

BANNER ELK TOWN COUNCIL
April 8, 2019
MINUTES

The Banner Elk Town Council met Monday, April 8, 2019 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

Staff present: Town Manager Rick Owen, Cheryl Buchanan, 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 2019 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.

Special Presentation

Police Chief Hodges reported that Police Officer Scott Wilkerson has achieved an Intermediate Law Enforcement Certificate. Although Scott has only been with the department for just over a year, he has been an officer for almost 9 years. In addition, he has over 40 hours of training and continued education; above and beyond what his service requires. Chief Hodges presented Scott Wilkerson the certificate. Mayor Lyerly and Council Members congratulated Police Officer Wilkerson and thanked him for all his hard work.

Public Hearing – Annexation Request

At 6:03 p.m. Mayor Lyerly opened the public hearing. Cheryl Buchanan reported that David Burns has submitted all the required documents and met all of the Town requirements for annexation. This will be a non-contiguous annexation. Mayor Lyerly asked if there were any questions or comments. Mayor Lyerly closed the public hearing at 6:04 p.m.

Approval of the Minutes

Mayor Lyerly asked for a motion to approve or amend the March 11, 2019 Town Council Minutes. Council Member Tufts motioned to approve the minutes as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Approval of Stated Agenda

Mayor Lyerly asked for a motion to approve the stated agenda. Council Member Lecka motioned to approve the stated agenda. Council Member Von Canon seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Annexation Request – David Burns

Mayor Lyerly noted that all information regarding this annexation is included in Council's packets and it was also discussed at last month's meeting. Council Member Lecka motioned to approve the annexation request. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Annexation Request, Water Quality Labs

Mr. Owen reported that Water Quality Labs is requesting voluntary annexation from the Town in order to receive water service. The necessary paperwork has been provided (Petition for Annexation and Location Map). Mr. Owen is requesting Council to direct Staff to research the sufficiency of the petition and to certify it by passing the resolution. Council directed Staff to proceed.

Alcoholic Beverage Control System

Mr. Owen stated that at last month's meeting there was a presentation by members of the High Country ABC Board (Donna Dicks and Sara Brewer) regarding a pending NC House Bill 91. It was discussed and concluded that the Town should inform our State legislators of our opposition to several items included in the bill. He noted that the bill is still sitting in committee and in the meantime several municipalities around the State have been made aware of this bill and have passed resolutions opposing the bill and any future changes to ABC Boards across the State. He noted that included in Council's packet is a broader, statewide resolution opposing any change to the system, stating don't change anything, nothing is broken. Another resolution that Attorney Eggers prepared is directly related to the single county ABC Board which is one of the issues Banner Elk has with this bill, along with the Town's partners, Seven Devils and Sugar Mountain. Mr. Owen hopes the bill won't come to pass. He noted that Representative Dobson has concerns and understands the Town's opposition. Attorney Eggers noted that there is a cross over deadline where it has to be voted by one House to survive to go to the Senate, but is unsure of the date. He stated that if Council wishes to weigh in on the bill, it would be proactive to pass a resolution (either one of them or both). Mr. Owen read the *Resolution of the Town of Banner Elk in Opposition to Single County ABC Boards*. After discussion regarding the two resolutions, Council Member VonCanon motioned to accept and pass both resolutions. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Recognize May as National Bike Month

Mr. Ted Silver reported on an upcoming event for the entire community. He introduced Deanna Ackland, co-chairman of the Bicycle and Pedestrian Committee and co-faculty member of Lees-McRae College. Ms. Ackland reported that on April 28th there will be a free bicycle safety clinic for children (ages 7-11) on the campus of Lees-McRae at 2:00 until 4:00 p.m. Mr. Silver stated that he hopes to have the public bike stand and pump station installed at Corner on Main sometime during May. Mr. Silver noted that he and a group from Lees-McRae attended the National Bike Summit in Washington DC. Lees-McRae and Banner Elk received national recognition. He also reported that on April 30th, we are having our own Lobby Day, a State Advocacy Program, over transportation issues, pending bills over pedestrians, bicycling, etc. Mr. Silver stated that May is

National Bike Month and is asking Council to pass a proclamation. He read the *Proclamation Declaring May National Bike Month*. Council Member Bolick motioned to accept the proclamation. Council Member Tufts seconded the motion. All were in favor. No one opposed. Mr. Silver thanked Council for their support.

Consideration of Budget Amendments

Mr. Owen reported that Budget Amendment #20190408-1 is to account for the cost of the work to repair well #2. The costs totaling \$15,000, include the replacement of the well pump, pipe and control panel.

Mr. Owen stated that the second Budget Amendment #20190408-2 is for the recognition of a private donation that the Book Exchange received in the amount of \$2,427.03. This donation was used to purchase new folding chairs for special events held at the Book Exchange and new chairs for the conference room.

Council Member VonCanon motioned to approve Budget Amendment #20190408-1. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Council Member Bolick motioned to approve Budget Amendment #20190408-2. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Use of Capital Outlay Equipment Funds

Chief Kevin Hodges reported that the department saved almost \$10,000 by trading in a vehicle last year toward a purchase of a new vehicle this year. Currently the department has M4 rifles that are assigned to a patrol car instead of to an officer. Chief Hodges would like to use a portion of the capital outlay funds (approximately \$4,500) to purchase additional M4 rifles so that each officer will individually be assigned one. Council Member VonCanon motioned to approve the use of capital outlay equipment funds. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Historic Banner Elk School Project Updates

Mr. Owen reported that the Town received a request from the Avery County Chamber of Commerce regarding a Disc-Dog-a-thon Competition to be held during their July festival. It coincides and is similar to Erica Siegel's (My Best Friends Barkery) Pet Fest Weekend. Council approved the event stating that Banner Elk is a dog community and Lees-McRae College is a dog college. Mr. Owen noted that this being an outdoor event, it will be held on the school grounds. The Town will not be incurring any additional costs for the event being held there; however, does Council want to ask for any additional fee. There was discussion regarding adjusting fee schedules on a yearly basis for events held on the school property (Woolly Worm, Avery Chamber, Farmers' Market, and future events). Mr. Owen noted that Council should consider fee schedules for events that are currently being held on the school property by non-profit groups, groups that the Town partners with (i.e. Banner Elk Chamber of Commerce). He noted that Council will need to consider fees for profit making groups for money making events that could come to the Town in the future. There was further discussion about use of the grounds and damage to the grounds, requiring a security deposit for each event, rental agreements, PR relationships, use of the building and the grounds, use of specific rooms, etc. Council Member Lecka motioned to increase the fee for the

Woolly Worm Festival to \$2,500 and increase the fee for the Avery County Chamber Art Shows to \$2,000 each.

Council Member VonCanon seconded the motion. Council Member Bolick, Council Member VonCanon and Council Member Lecka voted for the motion. Council Member Dunn and Council Member Tufts voted against the motion. Mayor Lyerly noted that the motion carries. Attorney Eggers noted that Mr. Owen and Council can communicate the reasoning behind the rate increase due to additional costs. Mr. Owen asked Council for additional clarity as to what parts of the building is the Town assuring the Woolly Worm Festival of. The Town will have to provide some sort of access to the building. It was determined that access to the building would not be specific to any space in the building.

Mr. Owen reported that Council approved that the Avery County Chamber of Commerce could hold two art shows (July and August 2019) for this year. There was a discussion if Council voted on the 2020 show. Council Member Tufts read from the approved Council Minutes of November 2018. Council voted that Avery County Chamber of Commerce can hold two shows in 2019; in July and in August. Two were in favor. Two were opposed. Mayor Lyerly voted in favor of the motion and the motion passed. Mayor Lyerly noted that the Avery County Chamber of Commerce is now asking Council for permission to hold one show in July 2020 (3rd weekend). There was discussion about having 4 shows verses 5 shows in 2020, Art on the Greene verses the Avery County Chamber of Commerce art shows, etc. The issue was tabled.

Council Member Bolick reported that the Fifth Annual Historic Banner Elk School Golf Classic will be held on Monday, September 23, 2019. He noted that they have secured the main sponsors and are continuing to work on the details.

Council Member VonCanon thanked Police Chief Hodges for the photos of his department and thanked Mr. Owen for the staff photos being displayed in Town Hall.

Mayor Lyerly thanked everyone for attending and asked for a motion to go into closed session.

At 7:24 p.m. Council Member Tufts motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Council returned to open session at 7:46 p.m.

Other Business

Mr. Owen reported that there will be a follow-up Planning Meeting on Tuesday, April 30, 2019 at 6:00 p.m.

Mr. Owen stated that the High Country Municipal Association will be meeting on Thursday, April 11th at 5:30 p.m. at the Banner Elk Council Chambers. Attorney Eggers noted Mr. Owen may want to advertise that a majority of Council Members will be present but that no Town business will be discussed or voted upon. Preferably there will be only municipality discussions.

Council Member Tufts stated that several citizens inquired about the metal bridge (behind the Pantry) in the Town Park. They requested that it be retrofitted to support more weight. Mr. Owen noted that he has contacted the company that built/installed the bridge and he was told that it couldn't be "beefed up" but would have to be replaced. Mr. Owen stated that he is working with

Jo-Ann McMurray with the Chamber in determining how much weight the bridge will need to support. There was discussion not only about weight, but the size and the location of the bridge due to its surroundings, the use of emergency vehicles on the bridge, the bridge being reinforced verses replaced, etc. Mr. Owen noted that he did talk with David Poore about it, getting his engineering input.

Cheryl Buchanan reported that Senate Bill 5367 will be going before the State and Local Government Committee on April 9th and it has to do with doing away with all tree ordinances except those approved by the General Statutes. She noted that she has a list of those on the committee and email addresses if Council wanted to contact them. Attorney Eggers noted that the General Assembly has the power to grant certain municipalities permission to have a tree ordinance. He also noted that there is another amendment that addresses construction issues and tree ordinances.

There being no further business, Mayor Lyerly asked for a motion to adjourn April's meeting.

At 8:01 p.m. Council Member VonCanon motioned to adjourn the April 2019 Town Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Adjourn

The Banner Elk Town Council meeting adjourned at 8:01 p.m.

Mayor Brenda Lyerly

Attested

Approved: May 13, 2019