banner Elk became a Tree City USA three years ago and one of the requirements of being a Tree City is that the Town adopts a proclamation acknowledging Arbor Day, which is April 28th this year. He noted that the Planning Board, which is also the Tree Board, is discussing an event to be held this summer. Council Member Bolick motioned to approve the Arbor Day Proclamation. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Consider Budget Amendments

(Amendment #20170410-1)

Mr. Owen reported that the first amendment is for the heater installation in the Historic Banner Elk School. He noted that Council approved moving ahead with this project. It is a \$10,000 fund balance appropriation for maintenance and repairs at the Historic Banner Elk School. For the purpose of the public, we have a renter moving into one of the rooms which will help offset the costs of the heat. The heat will also benefit Ensemble Stage who are using two rooms at the same end of the school. We anticipate that they will participate in helping to reimburse the Town for this cost in the future. Council Member Bolick motioned to approve the Budget Amendment for the heater installation at the Historic Banner Elk School. Council Member Tufts seconded the motion. All were in favor. No one opposed.

(Amendment #20170410-2)

Mr. Owen reported that this budget amendment is for a waterline settlement with the Village Shops in the center of Town. It would be a fund balance appropriation in the amount of \$9,000. Mr. Owen noted that the Town owned and maintained about 200 feet of waterline. It went into the center of Village Shops and serviced 3 different units in that building. It was not good for the Town to have a public line on this private property (i.e. an old galvanized line, there were leaks, repairs to the line, etc.). The Town negotiated a settlement with the property owner/management to remove the public line and make it a private line. The Town did not participate in the installation or the cost of the new line. The Town did move the meters out to the street/sidewalk and this is where the Town's maintenance will begin. Council Member VonCanon motioned to approve Budget Amendment #2. Council Member Lecka seconded the motion. All were in favor. No one opposed.

(Amendment #10170410-3)

Mr. Owen stated that the Town incurred an unexpected equipment replacement expense. The money is for the water and sewer fund; a fund balance appropriation in the amount of \$7,000. At the Town's wastewater treatment plant, the sampler (samples the discharge from the sewer treatment plant) is not working properly and not performing as it should. It is a critical component to meeting the state's requirements for the Town's permit. The \$7,000 will include the purchase and installation of the equipment. Council Member Bolick motioned to approve Budget Amendment #3. Council Member VonCanon seconded the motion. Council Member questioned the warranty. Mr. Owen noted that it was for one year and will look into how long this new sampler should last. All were in favor. No one opposed.

Historic Banner Elk School Project Updates

Mr. Owen reported that the Town has a new tenant in the building. Lisa Corbitt is a portrait photographer who does natural light photography. She will begin renovating classroom #10, but during the process of renovation, she will be operating out of the teacher's lounge (a short-term lease).

Mr. Owen noted that the stormwater vault project began today. The contractor has excavated the entry and exit points of the vault that are currently in place. He noted that they have unearthed a lot of clean, washed gravel which they hope they can reuse. Mr. Owen stated that in the meantime they will need a place to store the gravel. It was discussed to pile it along the road next to the fire department. The long-term plans for the school show parking along those two sides of the road. Mr. Owen would like Council's permission to go ahead with storing the gravel on the school grounds along the side of the road and closing the gate to eliminate any parking and traffic. Council Members all agreed.

Mr. Owen reported that Staff will begin to install the heating system in the designated rooms at the school.

Mr. Owen stated that the Easter festivities at the school this past weekend was a huge success. It was a great use of the property and a great event for the Town.

Mr. Owen noted that Ensemble Stage is still hard at work and have now started working on the construction of the stage.

Mr. Owen asked Mayor Lyerly if she wanted to discuss with Council the possible change in rooms for the Art Co-op. Mayor Lyerly stated that last month she reported that the art group was looking at the carpeted corner room to hold their exhibits. She noted that Jessie Schmitt is heading up the Art Co-op and prefers to renovate another room which is located outside of where Ensemble Stage will have their offices, etc. (Room #11)

Council Member Bolick reported that it is time to get started on the planning for this year's golf tournament. He noted that letters will be going out shortly to players and sponsors. Council Member Bolick stated that this year's event will be sponsored by the Lodges at Eagles Nest and that we need two more co-sponsors which will help with the funding of the tournament. He noted that the committee is gathering together all the information needed for the brochure, posters, logos, etc. This year's tournament will be held at the Beech Mountain Club on September 25th with a tee off time of 1:00. There will be 25 teams and the fee per player is \$200.

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 summary report for the period ending June 30, 2017 (9 months). Also attached is a copy of the February 9, 2017 and March 2, 2017 High Country ABC Board Meeting Minutes. Mr. Owen noted that if there were any questions regarding these reports to let him or the staff know.

Mr. Owen stated that in regards to the sidewalk project, the Town is waiting on DOT to approve the easements and the encroachment agreement.

Mr. Owen noted that the waterline project that will go under the sidewalk has been given notice to proceed.

Mr. Owen reported that the footer was poured last week for the clock tower on the corner. The formwork is being built off site and hopefully will be poured with concrete within the next week.

Mr. Owen stated that the Town Hall will be closed on Good Friday, April 14th.

Mr. Owen noted that the Town is hosting the High Country Municipal Association meeting which will be held on Thursday, April 20th at 6:00 p.m. He asked Council Member to submit any agenda items and let him know if they will be attending. Mayor Lyerly stated that Representative Josh Dobson will be able to attend the meeting.

Council Member Dunn asked if the Town had any additional information regarding the stage for the Woolly Worm Festival. Mayor Lyerly stated that it is going out for bid and hoping that better construction prices come in and in time for this year's event. There were discussions regarding the timber package and pricing, funding, etc.

Council Member Dunn asked if there was a start date for the Farmers' Market. Mr. Owen stated that there is no start date, probably sometime in May and that the Town is working on a contract with the group.

There being no further business, at 6:56 p.m. Council Member Tufts motioned to adjourn the April 2017 Town Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Adjourn

The Town Council meeting adjourned at 6:56 p.m.

Mayor Brenda Lyerly

Attested

Approved: May 8, 2017