

BANNER ELK TOWN COUNCIL
December 14, 2020
MINUTES

The Banner Elk Town Council met Monday, December 14, 2020 at 6:00 p.m. by remote meeting via an electronic conference due to the COVID-19 pandemic.

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

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

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of December 2020 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 – Zoning Ordinance Amendment

At 6:01 Council member Tufts motioned to open the public hearing. Council Member VonCanon seconded the motion. All were in favor. There being no public comments regarding the zoning ordinance amendment, Mayor Lyerly closed the public hearing at 6:02 p.m.

Approval of the Regular Meeting Minutes

Mayor Lyerly asked for a motion to approve or amend the November 9, 2020 Regular Meeting Minutes. Council Member Dunn motioned to approve the minutes as written. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Approval of Stated Agenda

Mayor Lyerly asked for a motion to approve or amend the stated agenda. Council Member Dunn motioned to approve the stated agenda. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Consider Zoning Ordinance Amendment

Cheryl Buchanan reported that since last month's call for a public hearing, an addition has been made regarding political signs. She noted that Attorney Eggers reviewed the Section 612 Political Signs along with the Planning Board and everyone approved. Ms. Buchanan stated that the size and location of these signs will be regulated. The remainder of the ordinance is the same as last month with the exception of adding political signs. Mayor Lyerly asked if there were any questions. She then asked for a motion. Council Member VonCanon motioned to approve the zoning ordinance amendment. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Comments from Fire Chief Tyler Burr

Chief Tyler Burr introduced himself. He stated that he has been a member of the Banner Elk Volunteer Fire Department since 2007 and is also a long time Banner Elk resident. Chief Burr noted that the membership and the Board of Directors appointed him fire chief a couple of years ago. He stated that the department is a non-profit fire and rescue organization which also answers calls for mountain search and rescue along with medical. Chief Burr reported that to date in 2020 the department responded to 550 calls and it is the busiest department in the County. He noted that their fire district not only includes Banner Elk but also Sugar Mountain and surrounding areas (i.e. Watauga County, Linville, etc.) Chief Burr reported that his department has 1-1/2 paid staff members that work Monday through Friday from 7:00 a.m. until 3:00 p.m. and 22 volunteer members. He stated this year especially, fund raising has been difficult, so their focus has been on federal and state grants for equipment funding and manpower. Chief Burr explained how every district in the entire State is held to a certain 1 through 10 insurance rating. The rating is based on the fire department itself, level of protection, services provided, membership, etc. He noted that his personal objective is to work closely with the Town providing the best safety as they can to the Town and adjacent areas. He stated that his department and the Town share interests and opening the lines of communication is pivotal. Chief Burr stated that he wants to continue attending Town Council meetings because in the end, we all need to work together. Mayor Lyerly thanked Chief Burr for the introduction and looks forward to seeing him at future meetings. She noted that we all do need to work together. Mr. Owen reported that one of the projects that we will be working on with the fire department that Council budgeted for was to have the High Country Council of Governments help them with their pre-planning for businesses in Town which would involve commercial and residential structures. He noted that Jessica, the GIS planner, has given the Town a proposal for this project. It will be good for the Town and the fire department to have this type of resource. Cheryl Buchanan asked Chief Burr what Banner Elk's current fire rating is. Chief Burr noted that within the Town limits the rating is 6 and outside the Town district, depending on the areas and distances (i.e. Old Beech Mountain Road, Pigeon Roost Road, etc.) is between 7 and 9. The lower the number the less the fire insurance rating. There was discussion on the fire insurance ratings.

Board Appointments

Mr. Owen reported that the Town has three Boards with terms that expire in December; Planning Board, Board of Adjustment and Tourism Development Authority. He noted that on the attached list are highlighted member names on each Board who are up for reappointment. The board members whose names are highlighted have indicated that they are open to reappointment. Mr.

Owen stated that the Town currently does not have a waiting list of applicants waiting to be appointed to one of the three boards. He noted that on the Planning Board the only three members who are open for reappointment are Allen Bolick, Ray Knowles and Aaron Barlow. Martha Laura Miller has been unable to attend several meetings. Mr. Owen pointed out to Council that there are two vacant seats on the Planning Board and the Board of Adjustment. The Town is looking for willing participants at any time. Attorney Eggers reported that the Town especially needs representatives for the Board of Adjustment for the ETJ position. Currently we only have 4 out of 5 board members. The Board of Adjustment definitely needs 5 members for any business matter that is contested. Mr. Owen reported that the Board of Adjustment has one in-Town member up for reappointment and one vacancy in the ETJ and one vacancy in-Town as alternate members. He stated that the TDA is looking to reappoint Shannon Maness, from the Best Western. The other member up for reappointment has been busy, missed several meetings so the TDA will contact this member to see if he wants to remain on the Board. Mayor Lyerly asked for a motion to reappoint to the Planning Board, Allen Bolick, Ray Knowles and Aaron Barlow, for the Board of Adjustment, DeKa Tate and for the TDA Shannon Maness. Council Member VonCanon motioned to approve the noted names for reappointment. Council Member Tufts seconded the motion. All were in favor.

Manager's Update

Mr. Owen reported that included in Council's packets is the Financial Summary Report for 5 months ending 11/30/20, the police report, planning, zoning and tax collection reports. He stated that if there were any questions regarding these reports to let him or staff know. Mr. Owen noted that also attached is a draft copy of the Planning Board Meeting Minutes of November 2, 2020, draft copy of the Board of Adjustment Meeting Minutes of November 16, 2020 and a copy of the High Country ABC Board Meeting Minutes of October 15, 2020.

Mr. Owen stated that Attorney Eggers, Police Chief Kevin Hodges and Police Lieutenant Orrie Smith are diligently working on the Banner Elk Police Department Policy update. He noted that the Town has contracted with Lexipol to assist in updating the policy.

Mr. Owen reported that another project that the Town is working on is the Code Book update. He noted that he received the draft from Attorney Eggers for his review and there a few changes that Justin Hodges will be inserting in the water and sewer portion of the ordinance. Mr. Owen is hoping to get this draft to Council in January.

Mr. Owen noted that the Town is working with S&ME on the Embankment Soil Engineering Survey. S&ME came out this week and did five boring tests and samples. Justin Hodges and David Poore were on site with them as they conducted the tests. He stated that the report findings should come back to the Town in January and will present the report to Council.

Mr. Owen reported that in regard to the Historic Banner Elk School site plan project, the Town received the survey, but it is not ready to record from the property the Town purchased last month for the road connection. He noted the Town is still working on the electrical plan, working with Mountain Electric and Brent Barry specifically on the location of the transformers on the property. Mr. Owen stated that Council will need to continue discussion on how this project needs to

proceed, phasing the project in regard to cost (i.e. water line, road connection, electrical, etc. phasing. He noted that Council needs the Town's level of commitment to putting this project out to bid, starting with the road connection and water line.

Mr. Owen stated that with regard to COVID, Avery County has a high infection rate. Avery County is number 1 in the State as far as infections per population (20%). The Town still has money from the Cares Act which was allocated from the State and the Town has till the end of the month to use it. Mr. Owen noted that the Town did ask for reimbursement this past month for sick leave. The Town was required to give an additional 80 hours in sick leave for Corona Virus related issues. Mr. Owen reported that regarding the Town's revenue, the Town has done quite well. Sales tax revenue has been up almost every month since March and water and sewer revenues remain steady. Mr. Owen reported that the Town had masks made and will be handing these out to citizens, businesses in Town and the TDA will be doing the same. He stressed encouraging the 3 W's and noted the Town has the sign posted coming into Town on the importance of wearing a mask, keeping distance and washing hands.

Mr. Dunn questioned the streetlight repairs in Town. Mr. Owen reported that Brent Barry is still working on a few and Justin Hodges noted that they are working on some line issues, rewiring and replacing old ballasts with LED.

Council Member VonCanon commended the Town Staff and Maintenance Department for the wonderful job they did with providing the Town with very nice Christmas decorations. The Town really looks great.

At 6:40 Council Member Tufts motioned for Council to go into closed session regarding personnel matters. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Mayor Lyerly thanked everyone who joined the meeting and wished all a Merry Christmas.

At 6:50 p.m. Council returned to open session.

Other Business

The Town Council had held off approving a COLA for the current budget year until they had a better idea of budget concerns due to COVID-19. Manager Owen discussed with Council their desire to revisit this topic. Council discussed the issue along with current revenues and the commitment of Town staff during these trying times. After discussion Council member Tufts motioned to approve a 2% raise for staff and a \$500.00 Christmas bonus for full-time staff and \$250.00 for part-time staff. The motion was seconded by Council member VonCanon. All were in favor. No one opposed.

A second motion was made by Council member Lecka to approve the 2% pay increase for the Town manager as well as a \$1,000.00 Christmas bonus. The motion was seconded by Council member Dunn. All were in favor. No one opposed.

There being no further business, Mayor Lyerly asked for a motion to adjourn the December meeting.

At 7:01 p.m. Council Member Tufts motioned to adjourn the December 2020 Town Council meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Adjourn

The Banner Elk Town Council meeting adjourned at 7:01 p.m.

Mayor Brenda Lyerly

Attested

Approved: January 11, 2021