

# **BANNER ELK TOWN COUNCIL**

**August 14, 2017  
MINUTES**

The Banner Elk Town Council met Monday, August 14, 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, Mike Dunn, Charlie VonCanon, Allen Bolick and Robert Tufts.

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 August 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.

## **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the July 2017 Town Council Minutes. Council Member Bolick motioned to approve the July Town Council Minutes as written. Council Member Dunn 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 August 2017 agenda. Council Member Tufts motioned to approve the August 2017 agenda as presented. Council Member Bolick seconded the motion. All were in favor. No one opposed.

## **Public Comments**

There were no public comments.

## **Stormwater Vault Project Presentation**

Mayor Lyerly presented Derek Goddard with Blue Ridge Environmental Consultants. Mr. Goddard reported that the stormwater vault is between the Banner Elk Fire Department and the Historic Banner Elk School. He presented to Council a slide presentation of the project, showing the design of the vault, the components of the system, the excavation process and removal of the old system and the construction and installation of the new system. Mr. Goddard also reviewed the new system's operations. Mr. Owen noted that this system is one that cannot be maintained by the Town; only monitored. The depth of the tank is 20 feet which is not easily accessible for Town staff, so it will be contracted out to a professional company when maintenance is required. Mr. Goddard stated that the project has been inspected by the State and the grant funds have been approved for reimbursement to the Town. There was a discussion regarding future parking,

paving and drainage to the area. Mr. Goddard noted that the longer the vault area sets, the better. Council Members thanked Mr. Goddard for helping the Town with the funding, coordination and installation of this new system.

### **Tourism Development Authority Board Member Appointment**

Mayor Lyerly reported that Tanya Philyaw, who represents Lees-McRae College on the Tourism Development Authority, is moving. The College is requesting that Council appoint Vice President Blaine Hansen to fill that board position. Mayor Lyerly noted that she would like to recommend Mr. Hansen for this position. Council Member Dunn noted that Blaine Hansen's wife, Ginger Hansen, also served on this Board for several years representing Lees-McRae. Council Member Dunn motioned to approve the appointment of Blaine Hansen. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Board of Election Contract**

Mr. Owen reported that Avery County Board of Elections has requested the Town to sign a contract for services to handle the Town's elections. Avery County is statutory required to hold the elections and the Town is statutory required to pay the cost related to the elections. Mr. Owen noted that he is requesting Council to approve the contract. Council Member Lecka motioned to approve the contract. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Budget Amendment – Well Pump Repair**

Mr. Owen reported that last month the pump failed at well number 5 located behind the hospital at the Lowes water tank. The control panel was replaced, the pump was bad and the piping had to be pulled out of the well in order to get to the pump (over 600 feet deep). He noted that in getting out the pump the piping was removed. There was aging and wear to the galvanized pipe which also was replaced. Both the pump and piping are approximately 17 years old. Mr. Owen is asking Council to approve a budget amendment to cover the cost of the new panel, pump, piping and labor involved. Mr. Owen noted that the well is back on line, but intermittently since the repairs were made. It was discovered that there was an issue with water flow coming out of the well. A check valve located above the pump has been determined to be faulty. The new entire pump and piping will have to be pulled out again and a new check valve installed. Costs at this point are unknown. Discussions regarding Appalachian Well (contracted to do the work), the manufacturer of the pump, size of the pipe, the operation of the system, and the work involved in the replacement of this system at well number 5. Mr. Owen noted that the other three wells are working well, but we do want well number 5 up and running soon. Council Member VonCanon motioned to approve Budget Amendment #201708154. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Historic Banner Elk School Project Updates**

Council Member Bolick reported that the work in the hallway is half finished. He noted that the wood floors have been stripped and are back to their original appearance, walls repaired, stained and painted, the schoolhouse lights and new windbreak doors have been installed along with a transom at the doors in front of the school, etc. Council Member Bolick stated that on September 25<sup>th</sup> the second half of the hallway will start being renovated. This is based on the schedule of Ensemble Stage. Council Member Bolick noted that the Historic Banner Elk School is a business. All but 2 rooms are occupied, but there are potential prospects for those spaces. There is much traffic coming in and out of the school, visiting the Book Exchange, Art Gallery

and commenting how nice the school looks. Council Member Bolick stated that the Town needs to start planning for future projects such as the parking lot. He noted that a lot of planning is involved (i.e. accessing other roads, removal of telephone poles, underground power lines, engineered grading and layout plans, etc.) along with projects costs and funding. Mr. Owen noted that the Town will need to involve engineering consultants and the project will have to be done in phases.

Council Member Bolick reported on the golf tournament. He noted that players and hole sponsors are still needed.

Council Member Tufts reported that the committee is planning for its Labor Day weekend Art on the Greene. He asked for Council Members input and there were discussions regarding vendor setup locations, businesses that will be opened within the school building, an area for a vendor hospitality space (teachers' lounge vs. tent), etc. Mr. Owen noted that the tenants are aware that there are events scheduled throughout the year on the school property and know they may be possibly inconvenienced by these events. Communicating times and events to the tenants is a responsibility of the Town. There were discussions regarding vendor parking and set up times,

### **Tax Collector Report**

Cheryl Buchanan reported to Council that for the 2016 tax year, the Town billed a total of \$1,169,207.72 and collected \$1,155,353.45 giving the Town a 98.8% tax collection rate. She noted that also included in this report is a report of underpayments and overpayments, a resolution to appoint the tax collector to collect taxes for the upcoming year, and a resolution directing the tax collector not to collect minimal taxes for the tax year 2017. Ms. Buchanan asked that Council Members approve the resolutions.

Council Member Bolick motioned to approve the Resolution Approving the Tax Collector's Annual Settlement for Fiscal Year 2016-2017 and Prior Years. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Council Member Tufts motioned to approve the 2017 Charge to the Banner Elk Tax Collector. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Council Member VonCanon motioned to approve the Resolution Directing the Tax Collector not to Collect Minimal Taxes for Tax Year 2017. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Call for Public Hearing to Amend Sign Ordinance**

Cheryl Buchanan reported that at the Planning Board's August meeting halo lettering was a subject of discussion. Sorrento's came before the Board requesting the use of halo lettering for their sign. They put one up for the Board to consider. The Planning Board approved the lettering and is asking Council to add it to the Town's ordinance. Ms. Buchanan is asking Council to call for a Public Hearing to amend the Sign Ordinance. She also noted that another item that the Planning Board discussed was open flags/welcome flags. Members agreed that the open flag has a nicer effect than neon signs. Ms. Buchanan stated that the ordinance now allows for two ornamental flags. The Board wants to change the ordinance to allow one flag per business location and is asking that this too be included in the public hearing. Council Member Tufts asked the difference between an ornamental flag and open flag. Ms. Buchanan noted that

they are the same. Attorney Eggers informed Council that the Town of Gilbert case addressed the free speech requirement stating that a town cannot regulate signs based upon content. After further discussion on halo lettering and ornamental flags, Mayor Lyerly asked if there was a motion. Council Member Lecka motioned to call for a Public Hearing at September's meeting. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen stated that due to his absence last week, staff reports were not included in Council Member's packets. However, he noted that the police report and financial summary report for one month ending 7-31-17 have been distributed to Council Members. Mr. Owen stated that if there were any questions regarding these reports to let him know.

Mr. Owen stated that the High Country Council of Governments' dinner will be held on Friday, September 8, 2017 and the RSVP deadline is August 25<sup>th</sup>. He asked Council to let him know who will be attending.

Mr. Owen updated Council on the column at the Chamber of Commerce. He noted that the Town is working with a contractor and Highlands Union Bank to match the brick. Mr. Owen has received suggestions to replace both columns, but the Town only has money from the insurance settlement for the one column damaged.

Mr. Owen reported on the sidewalk project going to the Mill Pond. He noted that the Town asked Destination by Design not to put the entire project out for bid, but only the curb and guttering, a small retainer wall that goes in front of the red house and a rail that will run along that wall. Mr. Owen hopes that the Town can lay the brick and subcontract out the electric, etc. It will be advertised and the deadline to receive bids is August 21<sup>st</sup>. He noted that it will be an informal bidding process and the deadline for completion is October 2<sup>nd</sup>; hopefully in time for Woolly Worm. Mr. Owen stated that money is budgeted for the entire project and is asking Council to authorize the Manager approving the receipt of bids and accepting the contract to do the work. If the bids come over the threshold, he would request a special meeting. Council Members authorized Mr. Owen to proceed.

Mayor Lyerly asked Police Chief Hodges about two items in his police report (hit and run and animal complaints). Police Chief Hodges stated that the "hit and run" was a property damage; no person was injured and the animal complaint was that of a barking dog around the Balsam/Dogwood area. He also reported to Council that the department has completed its lieutenant search process and Orrie Smith has accepted the position effective August 7<sup>th</sup>. Police Chief Hodges noted that they are continuing to look for an outside applicant to go along with the inside applicant for the sergeant position.

Council Member VonCanon asked Mr. Owen why the porta john is sitting in front of the old hospital. Mr. Owen stated that the Town will look into it.

Attorney Eggers reported that the Town received word from the court of the tax foreclosure on the Rafael Diaz residence located on lot 4, phase A1 in Crooked Creek on Dugger Drive for the failure to pay ad valorem property taxes. An auction was held today in Newland and there were no other bidders. Mr. Eggers noted that the Town is currently the high bidder on the property for approximately \$7,000. There is a 10-day upset bid period in which any private party can

raise that amount by 5% which would be approximately \$7,500. Mr. Eggers stated that the property has an Avery County tax assessment value of \$55,000; a vacant piece of land. He noted that if the Town retains the bid, the property can be sold on the GovDeals.com web site. Attorney Eggers stated that he wanted to keep Council abreast of this matter. He noted that he has no closed sessions matters to present at this meeting.

There being no further business, at 7:30 p.m. Council Member VonCanon motioned to adjourn the August 2017 Town Council meeting. Council Member Bolick seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Town Council meeting adjourned at 7:30 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: September 11, 2017